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Introduction to International Industrial Property Rights Protection (Part I); the Patent Cooperation Treaty

Tel Aviv
30 June
2011

Li Maor

Legal Consultant, Division for Certain Countries in Europe and Asia (DCEA)

The Patent System

■ **Two** important functions:

-Protection: gives the right to exclude others from commercially exploiting the invention covered by a patent in a certain country or a region and for a limited time

-Disclosure: gives the public access to information (important resource for researchers, SMEs, inventors, etc.)

Bibliographic data

(19) World Intellectual Property
Organization
International Bureau



(43) International Publication Date
22 April 2004 (22.04.2004)

PCT

(10) International Publication Number
WO 2004/032631 A1

Publication date

Publication number

Classification

(51) International Patent Classification⁷: **A01N 65/00**

(74) Agents: **BENSON, John, Everett et al.**; J.A. Kemp & Co.,
14 South Square, Gray's Inn, London WC1R 5JJ (GB).

(21) International Application Number:
PCT/GB2003/004367

(81) Designated States (national): AE, AG, AL, AM, AT, AU,
AZ, BA, BB, BG, BR, BY, BZ, CA, CH, CN, CO, CR, CU,
CZ, DE, DK, DM, DZ, EC, EE, EG, ES, FI, GB, GD, GE,
GH, GM, HR, HU, ID, IL, IN, IS, JP, KE, KG, KR, KZ, LC,
LK, LR, LS, LT, LU, LV, MA, MD, MG, MK, MN, MW,
MX, MZ, NI, NO, NZ, OM, PG, PH, PL, PT, RO, RU, SC,
SG, SK, SL, SY, TJ, TM, TN, TR, TT, TZ, UA, UG, US,
UZ, VC, VN, YU, ZA, ZM, ZW.

Designated states

Application number

(22) International Filing Date: 10 October 2003 (10.10.2003)

Filing date

(25) Filing Language: English

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Priority date

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0223657.8 10 October 2002 (10.10.2002) GB

(84) Designated States (regional): ARIPO patent (GH, GM,
KE, LS, MW, MZ, SD, SL, SZ, TZ, UG, ZM, ZW),
Eurasian patent (AM, AZ, BY, KG, KZ, MD, RU, TJ, TM),
European patent (AT, BE, BG, CH, CY, CZ, DE, DK, EE,
ES, FI, FR, GB, GR, HU, IE, IT, LU, MC, NL, PT, RO,
SE, SI, SK, TR), OAPI patent (BF, BJ, CF, CG, CI, CM,
GA, GN, GQ, GW, ML, MR, NE, SN, TD, TG).

Applicant

(71) Applicant (for all designated States except MW, US):
**THE ETHIOPIAN AGRICULTURAL RESEARCH
ORGANISATION** [ET/ET]; P.O. Box 2003, Addis Ababa
(ET).

Published:

- with international search report
- before the expiration of the time limit for amending the claims and to be republished in the event of receipt of amendments

Inventor

(71) Applicant (for MW only): **PITTARDS PLC** [GB/GB];
Sherborne Road, Yeovil, Somerset BA21 5BA (GB).

(72) Inventor; and

(75) Inventor/Applicant (for US only): **KASSA, Bayoh,
Tirunch** [ET/ET]; The Ethiopian Agricultural Research
Organisation, P.O. Box 2003, Addis Ababa (ET).

For two-letter codes and other abbreviations, refer to the "Guidance Notes on Codes and Abbreviations" appearing at the beginning of each regular issue of the PCT Gazette.

Claims

CLAIMS

1. Use of an extract of *Phytolacca* in the manufacture of the medicament for the treatment or prevention of skin infestation by an organism that impairs leather quality.
2. An extract of *Phytolacca* for use in the treatment or prevention of skin infestation by an organism that impairs leather quality.
3. A method of treating a leather-producing animal having or susceptible to skin infestation by an organism that impairs leather quality, which method comprises applying to skin of the animal an extract of *Phytolacca*.

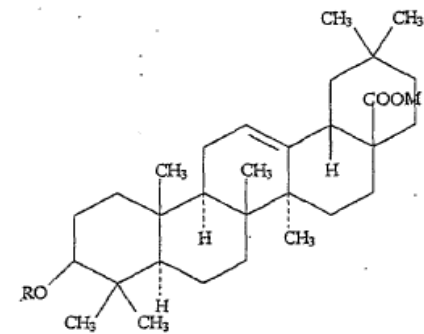
- Define the scope of protection sought by the applicant

Description (specification)

TREATMENT RELATING TO LEATHER

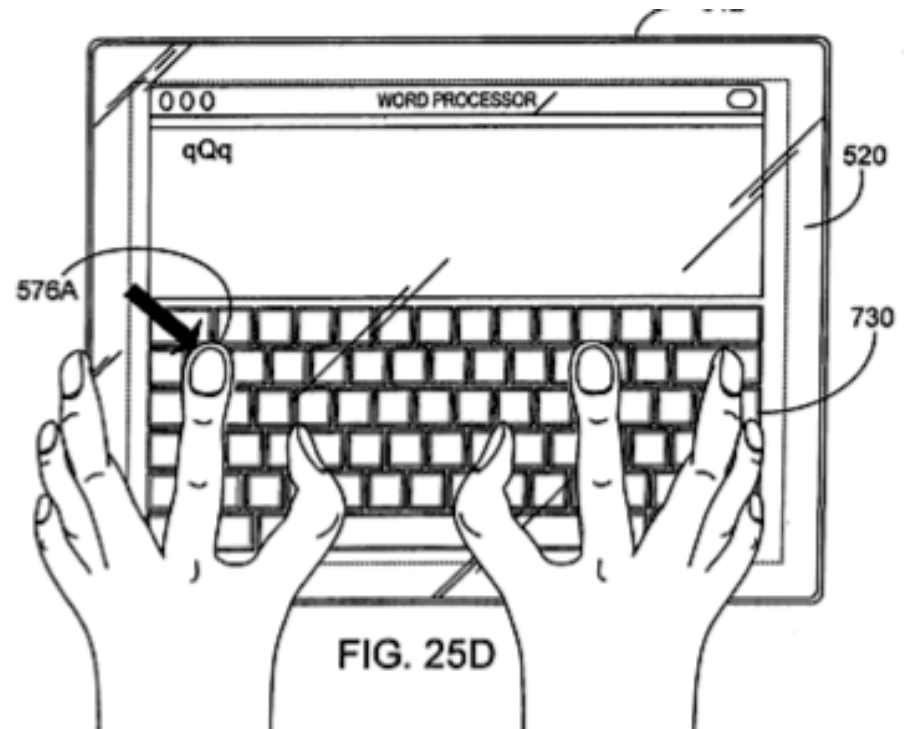
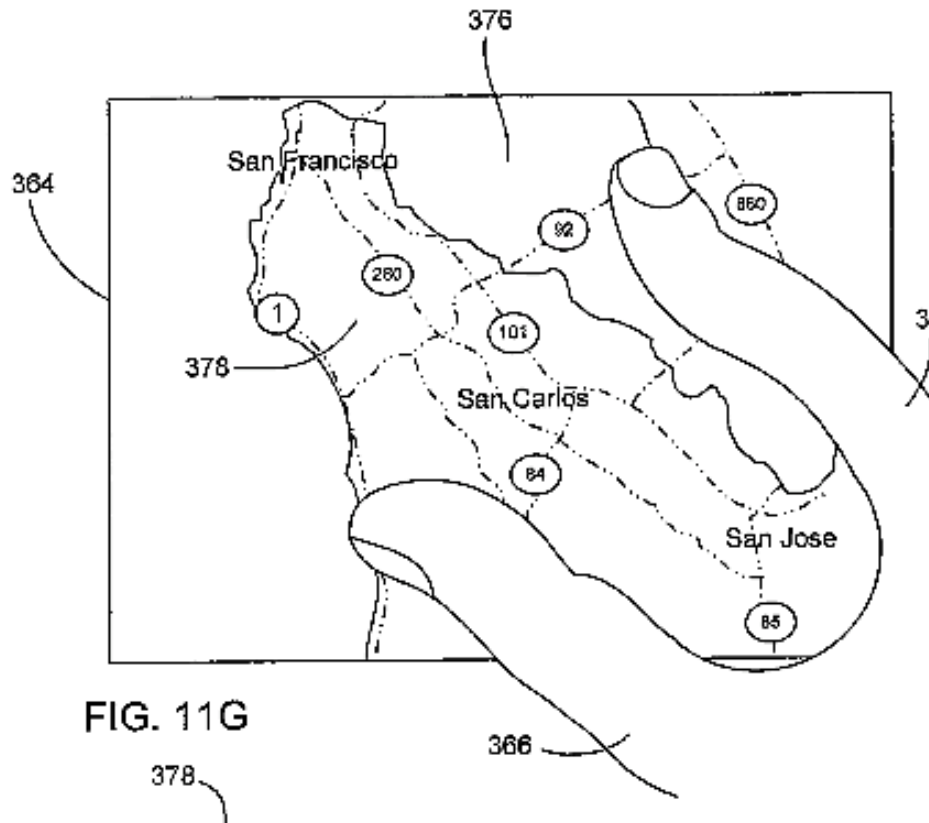
The present invention relates to a treatment that can be carried out, usually on a leather-producing animal, to avoid or to reduce certain imperfections in the final leather grain that might otherwise result from the animal becoming infested with lice, keds or other ectoparasites or other organisms. Such organisms can cause skin damage which may lead to bacterial or other infection. The treatment can inhibit or prevent the growth or reproduction of such organisms, thus preventing or reducing skin damage or allowing earlier damage to heal. Often the damage is not apparent in the living animal, and only becomes apparent at some stage during tanning of the skin.

The saponins extracted have the following formula:



- Describes how the invention works (addresses a particular technical problem)
- Provides background information on this problem
- Indicates other known solutions to the problem

Drawings (if applicable)



Example: PCT publication WO 2006/020305 *“Gestures for Touch-Sensitive Input Devices”*

Published in February 2006

Business intelligence



Example: PCT publication WO 2006/020305 “*Gestures for Touch-Sensitive Input Devices*”

Apple iPhone, released in January 2007

National Phase Status



1. (WO2007064802) CHIMERIC VIRUSES PRESENTING NON-NATIVE SURFACE

Office	Entry Date	National Number	National Status
Australia	06.06.2008	2006320490	Published: 03.07.2008
Canada	02.06.2008	2631812	
China	04.08.2008	200680052285.7	
Germany	04.08.2008		Withdrawn: 03.06.2008
Egypt	01.06.2008	2008060906	
European Patent Office (EPO)	30.06.2008	2006838693	Published: 03.09.2008
United Kingdom	24.06.2008	0811526.3	Published: 03.09.2008
Georgia	01.07.2008	10793	
Israel	29.05.2008	191835	
Japan	30.05.2008	2008543465	
Mexico	02.06.2008	MX/a/2008/007056	
New Zealand	02.06.2008	569208	
Philippines	02.06.2008	12008501307	

- 3.5 Million notifications from 36+ offices
- Legal status (where available)
- Internet hyperlinks to certain offices (further status information, translations, etc)

PATENTSCOPE[®] Documents

3. (WO2008128939) OIL-IN-WATER EMULSION INFLUENZA VACCINE

PCT Biblio. Data National Phase Notices **Documents**

International Application Status

Date	Title	View	Download
12.11.2009	International Application Status Report	HTML , PDF (1p.)	PDF (1p.) , XML

Published International Application

Date	Title	View	Download
30.10.2008	Initial Publication with ISR (A1 44/2008)	HTML , PDF (169p.)	PDF (169p.) , ZIP(XML + TIFFs)
30.10.2008	Listas de secuencias	PDF (0p.)	PDF (0p.) , ZIP(XML + TIFFs)
30.10.2008	Declaración	PDF (2p.)	PDF (2p.) , ZIP(XML + TIFFs)
30.10.2008	Declaración	PDF (1p.)	PDF (1p.) , ZIP(XML + TIFFs)
30.10.2008	Declaración	PDF (1p.)	PDF (1p.) , ZIP(XML + TIFFs)

Related Documents on file at the International Bureau

Date	Title	View	Download
20.10.2009	Written Opinion of the International Search Authority	PDF (9p.)	PDF (9p.) , ZIP(XML + TIFFs)
20.10.2009	International Preliminary Report on Patentability Chapter II (IPEA/409)	PDF (15p.)	PDF (15p.) , ZIP(XML + TIFFs)
30.10.2008	GB 0711357.4 12.06.2007 (Pr. Doc.)	PDF (113p.)	PDF (113p.) , ZIP(XML + TIFFs)
30.10.2008	GB 0707697.9 20.04.2007 (Pr. Doc.)	PDF (113p.)	PDF (113p.) , ZIP(XML + TIFFs)
30.10.2008	GB 0712062.9 21.06.2007 (Pr. Doc.)	PDF (83p.)	PDF (83p.) , ZIP(XML + TIFFs)
30.10.2008	EP PCT/EP2007/060743 10.10.2007 (Pr. Doc.)	PDF (91p.)	PDF (91p.) , ZIP(XML + TIFFs)
30.10.2008	GB 0724651.5 18.12.2007 (Pr. Doc.)	PDF (123p.)	PDF (123p.) , ZIP(XML + TIFFs)
30.10.2008	Notification Concerning Submission or Transmittal of Priority Document (IB/304)	PDF (1p.)	PDF (1p.) , ZIP(XML + TIFFs)
30.10.2008	Request form (RO/101)	PDF (5p.)	PDF (5p.) , ZIP(XML + TIFFs)

For all collections:

- Published Documents

For PCT:

- Search reports (prior art)
- Written opinions and preliminary examination reports (patentability)
- Most documents from the PCT international phase

Where can Patent Information be found?

- **Free databases:** WIPO as well as many patent offices and other public institutions offer free-of-charge access to patent information. This tends to be more suitable for initial simple searches.
 - ▶ A list of national patent databases is at <http://www.wipo.int/ipdl/en/resources/links.jsp>
 - ▶ WIPO's PATENTSCOPE® search service is at <http://www.wipo.int/patentscope>
 - ▶ European Patent Office's esp@cenet search service <http://ep.espacenet.com>
 - ▶ Google Patents (only US patents) at <http://www.google.com/patents>

Where can Patent Information be found? (cont'd)

■ **Commercial databases.** Value-added patent information on a fee-paying basis.

▶ A list of such databases and many others can be found on the web-site of the Patent Information Users Group (PIUG) at <http://www.piug.org/vendors/php>

▶ Examples

▶ <http://www.patentcafe.com>

▶ <http://www.wipsglobal.com>

▶ <http://www.orbit.com>

▶ <http://scientific.thomsonreuters.com/>

WIPO's PATENTSCOPE[®] Search Service[®]

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aRDi: Scientific and technical literature
 The aRDi program provides IP offices and other institutions in developing countries with free or low-cost access to scientific and technical journals.

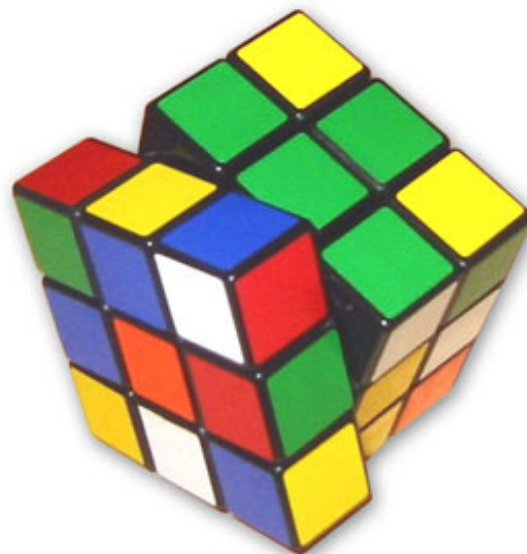
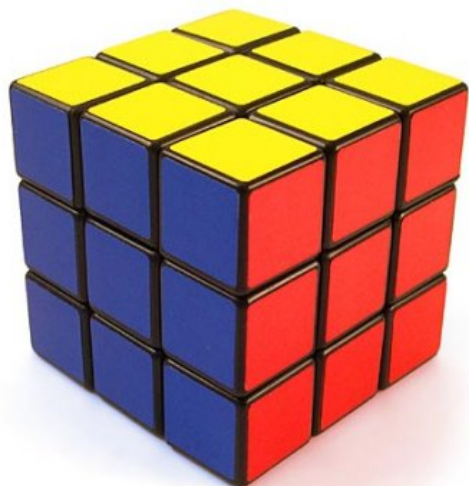
PATENTSCOPE® Publications
 A range of publications designed to assist users in finding technology using patent information is now available.

WIPO news on patents

- » [Comprehensive PCT User Survey](#) (Aug 31, 2009)
- » [PCT Newsletter No. 07-08/2009 \(July-August 2009\)](#) (Jul 14, 2009)
- » [PATENTSCOPE® search service: full-text search available in new languages](#) (Jul 13, 2009)
- » [New PCT-SAFE Client Build](#) (Jul 1, 2009)

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The Patent System

ROYAUME DE BELGIQUE



MINISTÈRE DES AFFAIRES ÉCONOMIQUES

BREVET D'IMPORTATION

N° 887.875

Classif. internat.: A63 F

Mis en lecture le: 01-07-1981

Le Ministre des Affaires Économiques,

Vu la loi du 24 mai 1854 sur les brevets d'invention;

Vu le procès-verbal dressé le 10 mars 1981 à 14 h 50

au Service de la Propriété Industrielle;

ARRÊTE :

Article 1. — Il est délivré à la Sté dite : POLITECHNIKA IPARI SZOVETKEZET

Kosztá József utca, 21, Budapest (Hongrie)

repr. par le Cabinet Bede à Bruxelles

un brevet d'importation pour : Joutet logique spatial

qu'elle déclare avoir été breveté en Hongrie le 30 janvier 1975 sous le n° 170.062 au nom de E. Rubik dont elle est l'ayant cause.

Article 2. — Ce brevet lui est délivré sans examen préalable, à ses risques et périls, sans garantie soit de la réalité, de la nouveauté ou du mérite de l'invention, soit de l'exactitude de la description, et sans préjudice du droit des tiers.

Au présent arrêté demeurent jointes un des doubles de la spécification de l'invention (mémoire descriptif et éventuellement dessins) signés par l'intéressé et déposés à l'appui de sa demande de brevet.

Bruxelles, le 31 MARS 1981.

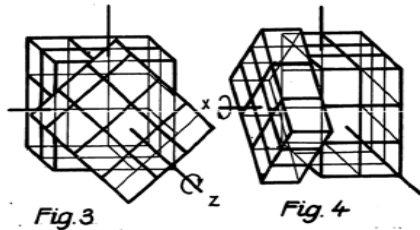
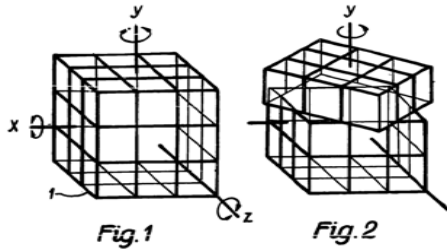
PAR DÉLÉGATION SPÉCIALE:

Le Directeur

L. Salpêtre

L. SALPETEUR

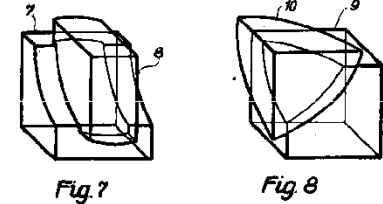
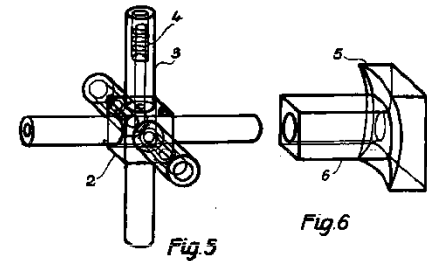
POLITECHNIKA Ipari Szövetkezet 887875



Bruxelles, le 10 mars 1981
P.Pon. Politechnika Ipari Szövetkezet
P.Pon. CABINET BEDE, s. v. g. Schoubbeek

S. Homblen

POLITECHNIKA Ipari Szövetkezet 887875



Bruxelles, le 10 mars 1981
P.Pon. Politechnika Ipari Szövetkezet
P.Pon. CABINET BEDE, s. v. g. Schoubbeek

S. Homblen

The Patent System

- **Two** important functions:

- Protection:** gives the right to exclude others from commercially exploiting the invention covered by a patent in a certain country or a region and for a limited time

- Disclosure:** gives the public access to information (important resource for researchers, SMEs, inventors, etc.)

- TRIPs Agreement- basics for IP protection (IL 1999)

- *Nature and Scope of Obligations of Members*

- Patentable Subject Matter -*inventions, whether products or processes, in all fields of technology, provided that they are new, involve an inventive step and are capable of industrial application*

The Patent System

Paris Convention for the Protection of Industrial Property (IL March 24, 1950)

- Art. 2 *National Treatment for Nationals of Countries of the Union;*
The provisions of the laws of each of the countries of the Union are expressly reserved;
- Art. 4bis *Independence of Patents Obtained for the Same Invention in Different Countries*
- Art. 4 *Right of Priority*

3. עצמאות חיי הפטנט - (Art. 4bis):

“(1) Patents applied for in the various countries of the Union... shall be independent of patents obtained for the same invention in other countries...”

4. זכות בכורה - (Art. 4):

“A.(1) Any person who has duly filed an application for a patent... in one of the countries of the Union... shall enjoy, for the purpose of filing in the other countries, a right of priority...

(2) Any filing that is equivalent to a regular national filing under the domestic legislation of any country of the Union... shall be recognized as giving rise to the right of priority...

C.(1) The periods of priority referred to above shall be twelve months for patents...”

The Patent System

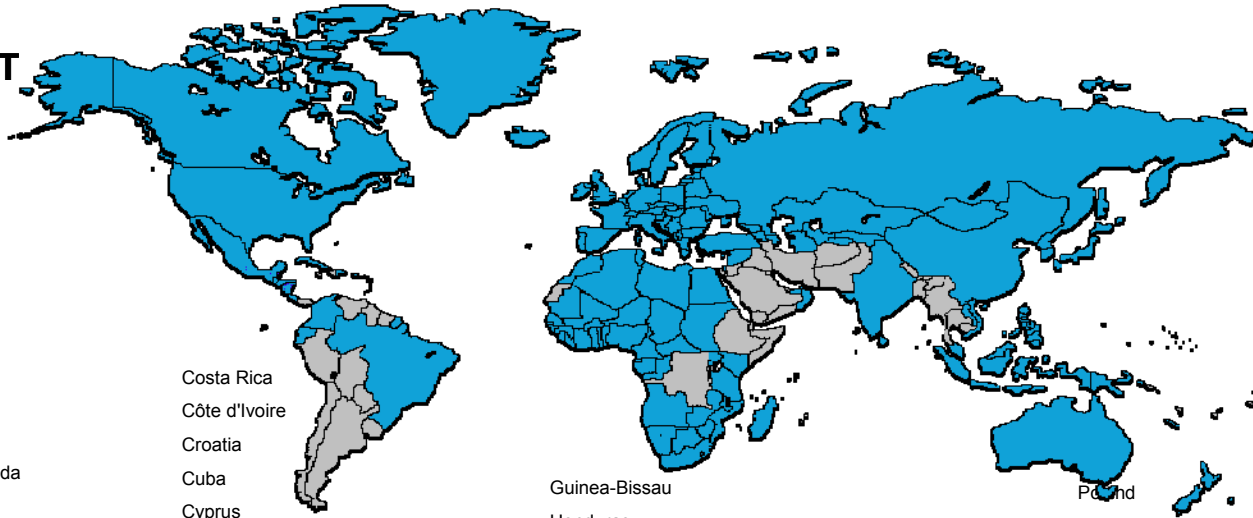
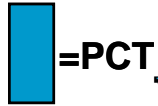
- Local patent application followed within 12 months by multiple foreign applications claiming priority under Paris Convention:
- multiple formality requirements/searches/publication
- multiple examination and prosecution of applications
- translations and national fees required at 12 months

1. What is the PCT?

The PCT System

- Signed in June 1970, in Washington, D.C., and became operational in June 1978 with 18 States
- As of June 2011, the PCT has 144 Contracting States
- The decision on granting patents is made exclusively by national or regional Offices in the national phase

The PCT System



144 PCT States

- St. Kitts and Nevis
- Sweden
- Switzerland
- Syrian Arab Republic
- Tajikistan
- Thailand (24 Dec. 2009)**
- The former Yugoslav Republic of Macedonia

- Albania
- Algeria
- Angola
- Antigua and Barbuda
- Armenia
- Australia
- Austria
- Azerbaijan
- Bahrain
- Barbados
- Belarus
- Belgium
- Belize
- Benin
- Bosnia and Herzegovina
- Botswana
- Brazil
- Bulgaria
- Burkina Faso
- Cameroon
- Canada
- Central African Republic
- Chad
- China
- Colombia
- Comoros
- Congo

- Costa Rica
- Côte d'Ivoire
- Croatia
- Cuba
- Cyprus
- Czech Republic
- Democratic People's Republic of Korea
- Denmark
- Dominica
- Dominican Republic
- Ecuador
- Egypt
- El Salvador
- Equatorial Guinea
- Estonia
- Finland
- France
- Gabon
- Gambia
- Georgia
- Germany
- Ghana
- Greece
- Grenada
- Guatemala
- Guinea

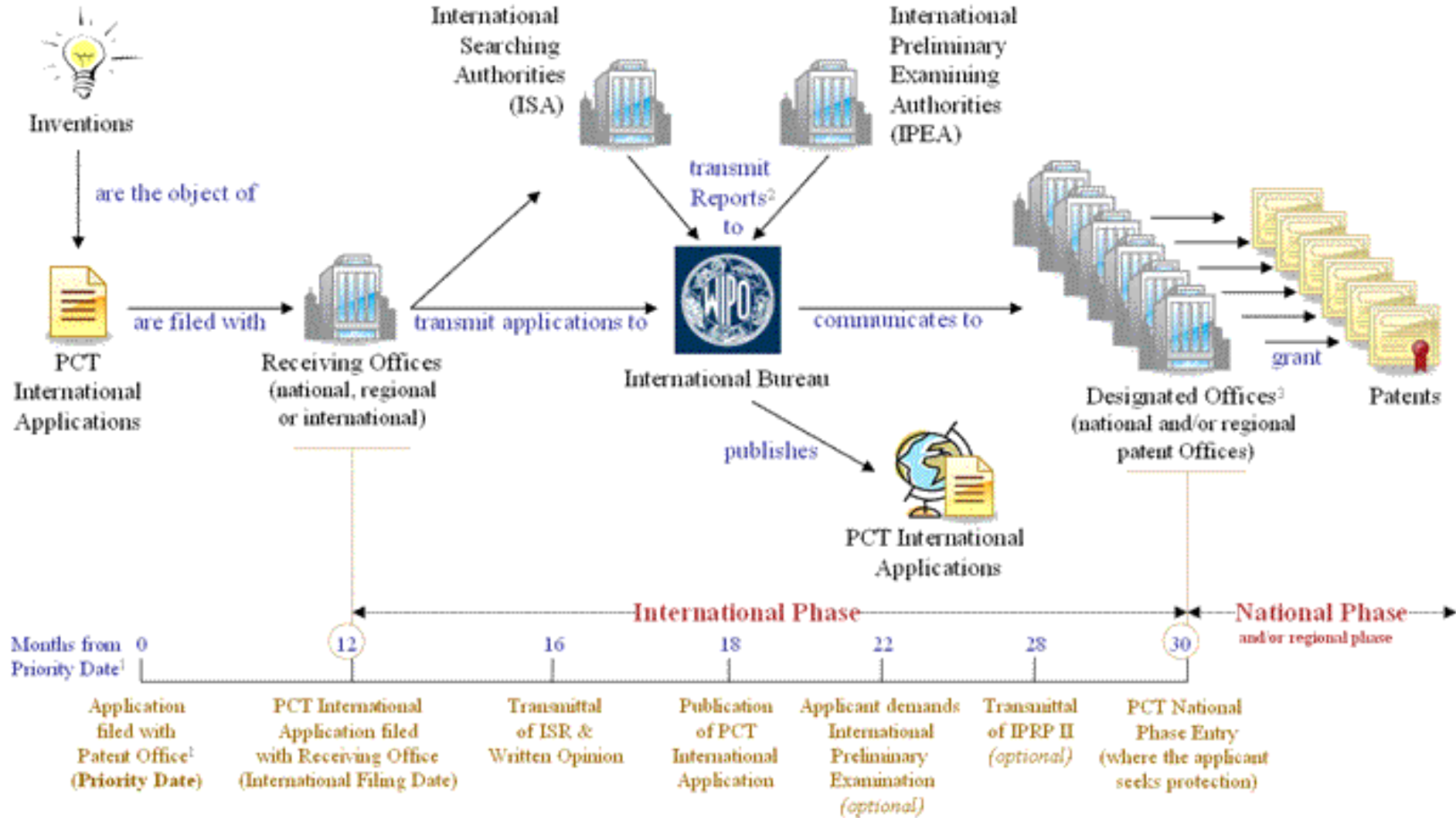
- Guinea-Bissau
- Honduras
- Hungary
- Iceland
- India
- Indonesia
- Ireland
- Israel
- Italy
- Japan
- Kazakhstan
- Kenya
- Kyrgyzstan
- Lao People's Dem Rep.
- Latvia
- Lesotho
- Liberia
- Libyan Arab Jamahiriya
- Liechtenstein
- Lithuania
- Luxembourg
- Madagascar

- Malawi
- Malaysia
- Mali
- Malta
- Mauritania
- Mexico
- Monaco
- Mongolia
- Montenegro
- Morocco
- Mozambique
- Namibia
- Netherlands
- New Zealand
- Nicaragua
- Niger
- Nigeria
- Norway
- Oman
- Papua New Guinea
- Philippines

- Poland
- Portugal
- Republic of Korea
- Republic of Moldova
- Romania
- Russian Federation
- Saint Lucia
- Saint Vincent and the Grenadines
- San Marino
- Sao Tomé e Príncipe
- Senegal
- Seychelles
- Sierra Leone
- Singapore
- Slovakia
- Slovenia
- South Africa
- Spain
- Sri Lanka
- Sudan
- Swaziland

- Togo
- Trinidad and Tobago
- Tunisia
- Turkey
- Turkmenistan
- Uganda
- Ukraine
- United Arab Emirates
- United Kingdom
- United Republic of Tanzania
- United States of America
- Uzbekistan
- Viet Nam
- Yugoslavia
- Zambia
- Zimbabwe

The PCT System



PCT trends 2010

Figure A.1: Trend in PCT applications

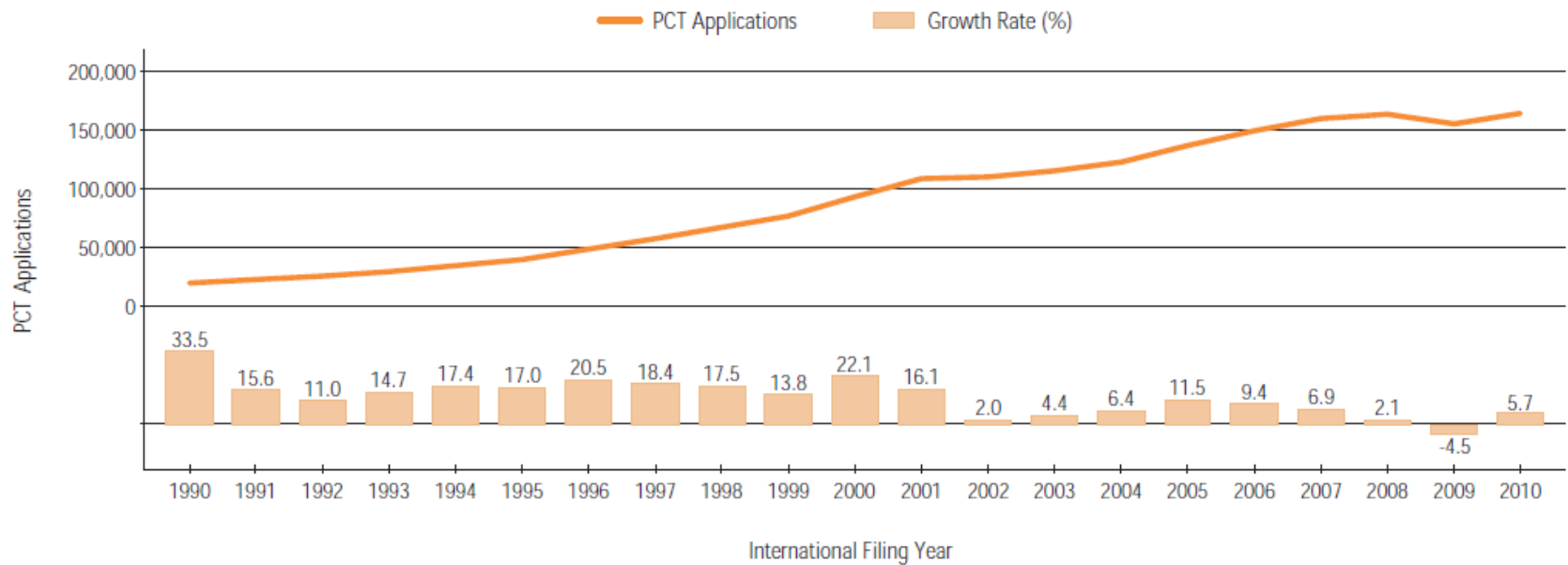


Table A.2: PCT applications by country of origin

Country of Origin	Year of Filing					2010 Share (%)	Change compared to 2009 (%)
	2006	2007	2008	2009	2010		
United States of America	51,280	54,043	51,638	45,617	44,890	27.3	-1.6
Japan	27,025	27,743	28,760	29,802	32,180	19.6	8.0
Germany	16,736	17,821	18,855	16,797	17,558	10.7	4.5
China	3,942	5,455	6,120	7,900	12,295	7.5	55.6
Republic of Korea	5,945	7,064	7,899	8,035	9,668	5.9	20.3
France	6,256	6,560	7,072	7,237	7,288	4.4	0.7
United Kingdom	5,097	5,542	5,466	5,044	4,908	3.0	-2.7
Netherlands	4,553	4,433	4,363	4,462	4,078	2.5	-8.6
Switzerland	3,621	3,833	3,799	3,671	3,728	2.3	1.6
Sweden	3,336	3,655	4,137	3,567	3,314	2.0	-7.1
Canada	2,575	2,879	2,976	2,527	2,721	1.7	7.7
Italy	2,698	2,946	2,883	2,652	2,658	1.6	0.2
Finland	1,846	2,009	2,214	2,123	2,145	1.3	1.0
Australia	1,996	2,052	1,938	1,740	1,776	1.1	2.1
Spain	1,204	1,297	1,390	1,564	1,752	1.1	12.0
Israel	1,593	1,737	1,899	1,555	1,488	0.9	-4.3
India	833	902	1,072	961	1,313	0.8	36.6

2010 Rank	Position Changed	PCT Applicant's Name	Country of Origin	of PCT applications published	Change Compared to 2009
1	0	PANASONIC CORPORATION	Japan	2,154	263
2	20	ZTE CORPORATION	China	1,868	1351
3	2	QUALCOMM INCORPORATED	United States of America	1,677	397
4	-2	HUAWEI TECHNOLOGIES CO., LTD.	China	1,528	-319
5	-1	KONINKLIJKE PHILIPS ELECTRONICS N.V.	Netherlands	1,435	140
6	-3	ROBERT BOSCH GMBH	Germany	1,301	-287
7	0	LG ELECTRONICS INC.	Republic of Korea	1,298	208
8	2	SHARP KABUSHIKI KAISHA	Japan	1,286	289
9	-3	TELEFONAKTIEBOLAGET LM ERICSSON (PUBL)	Sweden	1,149	-92
10	-2	NEC CORPORATION	Japan	1,106	37
11	-2	TOYOTA JIDOSHA KABUSHIKI KAISHA	Japan	1,095	27
12	-1	SIEMENS AKTIENGESELLSCHAFT	Germany	833	-99
13	0	BASF SE	Germany	818	79
14	5	MITSUBISHI ELECTRIC CORPORATION	Japan	726	157
15	0	NOKIA CORPORATION	Finland	632	-31
16	-2	3M INNOVATIVE PROPERTIES COMPANY	United States of America	586	-102
17	0	SAMSUNG ELECTRONICS CO., LTD.	Republic of Korea	578	-18
18	2	HEWLETT-PACKARD DEVELOPMENT COMPANY, L.P.	United States of America	564	10
19	-7	FUJITSU LIMITED	Japan	476	-341
20	-4	MICROSOFT CORPORATION	United States of America	469	-175
21	2	E.I. DUPONT DE NEMOURS AND COMPANY	United States of America	452	-57
22	5	INTERNATIONAL BUSINESS MACHINES CORPORATION	United States of America	416	15
23	9	MITSUBISHI HEAVY INDUSTRIES, LTD.	Japan	391	18
24	3	CANON KABUSHIKI KAISHA	Japan	379	-22
25	56	HITACHI, LTD.	Japan	373	183
26	0	BSH BOSCH UND SIEMENS HAUSGERATE GMBH	Germany	371	-42
27	10	THE PROCTER & GAMBLE COMPANY	United States of America	359	18
28	10	SONY CORPORATION	Japan	347	19
29	13	NOKIA SIEMENS NETWORKS OY	Finland	345	32
30	-12	NXP B.V.	Netherlands	320	-273

145	33	THE UNIVERSITY OF TOKYO	Japan	105	11
168	-22	THE TRUSTEES OF COLUMBIA UNIVERSITY IN THE CITY OF NEW YORK	United States of America	91	-19
168	-18	PRESIDENT AND FELLOWS OF HARVARD COLLEGE	United States of America	91	-18
176	16	THE JOHNS HOPKINS UNIVERSITY	United States of America	89	2
183	575	SNU R&DB FOUNDATION	Republic of Korea	86	63
202	112	ARIZONA BOARD OF REGENTS	United States of America	80	25
206	74	THE REGENTS OF THE UNIVERSITY OF MICHIGAN	United States of America	79	18
218	-7	THE TRUSTEES OF THE UNIVERSITY OF PENNSYLVANIA	United States of America	75	-5
242	110	CORNELL UNIVERSITY	United States of America	71	22
287	162	OSAKA UNIVERSITY	Japan	60	22
290	-29	UNIVERSITY OF UTAH RESEARCH FOUNDATION	United States of America	59	-7
290	43	THE BOARD OF TRUSTEES OF THE UNIVERSITY OF ILLINOIS	United States of America	59	7
302	-64	WASHINGTON UNIVERSITY	United States of America	57	-15
341	60	KOREA ADVANCED INSTITUTE OF SCIENCE AND TECHNOLOGY	Republic of Korea	52	9
347	-70	THE BOARD OF TRUSTESS OF THE LELAND STANFORD JUNIOR UNIVERSITY	United States of America	51	-11
349	-16	CALIFORNIA INSTITUTE OF TECHNOLOGY	United States of America	50	-2
349	36	PURDUE RESEARCH FOUNDATION	United States of America	50	5
357	92	DUKE UNIVERSITY	United States of America	49	11
368	-102	WISCONSIN ALUMNI RESEARCH FOUNDATION	United States of America	48	-16
376	-94	UNIVERSITY OF SOUTHERN CALIFORNIA	United States of America	47	-13
376	9	KYOTO UNIVERSITY	Japan	47	2
376	264	INDUSTRY-UNIVERSITY COOPERATION FOUNDATION HANYANG UNIVERSITY	Republic of Korea	47	20
395	-10	ISIS INNOVATION LIMITED	United Kingdom	45	0
414	116	YISSUM RESEARCH DEVELOPMENT COMPANY OF THE HEBREW UNIVERSITY OF JERUSALEM	Israel	43	10
430	6	TOHOKU UNIVERSITY	Japan	41	2
430	41	THE UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL	United States of America	41	4

PCT trends 20110

- With an estimated 164,300 PCT applications filed in 2010, the total, volume increased by 5.7% compared to 2009.
- The strongest growth originated from China (+55.6%) which overtook the Republic of Korea as the fourth-ranked PCT filing country.
- India (+36.6%), the Republic of Korea (+20.3%) and Japan (+8.0%) also experienced significant growth, offsetting a mixed performance in European countries and a continued decline in the United States of America (US) (-1.6%) which, despite this decrease, remains the largest user of the PCT system

PCT trends 2010

- **Fields of technology.** Digital Communication saw the fastest growth (17.3%) and accounts for the largest share of total PCT applications published (up from the third largest share in 2009). Almost every other field
- The sharpest decline was seen in the field of telecommunications.

PCT trends

Table 1: PCT filings, GDP and R&D expenditure (%)

Countries	Income Group		PCT Filings		GDP		R&D expenditure	
	Type	Ranking	2008	1998	2008	1998	2008	1998
United States of America	High	1	31.63	41.68	20.30	23.12	33.47	38.63
Japan	High	2	17.62	9.10	6.16	7.99	12.61	15.46
Germany	High	3	11.55	14.03	4.27	5.39	6.79	7.86
Republic of Korea	High	4	4.84	0.76	1.91	1.68	3.82	2.53
France	High	5	4.33	4.79	3.02	3.63	3.80	5.01
China	Middle	1	3.75	0.52	11.66	6.53	10.20	2.74
India	Middle	2	0.66	0.02	4.91	3.65	2.23	1.67
Russian Federation	Middle	3	0.47	0.59	3.23	2.44	2.00	1.49
Brazil	Middle	4	0.29	0.17	2.83	2.98	1.80	1.66
Turkey	Middle	5	0.24	0.05	1.36	1.37	0.59	0.33
All others			24.62	28.29	40.34	41.21	22.68	22.61

Source: WIPO Statistics Database

Note: Data on GDP and on R&D expenditure are in purchasing power parity US dollars. The top five ranking of high income and middle income economies is based on 2008 PCT filings. Worldwide R&D expenditure is a WIPO estimate based on 76 countries.

The PCT System and its Advantages

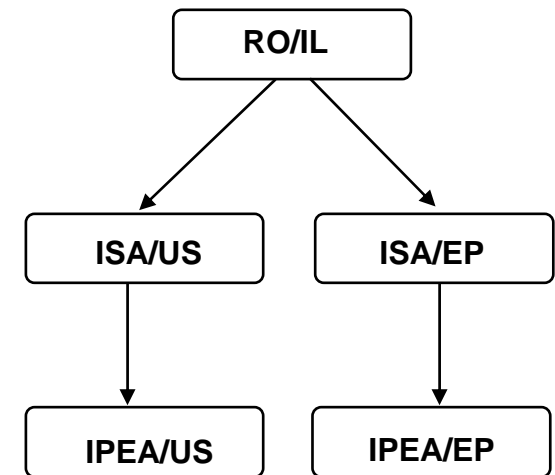
- The PCT, as the cornerstone of the international patent system, provides a worldwide system for simplified filing and processing of patent applications, which--

The PCT System and its Advantages

- **postpones the major costs** associated with internationalizing a patent application
- provides a **strong basis for patenting** decisions
- **harmonizes** formal requirements
- brings the world within reach
- **protects applicants** from certain inadvertent errors
- evolves to **meet user needs**
- is **used by the world's major corporations**, universities and research institutions when they seek international patent protection
- allows applicants to apply securely and easily online, and to save money by doing so

Filing of international applications with the ILPO

1. **Competent receiving Office for residents and nationals of Israel**
2. **Language of filing English**
3. **Language of filing of request .. English (Rule 12.1(c))**
4. **Number of copies required 3**
5. **Competent ISAs USPTO
EPO**
6. **Competent IPEAs USPTO
EPO**



The PCT System

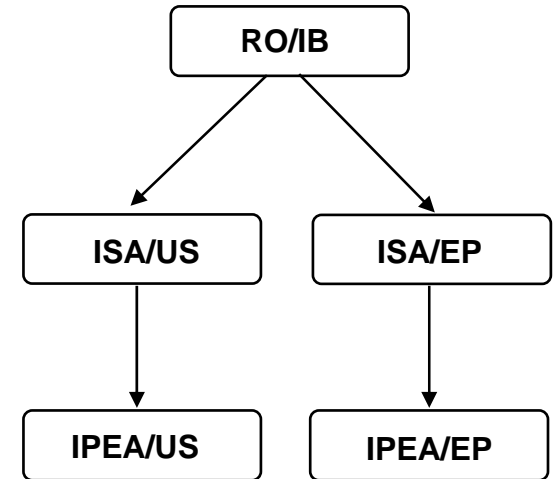
Filing of international applications with RO/IB by IL applicants (1)

1. Competent receiving Office for residents and nationals of Israel

2. Language of filing . . Any language

3. Number of copies required 1

4. Competent ISAs . . . USPTO (only if English)
EPO (English, French or German)



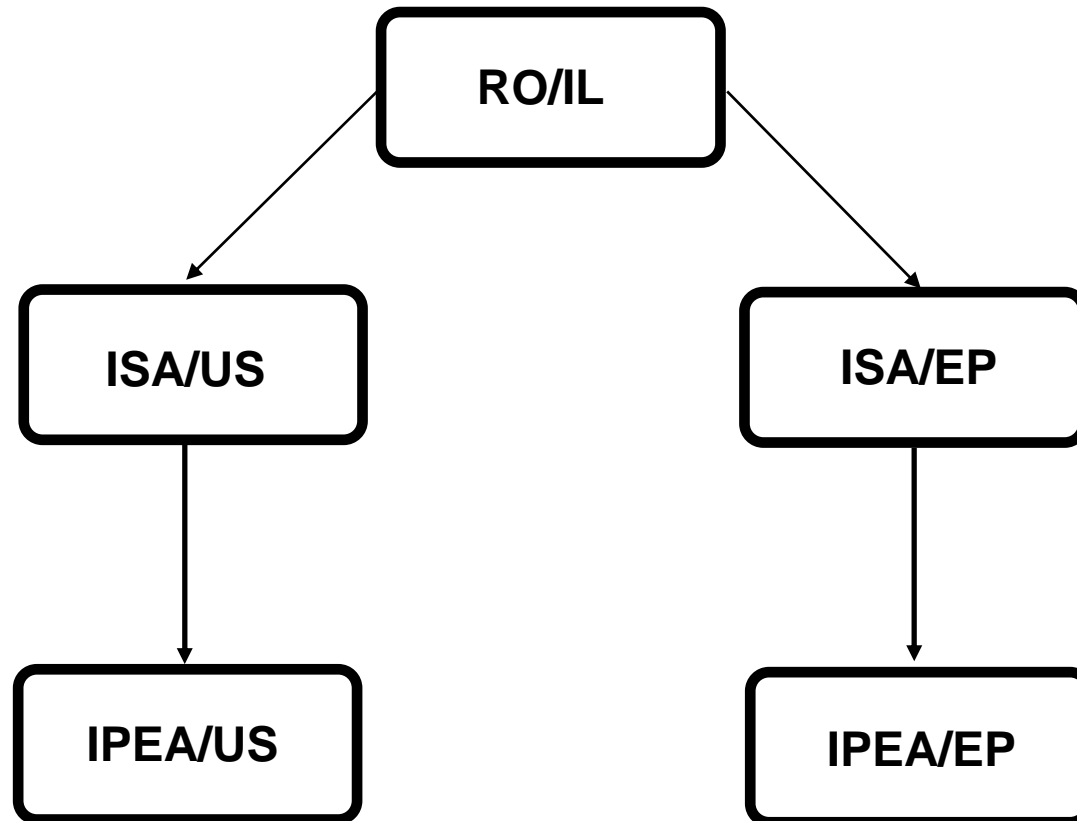
The PCT System

Filing of international applications with RO/IB by IL applicants (2)

- 1. Compliance with IL national security provisions is applicant's responsibility.**
- 2. Any person who has the right to practice before the ILPO is entitled to practice before the International Bureau as a receiving Office (Rule 83.1 *bis*).**
- 3. RO/IB accepts filing of international applications by facsimile.**

The PCT System

Competent International Authorities for IL applicants filing international applications with RO/IL

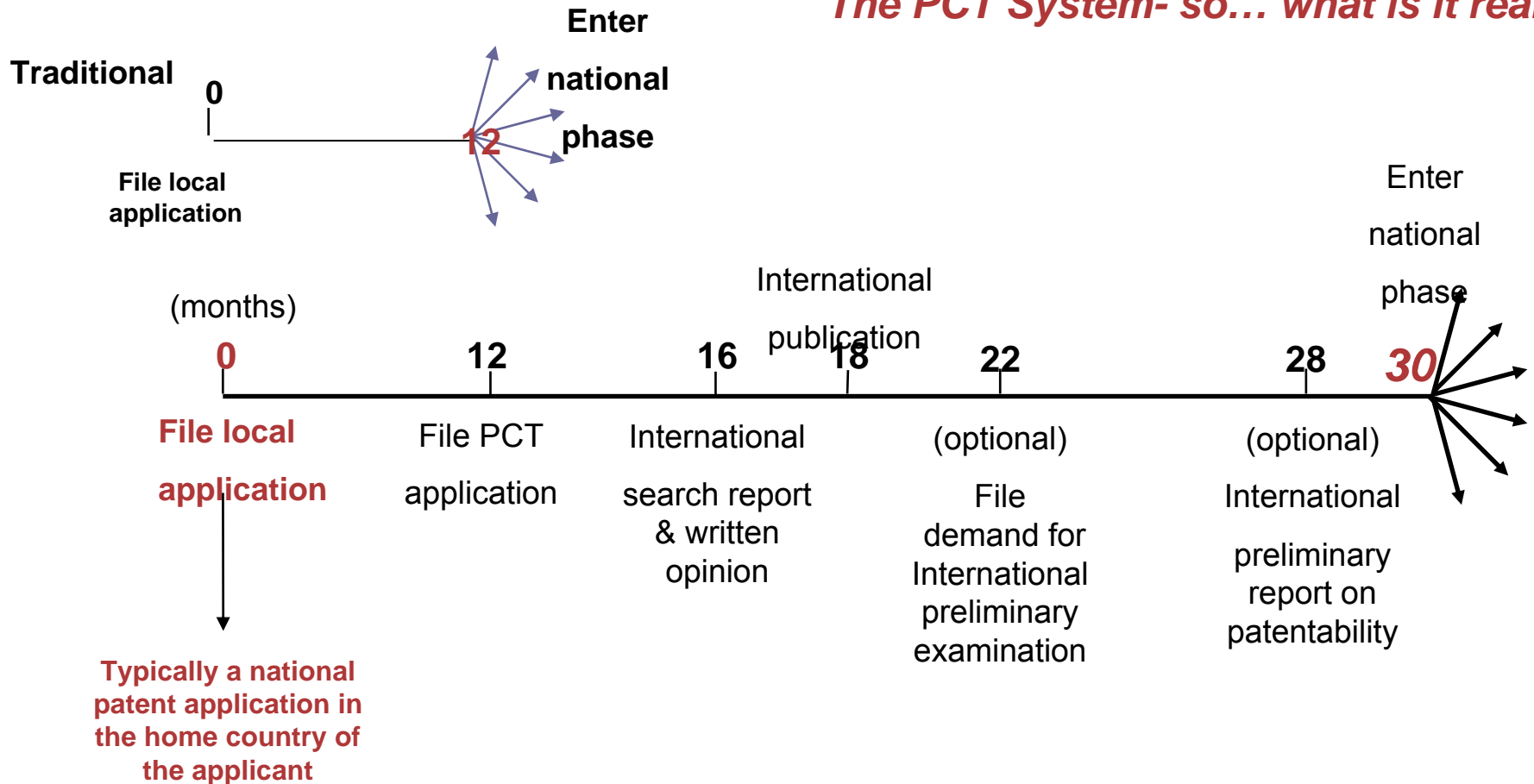


Fees RO/IL Jan 1 2011

סכום	תיאור האגרה
₪ 546	אגרת המסירה
₪ 86	הנפקת מסמך בכורה ישראל (עד 100 עמודים)
1,367 \$	אגרת ההגשה הבינלאומית
15 \$	אגרת יתר (לכל עמוד בבקשה מעל ל-30 עמודים)
103 \$	הנחת הגשה באמצעות תוכנת PCT-SAFE
2,443 \$	אגרת חיפוש בלשכת הפטנטים האירופאית
2080 \$	אגרת חיפוש בלשכת הפטנטים בארה"ב
1,760 EURO	אגרת בחינה מוקדמת בלשכת הפטנטים האירופאית
150 EURO	אגרת טיפול בלשכת הפטנטים האירופאית
600 \$	אגרת בחינה מוקדמת בלשכת הפטנטים בארה"ב
206 \$	אגרת טיפול בלשכת הפטנטים בארה"ב

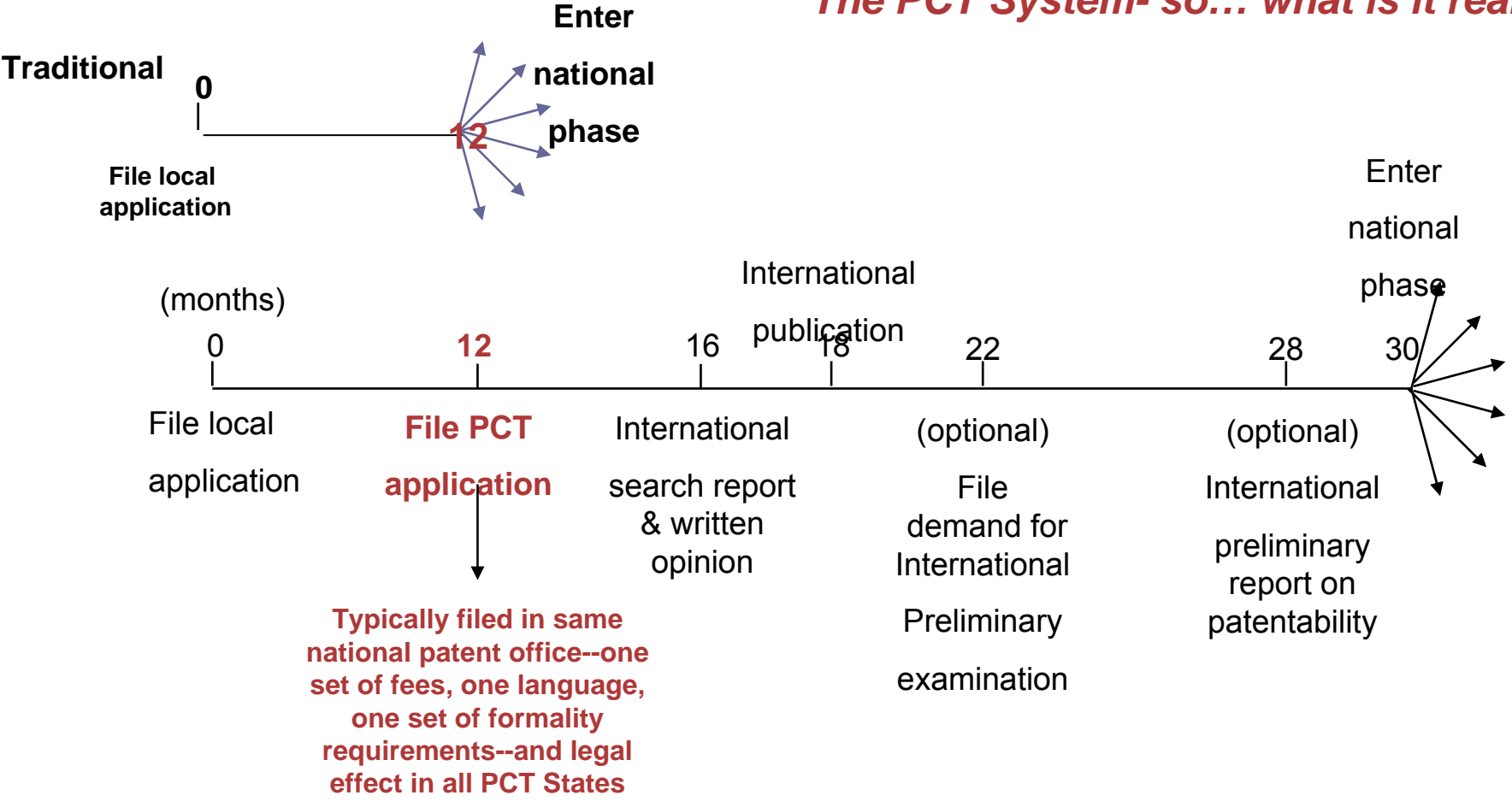
The PCT System

The PCT System- so... what is it really?



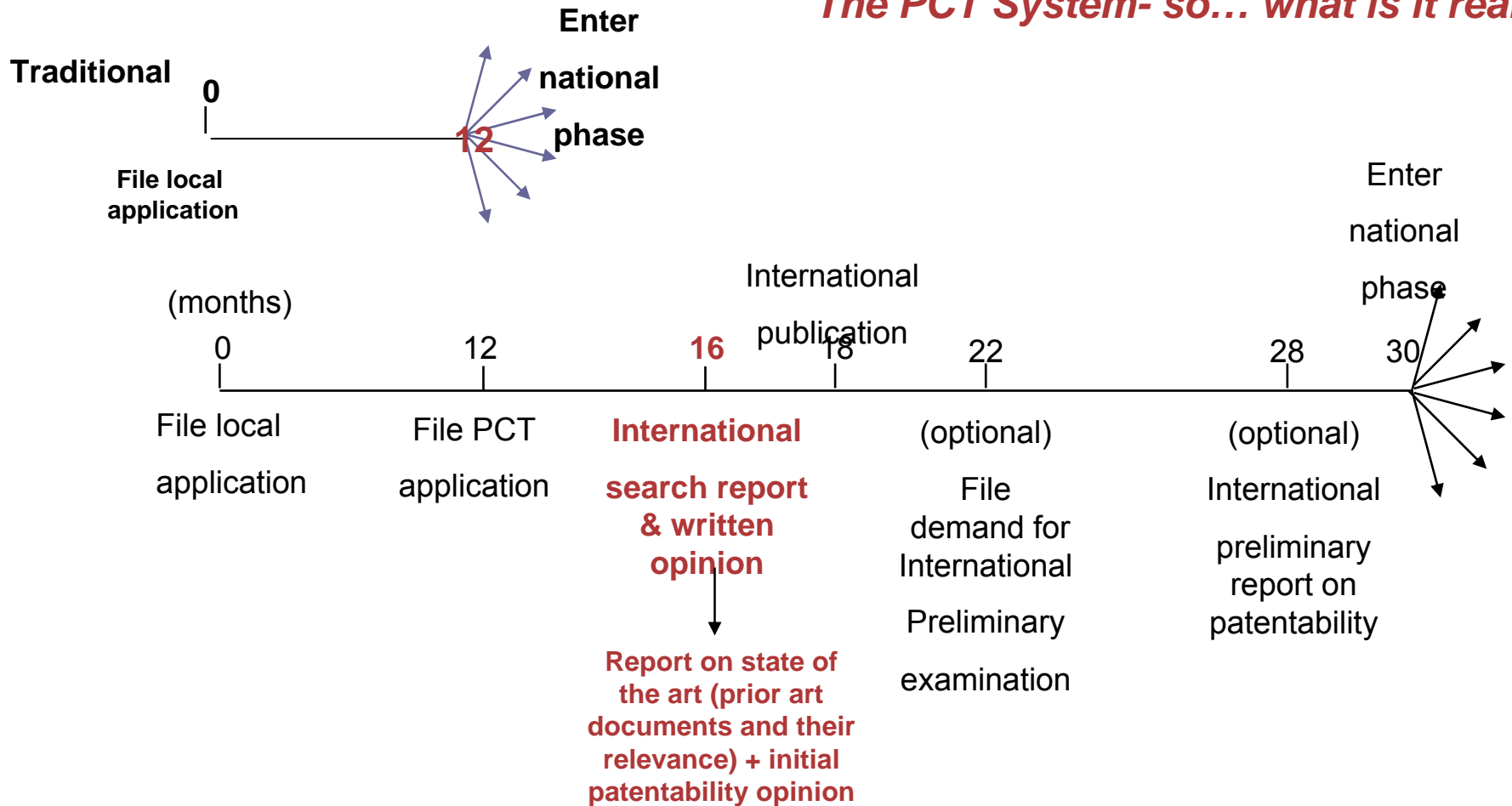
The PCT System

The PCT System- so... what is it really?



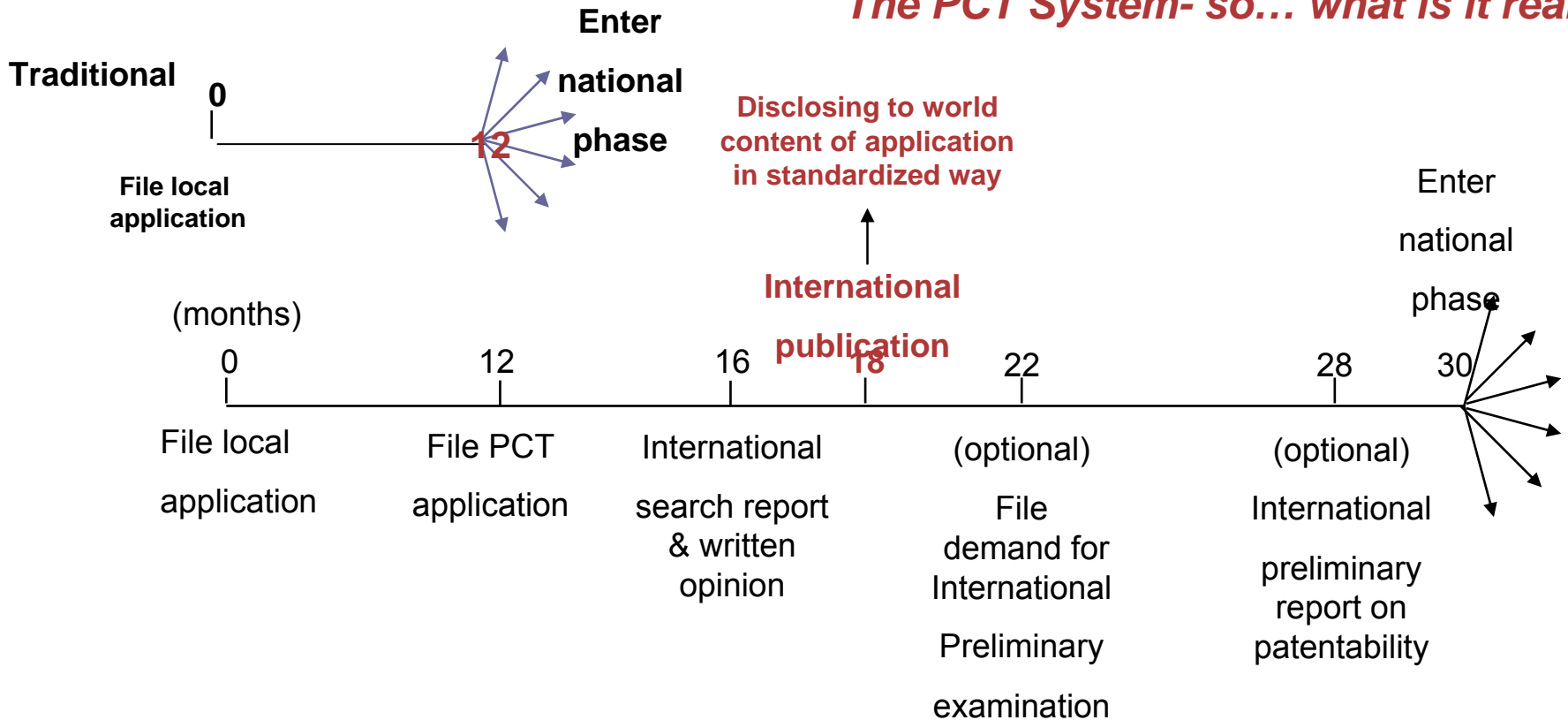
The PCT System

The PCT System- so... what is it really?



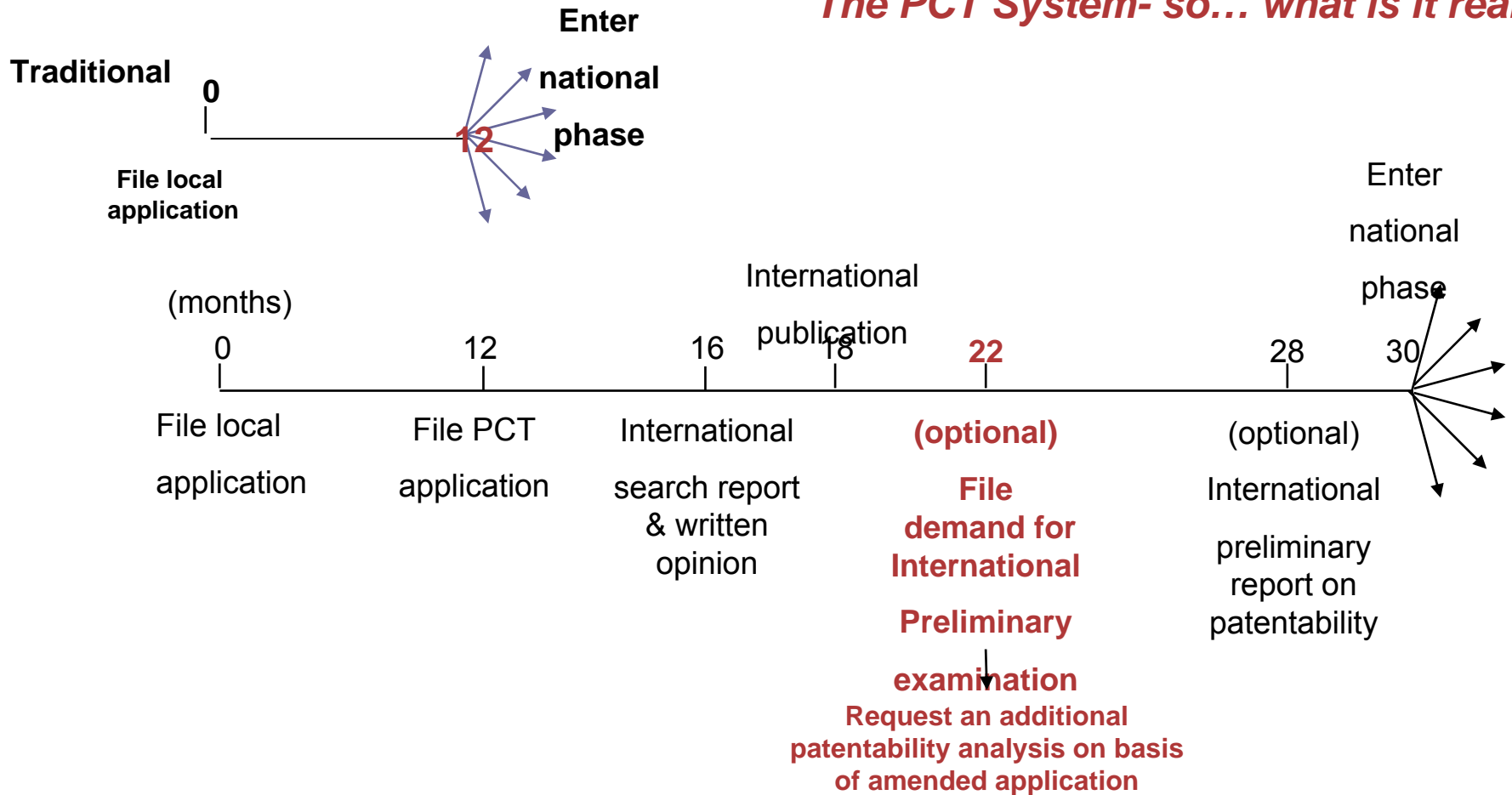
The PCT System

The PCT System- so... what is it really?



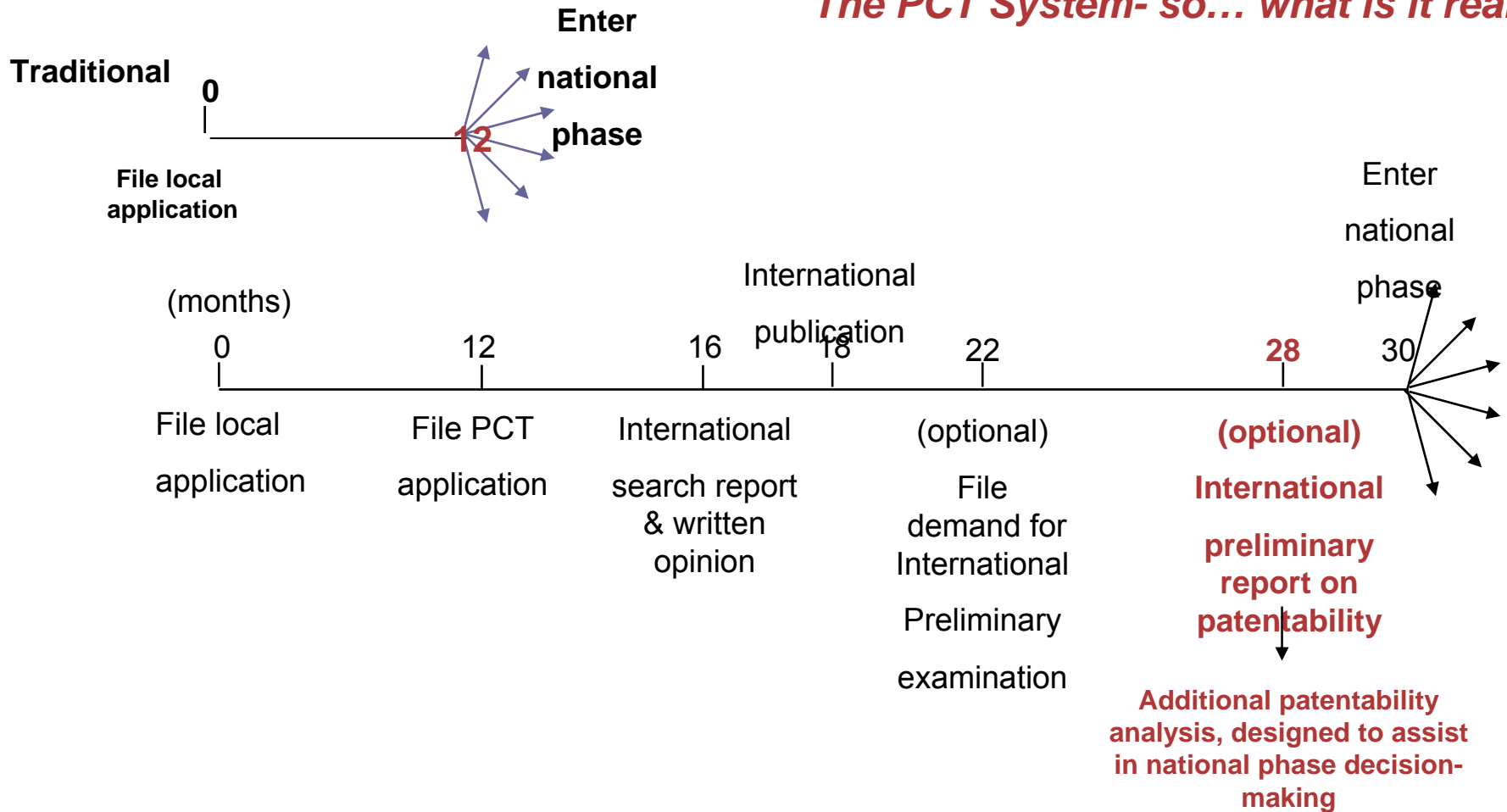
The PCT System

The PCT System- so... what is it really?

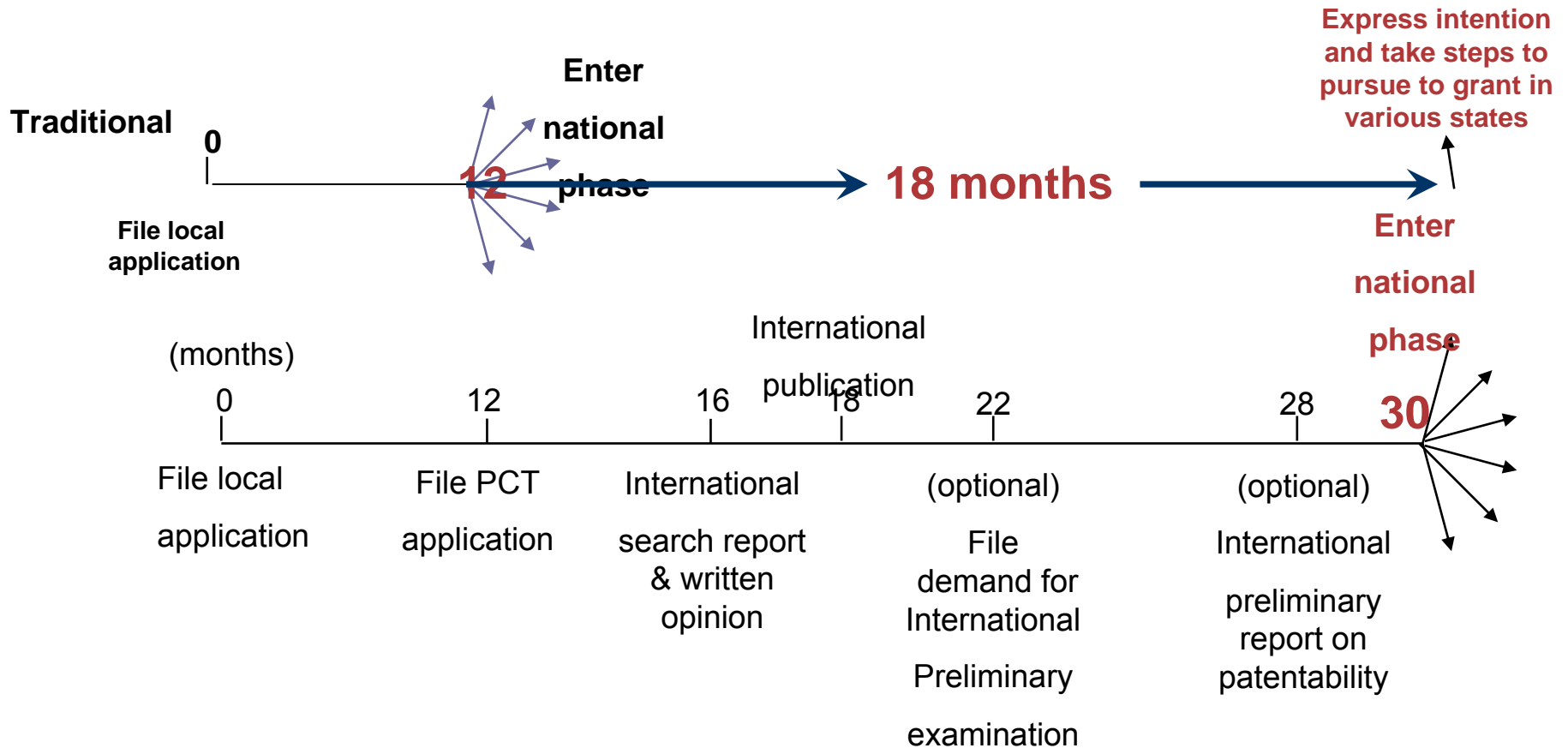


The PCT System

The PCT System- so... what is it really?



The PCT System



The PCT System

1. Only **one application** filed, containing, by default, the designation of **all States** (for every kind of protection available) and usual priority claim(s)
2. Has the effect of a **regular national filing** (including establishment of a **priority date**) in each designated State: the international filing date is the filing date in each designated State
3. Filed in **one language**
4. Filed with **one office- Receiving Office ('RO')**
5. **One set of formality** requirements

The PCT System

- with the **national Office** of the Contracting State of which the **applicant** (or at least one of the applicants) **is a national or resident**, or
- with the **International Bureau of WIPO**, or
- where applicable, with an Office acting for a Contracting State of which the applicant (or at least one of the applicants) is a **national or resident**

in particular, the following regional Offices:

- European Patent Office for the States party to the EPC
- Eurasian Patent Office for the States party to the EAPC
- ARIPO Office for the States party to the Harare Protocol
- OAPI Office for the States member of OAPI

[...](#)

2. Why use the PCT?

The PCT System – benefits for uncertainty

1. **Keep options open** by making all possible designations for all types of protection
2. Various possibilities for **withdrawal**
3. International publication can be prevented or postponed until as late as 15 days before the actual publication date - conditional withdrawal possible
4. Further **expenses can be avoided** simply by no longer prosecuting the application or not entering the national phase
5. **Amendments** made during the international phase have effect in all designated/elected States
6. More time for better **quality translation** for the national phase
7. Better planning of the expenditures for the national phase

The PCT System

Brings the world within reach



How?

PCT application = Legal effect of a regular national patent application in all PCT States

The PCT System

Postpones the major costs associated with internationalizing a patent application

1. Translations of the patent applications (which are highly technical documents) into various national languages
2. Official fees for payment to national/regional patent offices (for example, filing fees, claims fees, etc.)
3. Fees for the services of local patent agents/attorneys in the designated states

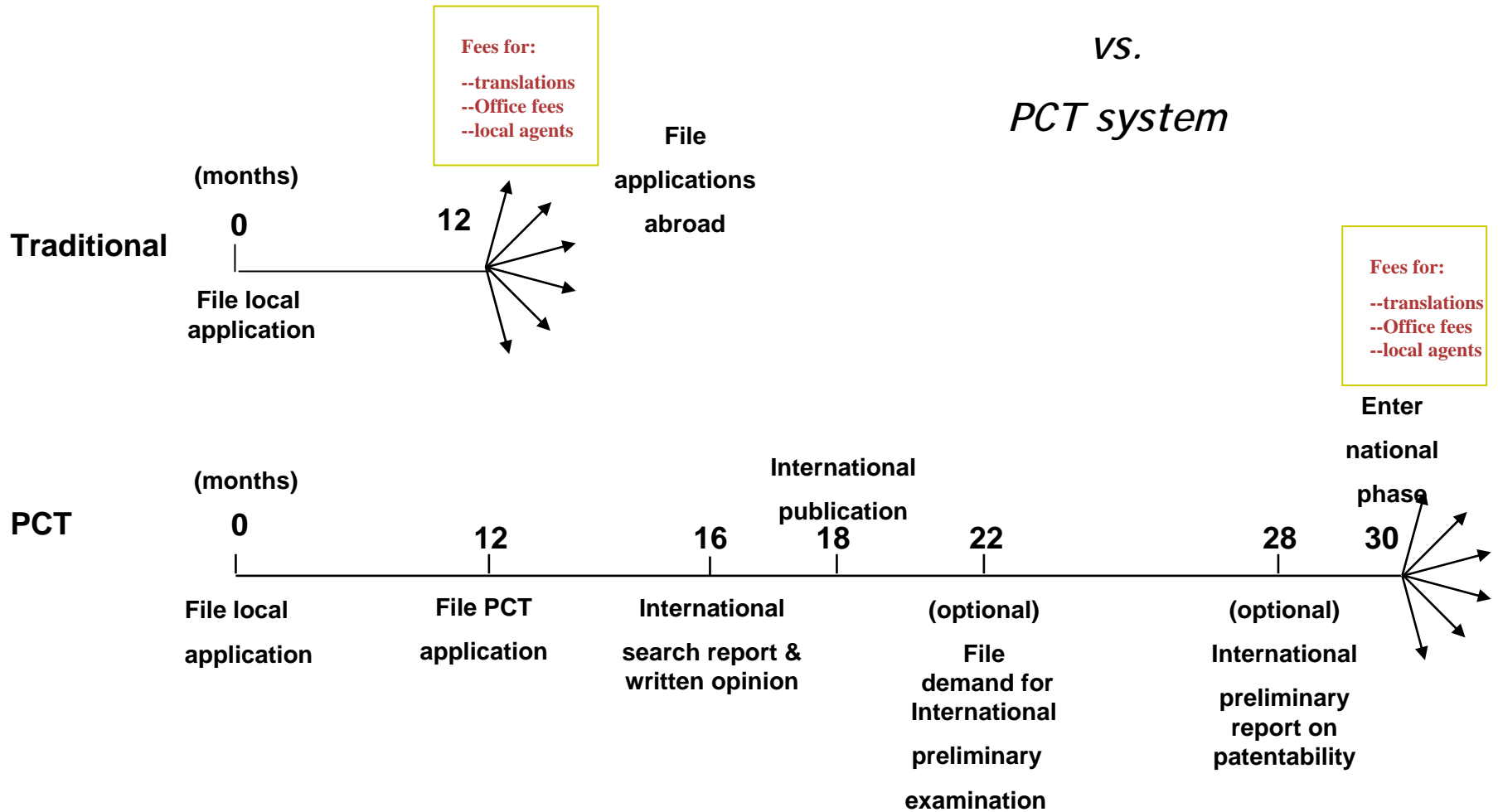
The PCT System

When are these costs incurred?

Traditional patent system

VS.

PCT system



The PCT System

PCT Costs - in perspective

How do PCT fees fit into the overall costs of patenting?

July 2007 calculation of **estimated percentage which the PCT filing fees represent in the overall budget of a PCT applicant seeking patents in several countries** (using "IP Global Estimator®"* software):

hypothetical PCT application filing was:

filed in the **USPTO** as **RO** by a US large-entity applicant contained 46 pages and 12 claims (3 independent) International Search and Preliminary Examination to be carried out by the EPO entry into national/regional stage in the US, Canada, Australia, Mexico, Japan, and the EPO (and in the EPO designating France, Germany, Italy, Netherlands, Sweden, and the UK)

*"IP Global Estimator software ®" (www.globalip.com) is a useful tool for calculating overall patent related expenses, including fees and annuities, translations, photocopying and other misc. costs, as well as minimum attorney fees that are based on standard country-by-country charges for the basic prosecution of a straightforward application.



The PCT System

PCT Costs - in perspective

According to IP Global Estimator, the total cost of hypothetical application (RO/US, ISA/EP, 46 pages/12 claims w/3 independent, national phase in AU, CA, EPO, JP, MX, US, and EP validation in DE, FR, GB, IT, NL & SE, + maintenance fees--from filing until expiration of 12 national phase patents at 20 years from the filing date) would be USD \$232,742

The PCT filing fees, including the international search by the EPO, (total: USD \$3,637) represented 1.6% of what the PCT applicant could expect to pay throughout the full life of this patent family

If the payment of annual maintenance fees is eliminated from the above calculation, the total amount that the applicant would expect to pay to see his/her patents granted is reduced to USD \$86,398. PCT filing fees would then represent 4.2% of this amount

[Estimate date: July 1, 2007]

The PCT System

What does the applicant do with the information from the ISR, ISO and IPRP Ch. II?

a basis for patenting decisions:

- whether to enter the national phase
- where to enter the national phase

P&G:

Based on the information received during both Chapters I and II, the Procter & Gamble company found that it:

- abandoned 20% of PCT filings at national phase (did not enter national phase at all anywhere)
- when it did enter national phase, it did so in only 70% of the States it had originally intended to patent in

Highest ranked IL users

- TEVA Pharmaceutical Industries LTD.
- YEDA R&D CO. LTD. (Weizmann Institute of Science)
- YISSUM R&D (THE Hebrew University of Jerusalem)
- The R&D Authority BGU of the Negev
- RAMOT at Tel Aviv University LTD.
- State of Israel, Ministry of Agriculture, Agricultural Research Organization, Vulcani Center
- Israel Atomic Energy Commission
- HADASIT R&D LTD. (Hadassah Medical Organization)
- Technion Research & Development Foundation
- Bromine Compounds LTD.
- Applied Materials Israel
- Given Imaging LTD. (Diagnostic System)
- Elbit Systems Electro- Optics Elop LTD.
- Rafael-Armament Development Authority
- M-Systems Flash Disk Pioneers
- Creo IL
- Orbotech
- Iscar

- For further information about the PCT, see

<http://www.wipo.int/pct/en/>

- For general questions about the PCT, contact the PCT Information Service at:

Telephone: (+41-22) 338 83 38

Facsimile: (+41-22) 338 83 39

E-mail: pct.infoline@wipo.int

Li.maor@wipo.int