



Topic 2: PCT International Phase Examination Procedures

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Casablanca
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Agenda

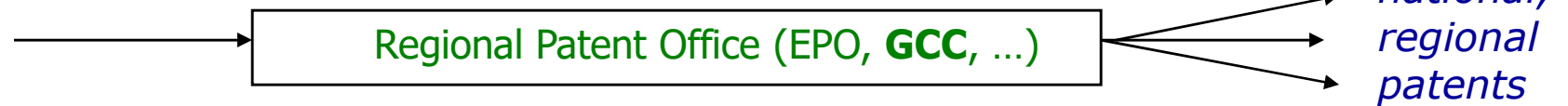
- PCT system
- International phase and its examination results/products

Obtaining patent protection abroad

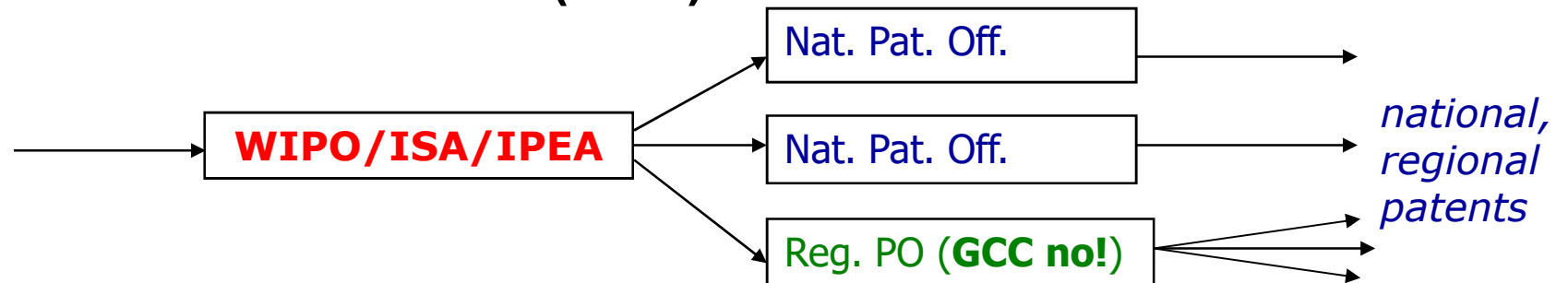
1. National Routes



2. Regional Route



3. International Route (PCT)



[International phase]

[National phases]

Patent Cooperation Treaty - PCT

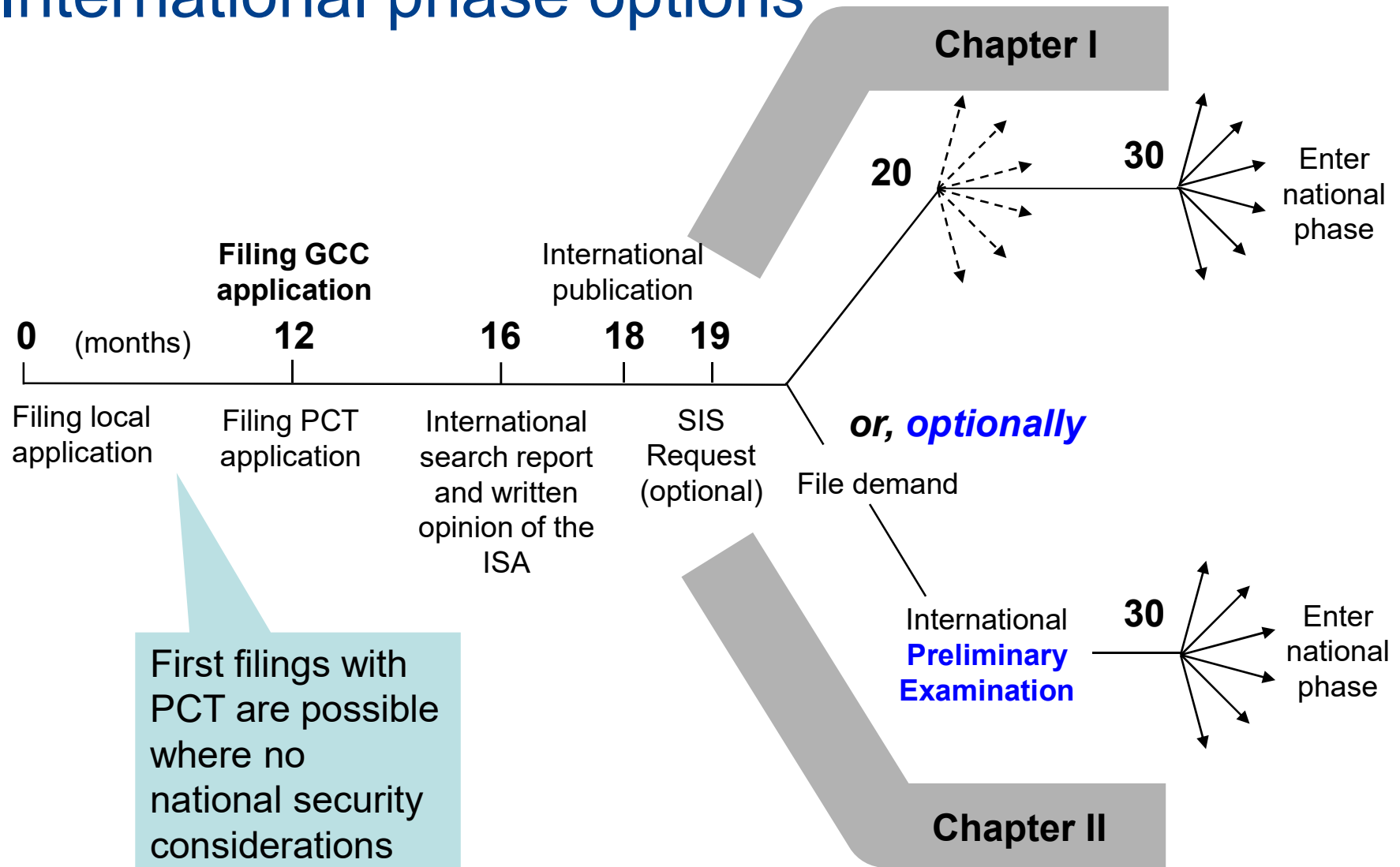
- "One-stop shop" for filing patent applications in several jurisdictions
- Filing with PCT 'Receiving Office' may be
 - First filing
 - Second filing claiming a Paris Convention priority of an earlier filing
- **International phase** administered by WIPO: preliminary search and examination by selected ISAs; optional preliminary examination of amended claims by IPEA
- **National phases** administered by national IPOs:
 - Decision on entry into national phase at the latest 30 months after filing/priority date (for most jurisdictions)
 - National granting procedures/laws/regulations apply
 - Sovereign decisions in each national phase independent of other national phases
- Total of national phase entries of PCT application constitute a family: **'PCT family'**
 - Family relations are established by sharing the respective PCT application number
 - Work-sharing opportunities for efficient national procedures

Sovereign national prosecution

Paris Convention 1883:

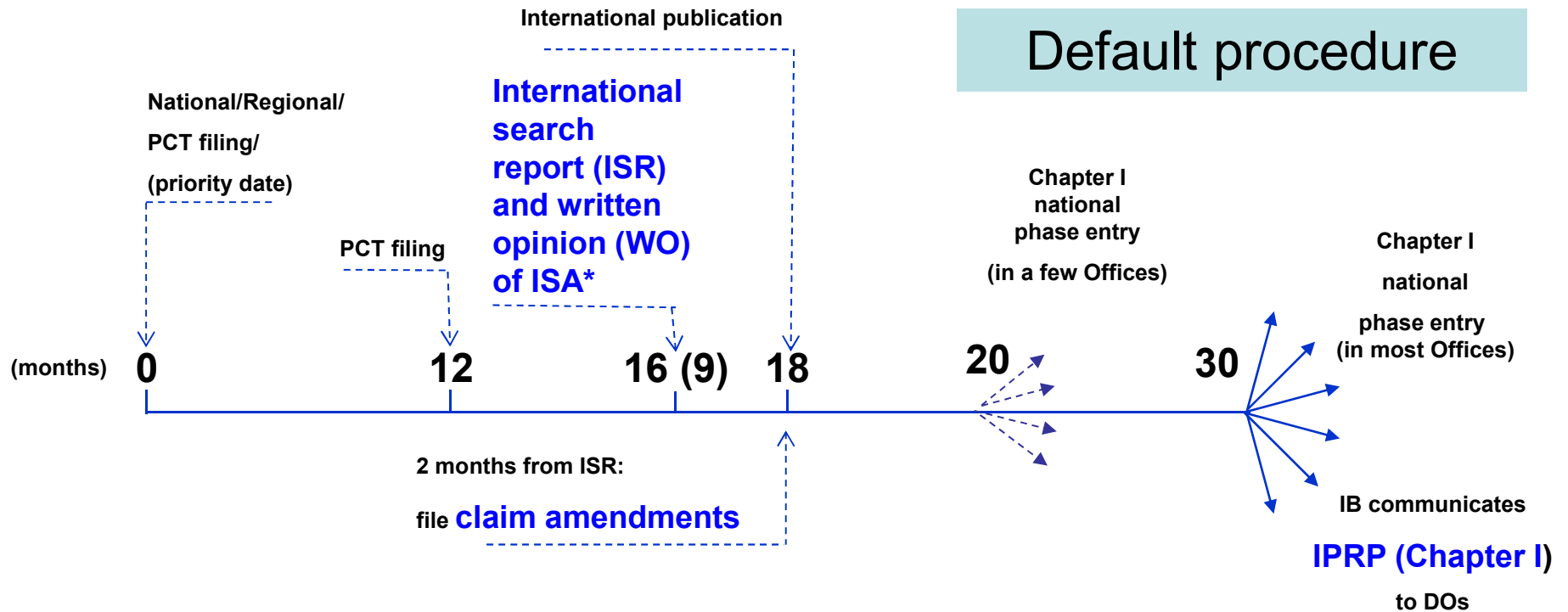
- **No obligation** to follow/adopt conclusions of other IPOs or to use their results (**Article 4bis**)
- http://www.wipo.int/treaties/en/ip/paris/summary_paris.html
- Each IPO has obligation to observe national legislation
- Each IPO has responsibility/liability for quality patents
- Lawyers often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

International phase options



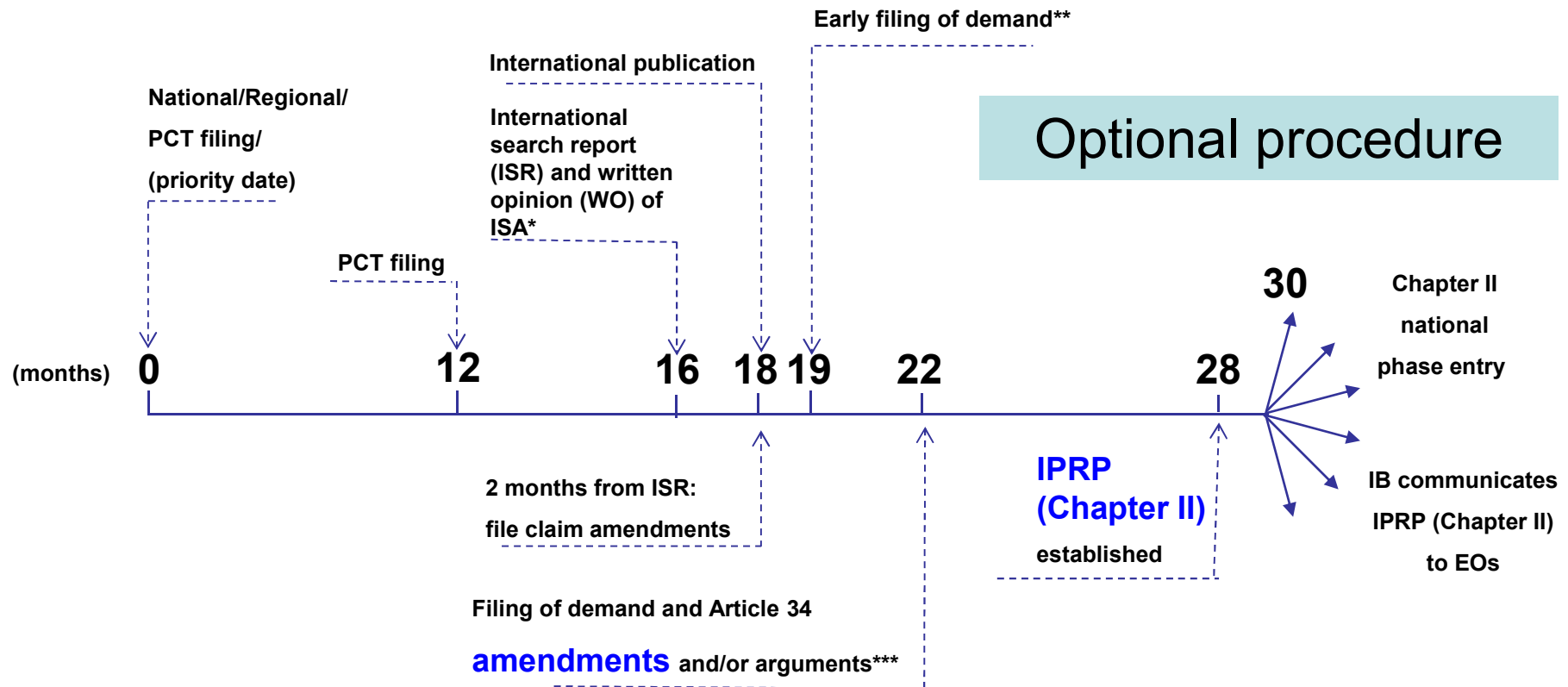
First filings with PCT are possible where no national security considerations apply

PCT timeline (Chapter I)



* If PCT is a first filing, the ISA is to establish the ISR and WO of the ISA before the expiration of 9 months from the priority date (Rule 42.1)

PCT timeline (Chapter II)



* If PCT is a first filing, the ISA will establish the ISR and WO of the ISA before the expiration of 9 months from the priority date (Rule 42.1)

** In respect of LU, TZ and UG, the time limit of 30 months to enter national phase will, however, only apply if those States have been elected in a demand filed before the expiration of 19 months from the priority date

*** A demand for international preliminary examination may be filed at any time prior to the expiration of 3 months from the date of transmittal of the ISR and WO of the ISA, or 22 months from the priority date, whichever time limit expires later (Rule 54bis.1(a)).

Various Offices and Authorities involved

- Receiving Office (**RO**)
- International Searching Authority (**ISA**): ISR, WO-ISA, IPRP (Ch. I)
- International Bureau (**IB**): publications, file inspection
- International Preliminary Examining Authority (**IPEA**): IPRP (Ch. II)
- Designated/Elected Offices (national and regional) (**DO/EO**)

Legal framework

- International
 - Treaty [Art.]
 - Regulations [Rule]
 - Administrative Instructions [Sect.]
 - Agreements between IB and ISA/IPEAs
 - Notifications (published in PCT Gazette)
 - Guidelines (RO, IS/IPE)
 - Governing body – PCT Assembly
- National
 - National laws implementing certain PCT related aspects (especially national phase processing and effects)
 - Patent law, regulations, examination guidelines, case law

Main products of international phase

Work products of authorities

- **Publication of international application** (bibliographic data, abstract, description, drawings, claims) [Rule 48]
- **International Search Report (ISR)** [Rule 43]
- **Written Opinion of ISA (WO-ISA)** [Rule 43bis]
 - prepared as complement to international search, but deals in substance with examination matters
- (Optional) Supplementary International Search Report (SISR) [Rule 45bis.7]
- **International Preliminary Report on Patentability (IPRP)**
 - IPRP (Chapter I) = WO-ISA plus cover sheet [Rule 44bis], or
 - IPRP (Chapter II) = International Preliminary Examination Report (IPER)

Other statements related to patentability

- (Optional) informal statements by applicant on WO-ISA and respective amendments of claims [Article 19(1); Rule 46.4]
- (Optional) third party observations [Sect. 801ff]

International publications

- 18 month after filing/priority date: **WO-A1** or **WO-A2**
- **WO-A1**: international application (IA) + international search report (ISR)
- **WO-A2**: two distinct types of publications
 - International application as filed if no ISR is available yet
 - Optional at later stage: Declaration that no ISR will be established [Art. 17(2)(a)]
- **WO-A3**: Later publication international search report + front page
- **WO-A4**: Later publication of amended claims and/or statement [Article 19]
- **WO-A8**: Republication front page with corrections
- **WO-A9**: Republication of full application or ISR with corrections, alterations or supplements

Laid open for public inspection

- No publication as such, no publication number, no publication date,..
- Accessible through "file inspection", for example in Patentscope
 - Written Opinions
 - Accessible from date of publication of SR
 - IPRPs, IPER
 - Third Party Observations
 - Accessible in timely manner after submission

International Search Report (ISR)

- Established by (selected) competent ISA
- Search based on claims as originally filed [Article 15(3)]
 - Amendments only possible after receipt of ISR [Article 19]
- Search performed according to PCT Examination Guidelines
- Prior art is everything made available to the public [Rule 33]
 - in written disclosure (may refer to oral disclosure, exhibition)
 - **prior to the international filing date** (i.e. priority is irrelevant, in case priority claim is invalid for certain subject matter)
- Not any written disclosure is to be searched: only PCT minimum documentation [Rule 34]
- In case of lack of unity, only "first" invention will be searched [Rule 40], unless additional fees are paid
- ISA can decline search of certain subject matter [Rule 39], namely subject matter that is excluded from patentability in the national law of the ISA (PCT does not define what is patentable but knows certain exclusions from search!)

Rule 39 (similar Rule 67 for IPEA)

Rule 39 **Subject Matter under Article 17(2)(a)(i)**

39.1 Definition

No International Searching Authority shall be required to search an international application if, and to the extent to which, its subject matter is any of the following:

- (i) scientific and mathematical theories,
- (ii) plant or animal varieties or essentially biological processes for the production of plants and animals, other than microbiological processes and the products of such processes,
- (iii) schemes, rules or methods of doing business, performing purely mental acts or playing games,
- (iv) methods for treatment of the human or animal body by surgery or therapy, as well as diagnostic methods,
- (v) mere presentations of information,
- (vi) computer programs to the extent that the International Searching Authority is not equipped to search prior art concerning such programs.

PCT Minimum Documentation

- Not any written disclosure is to be searched: only **PCT minimum documentation** [Art. 15(4); Rule 34)] comprising :
 - International (PCT) applications
 - Any regional applications and patents
 - National patents and applications published after 1920 of
 - France, Germany, Japan, Soviet Union, Switzerland, UK, USA;
 - China, Korea, Russian Federation;
 - Any patents or applications in English, French, German, Spanish made available to ISA by interested authorities
 - Any ISA whose official language is not Chinese, Japanese, Korean, Russian is entitled to exclude such documents for which no abstract translated in English is available
 - Certain non-patent literature (NPL)
 - See WIPO Handbook http://www.wipo.int/standards/en/part_04.html

International Searching Authority (ISA)

- 'Competent ISAs' to be specified by each RO
- Appointed by GA for fixed period of time
- Minimum requirements [Rule 36.1]:
 - 100 full-time employees with
 - Sufficient technical expertise to carry out searches
 - Sufficient language skills to understand minimum documentation or translations of it
 - Access to minimum documentation
- Quality management system
- Holds appointment as IPEA
 - Corresponding minimum requirements for IPEA [Rule 63]

Agreements of IB with ISA and IPEA

ISA and IPEA Agreements

Agreements with the International Bureau of WIPO in relation to the functioning of the following Authorities as International Searching and International Preliminary Examining Authorities under the PCT (in PDF format):

AT	Austrian Patent Office
AU	Australian Patent Office
BR	National Institute of Industrial Property (Brazil)
CA	Canadian Intellectual Property Office
CN	State Intellectual Property Office of the People's Republic of China
EG	Egyptian Patent Office
EP	European Patent Office (EPO)
ES	Spanish Patent and Trademark Office
FI	National Board of Patents and Registration of Finland
IL	Israel Patent Office
IN	Indian Patent Office
JP	Japan Patent Office
KR	Korean Intellectual Property Office
RU	Federal Service for Intellectual Property, Patents and Trademarks (Russian Federation)
SE	Swedish Patent and Registration Office
US	United States Patent and Trademark Office (USPTO)
XN	Nordic Patent Institute

Plus
SG, UA, TR, XV, PH

http://www.wipo.int/pct/en/access/isa_ipea_agreements.html

Example of ISA/IPEA agreement

Annex B

Subject Matter Not Excluded from Search or Examination

The subject matter set forth in Rule 39.1 or 67.1 which, under Article 4 of the Agreement, is not excluded from search or examination, is the following:

all subject matter which is searched or examined under the Canadian patent grant procedure.

ISR

- ISR is "enriched" search report as it includes
 - List of relevant prior art documents (citations)
plus indications:
 - For which claims a document is relevant
 - Which parts of the document are relevant (e.g. *line 5-6, page 7; drawing 6*) for those claims
 - Why the document is relevant (challenging novelty, inventive step; describing background art)
 - IPCs of the claimed subject matter
 - Limited search strategy: technology areas (IPC) searched
- Includes observations regarding lack of unity (Box III), or whether no meaningful search could be performed (clarity of claims)(Box II)

Enriched prior art search reports



EUROPEAN SEARCH REPORT

Application Number
EP 09 16 8955

Application number

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 0 813 338 A2 (ROCKWELL INTERNATIONAL CORP [US]) 17 December 1997 (1997-12-17) * column 6, line 12 - column 8, line 26 * * column 8, line 52 - column 9, line 4; figure 1 *	1-13	INV. G01T1/17
Y	US 6 128 039 A (CHEN DATONG [US] ET AL) 3 October 2000 (2000-10-03) * column 3, line 57 - column 4, line 28; figure 2 *	1,3-7	
Y	US 6 163 029 A (YAMADA SHINICHI [JP] ET AL) 19 December 2000 (2000-12-19) * column 15, line 30 - column 16, line 45; figures 2,15,16 *	1,3-7	
A	FR 2 864 628 A1 (COMMISSARIAT ENERGIE ATOMIQUE [FR]) 1 July 2005 (2005-07-01) * page 4, line 18 - page 6, line 15; figure 3 *	1-13	
A,D	WO 2004/064168 A1 (SCHERRER INST PAUL [CH]; BROENNIMANN CHRISTIAN [CH]; SCHMITT BERND [CH]) 29 July 2004 (2004-07-29) * the whole document *	1-13	TECHNICAL FIELDS SEARCHED (IPC) G01T
E	WO 2009/131151 A1 (HAMAMATSU PHOTONICS KK [JP]; MORI HARUMICHI [JP]; KYUSHIMA RYUJI [JP];) 29 October 2009 (2009-10-29) * figure 12 *	1	
The present search report has been drawn up for all claims			
Place of search The Hague		Date of completion of the search 23 March 2010	Examiner Wulverycck, J
<p>CATEGORY OF CITED DOCUMENTS</p> <p>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</p> <p>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</p>			

International Patent Classification

Category X, Y, A, etc. [Sect. 505, 507]

Relevant to Claim ... [Sect. 508]

Cited documents

Technical fields searched

Searching Authority

Date of completion of the search

Examiner

Citation details according to Rule 43.5

C. DOCUMENTS CONSIDERED TO BE RELEVANT		
Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
Y	FR 2 862 349 A1 (MDI MOTOR DEV INTERNAT SA [LU]) 20 May 2005 (2005-05-20) the whole document figures 1-12	1-19
Y	----- US 4 651 525 A (CESTERO LUIS G [US]) 24 March 1987 (1987-03-24) abstract column 2, lines 12-36 column 7, lines 30-41 figure 1	1-19
Y	----- DE 24 22 672 A1 (EHSES GEORG) 20 November 1975 (1975-11-20) page 6, paragraph 2 - page 7, paragraph 1 ----- -/--	1,2, 12-14,16

Categories of citations

- X particularly relevant if taken alone (novelty)
- Y particularly relevant if combined with another document of the same category (inventive step)
- A technological background
- O non written disclosure
- P intermediate document, i.e. published between the earliest priority date and the filing date
- E earlier document but published on or after the filing date
- T theory or principle underlying the invention
- D document cited in the application

- I (applied by EPO for some time in the past)

See 16.59ff of the [PCT Examination Guidelines](#)

INTERNATIONAL SEARCH REPORT

Limited explanations of search strategy [Rule 43.6]

A. CLASSIFICATION OF SUBJECT MATTER

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)

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

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 passages	Relevant to claim No.

Elements of the ISR

- Three obligatory elements
 - **Introductory statements**
 - References to four optional boxes
 - **Enriched citations**
 - **Parent family members for citations (language equivalents)**
- Optional boxes (I-IV) related to certain introductory statements

1. **Basis of the report**

a. With regard to the **language**, the international search was carried out on the basis of:

- the international application in the language in which it was filed.
 a translation of the international application into _____ which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b)).

b. This international search report has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43.6bis(a)).

c. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, see Box No. I.

2. **Certain claims were found unsearchable** (see Box No. II). ←

3. **Unity of invention is lacking** (see Box No. III). ←

4. With regard to the **title**,

- the text is approved as submitted by the applicant.
 the text has been established by this Authority to read as follows:

5. With regard to the **abstract**,

- the text is approved as submitted by the applicant.
 the text has been established, according to Rule 38.2, by this Authority as it appears in Box No. IV. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

obligatory

INTERNATIONAL SEARCH REPORT

Information on patent family members

International application No

PCT/EP2007/059161

Patent document cited in search report		Publication date	Patent family member(s)	Publication date
FR 2862349	A1	20-05-2005	AT 373769 T	15-10-2007
			AU 2004291704 A1	02-06-2005
			BR PI0416222 A	02-01-2007
			CN 1926307 A	07-03-2007
			EP 1702137 A1	20-09-2006
			WO 2005049968 A1	02-06-2005
			HR 20060223 A2	31-05-2007
			JP 2007511697 T	10-05-2007
			KR 20060124650 A	05-12-2006
			US 2007101712 A1	10-05-2007
US 4651525	A	24-03-1987	NONE	
DE 2422672	A1	20-11-1975	NONE	
US 3267661	A	23-08-1966	NONE	
FR 1009307	A	28-05-1952	NONE	

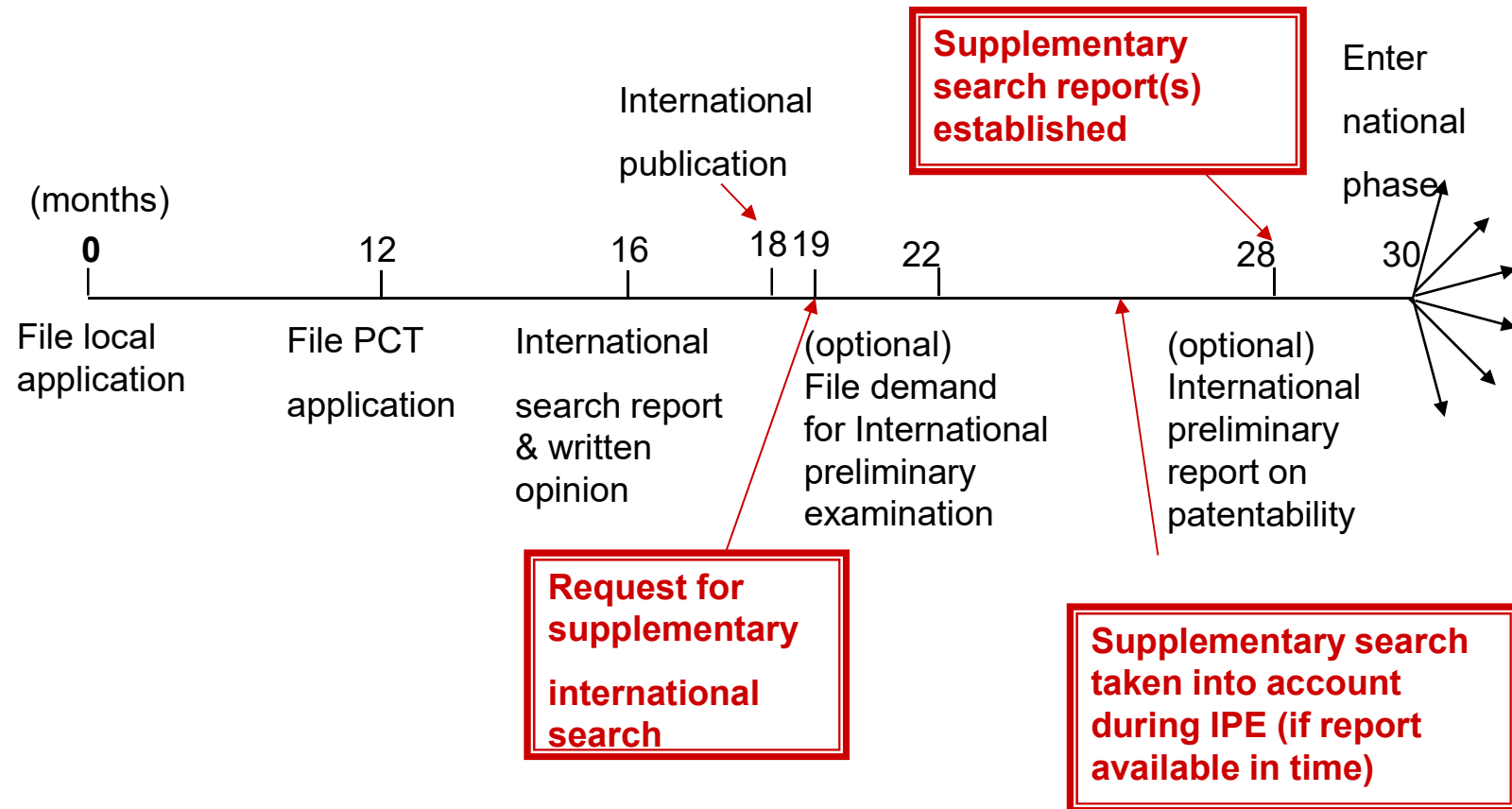
ISR

- Communicated to applicant when established (≈16 months from priority date; 9 months from filing date)
- Communicated to DOs/EOs at national phase entry
- Available to general public through publication by IB (WO-A1/A3)
 - i.e. at the earliest 18 months after filing/priority date
- After publication also accessible as separate records in databases, with enrichments, in
 - CCD
 - EP-Register (if EPO national phase entry)
 - 'cited documents' link in Espacenet
- If no ISR is established a respective declaration is published (additional WO-A2) [Article 17, Rule 48]
- After receipt of ISR, applicant may amend claims once and submit statement [Article 19]

Supplementary Int. Search Report (SISR)

- Addresses applicants' concerns about additional prior art not found by ISA, e.g. because of linguistic diversity
- Search of supplementary subject matter not covered by ISR
- Established by alternative authority, currently offered only by AT, EP, FI, RU, SE and XN (applicant has free choice)
- No written opinion
- Translated into English if necessary
- Not published but made available to public (file inspection)

SIS in the PCT System



Written Opinion (WO) & IPRP (Chapter I)

- WO is established together with ISR but not published with ISR
- Deals in substance with examination matters; Initial preliminary **non-binding opinion** on:
 - novelty (not anticipated)
 - inventive step (not obvious)
 - industrial applicability
- Relevant date for prior art is priority date!
- Provided to applicant with ISR
- WO is converted to IPRP (Chapter I) if no chapter II preliminary examination is requested, and communicated to DO (30 months) together with any informal comments of the applicant on WO-ISA
- Made publicly accessible (file inspection) at WO-A1/3 publication, e.g. in
 - Patentscope, EP-Register
 - not yet in CCD

PCT – WO

Re Item V

Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1 Reference is made to the following documents:

D1 US 2002/186921 A1 (SCHUMACHER LYNN C [CA] ET AL) 12 December 2002 (2002-12-12)

D2 WO 2007/136816 A2 (MASSACHUSETTS INST TECHNOLOGY [US]; BULOVIC VLADIMIR [YU]; KYMISSIS IO) 29 November 2007 (2007-11-29)

2 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claims 1, 4-15, 17-18, 20 is not new in the sense of Article 33(2) PCT.

2.1 D1 discloses
an optical fiber capable of being diagnosed non-invasively comprising an optical fiber (12) for conveying a light beam; said optical fiber comprising a first end for receiving said light beam and a second end opposed thereto, a core (14) comprising an inner wall, and a cladding (16) surrounding said core, said optical fiber further comprising at least one uncladded portion comprising a plurality of quantum dots (26) dispersed in a medium, wherein said quantum dots become activated by evanescent wave coupling resulting from total internal reflection of said light beam contacting said inner wall of said optical fiber core and wherein said activation results in emittance of light from said quantum dots (Fig. 2c; paragraphs [0033], [0045]).
Therefore, the subject-matter of present claim 1 is not novel over the teachings of D1.

2.2 D1 also discloses

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	<u>3, 19</u>
	No: Claims	<u>1, 2, 4-18, 20</u>
Inventive step (IS)	Yes: Claims	
	No: Claims	<u>1-20</u>
Industrial applicability (IA)	Yes: Claims	<u>1-20</u>
	No: Claims	

2. Citations and explanations

see separate sheet

Statements
[Rule 70.6]

Explanations
[Rule 70.8]

International preliminary examination

- IPE may be chosen, e.g., after negative ISA-WO
 - To have additional opportunities to amend claims, description, drawings
 - Communicate to some extent with examiner
- Examination is based on claims amended after ISR [Art. 19] or claims amended with request for IPE [Art. 34]
- Claims relating to subject matter not searched by the ISA need not be examined by the IPEA [Rules 66.1(e)]
- Relevant date for prior art is priority date (priority period for claiming priority is extended to 14 month; [Rule 64.18(b)(iii)])
- Prior art described in ISR and SISR is considered; additional prior art may be considered
- No obligation of IPEA to conduct additional search

IPEA & IPRP (Chapter II) (=IPER)

- IPEA obliged to issue a WO before issuing negative IPRP (right to be heard), or in case of other defects [Rule 66.2]
- Applicant is invited to respond and submit amendments
 - No obligation of IPEA to respond to responses
- Multiple WO (IPEA) and responses/amendments by applicant are possible [Rule 66.4], however limited time frame for IPRP
- Applicant can request hearing
- IPEA completes with the issuing of the IPRP (Ch. II) (=IPER)
- IPRP may cite additional prior art, no extra search report is issued
- Statements and explanations on novelty, inventive step, industrial applicability; no statement on patentability as such, or other related aspects
- IPRP shall call attention to non written prior art and "certain documents" (later published prior art) [Rule 70.9, 70.10]

IIPRP (Chapter II)

- Communicated to EOs (30 months)
- Mostly available through file inspection, e.g.
 - Patentscope
 - EP-Register
 - Global Dossier
 - not yet CCD

Requirements of patentability (generic)

- Examination has to check
 - Technical nature
 - Unity
 - ~~No case of **exclusion**~~
 - Industrial applicability
 - Novelty
 - Inventive step
 - ~~Sufficient disclosure~~
 - Legal certainty of claims (clarity)
 - Additions to initial disclosure

PCT: ISA may decline search

Should be checked before prior art search

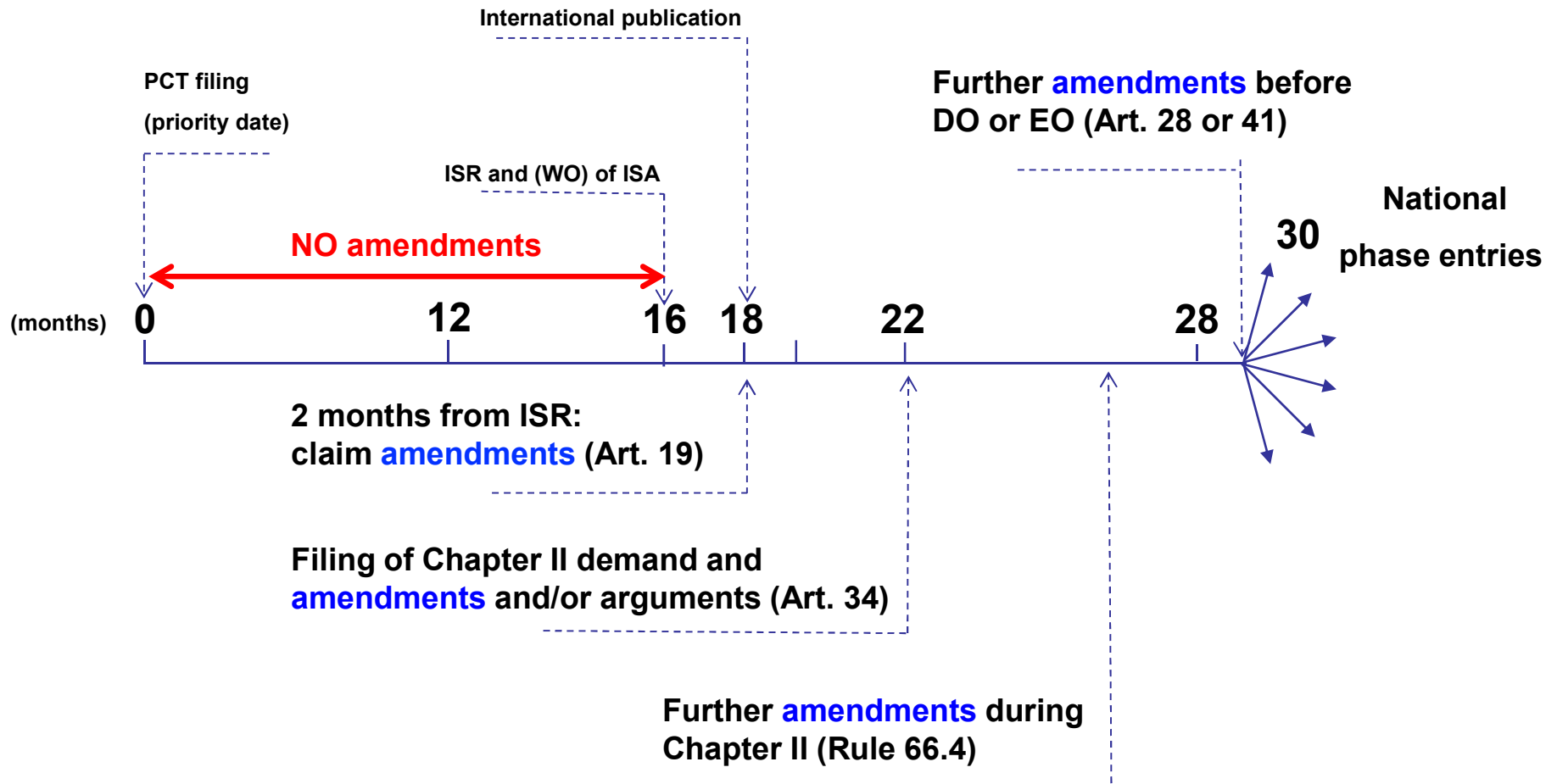
Requires prior art search

PCT: Not examined

What can applicants do (after filing) ?

- Submit missing parts of application
- Request rectifications of obvious mistakes
- Amend claims after receipt of ISR (amendments **before IB**; **Article 19**)
- Submit comments on 1st WO
- Amend claims, description, drawings **before DO** (**Article 28**), i.e. in national phase
- Request IPE
 - Amend claims, description, drawings **before IPEA** (**Article 34**)
 - Request hearing before issuing of IPRP (chapter II)
 - Respond to 2nd and further WOs
 - **Further amendments** during IPE (**Rule 66.4**)
- Amend claims, description, drawings **before EO** (**Article 41**), i.e. in national phase

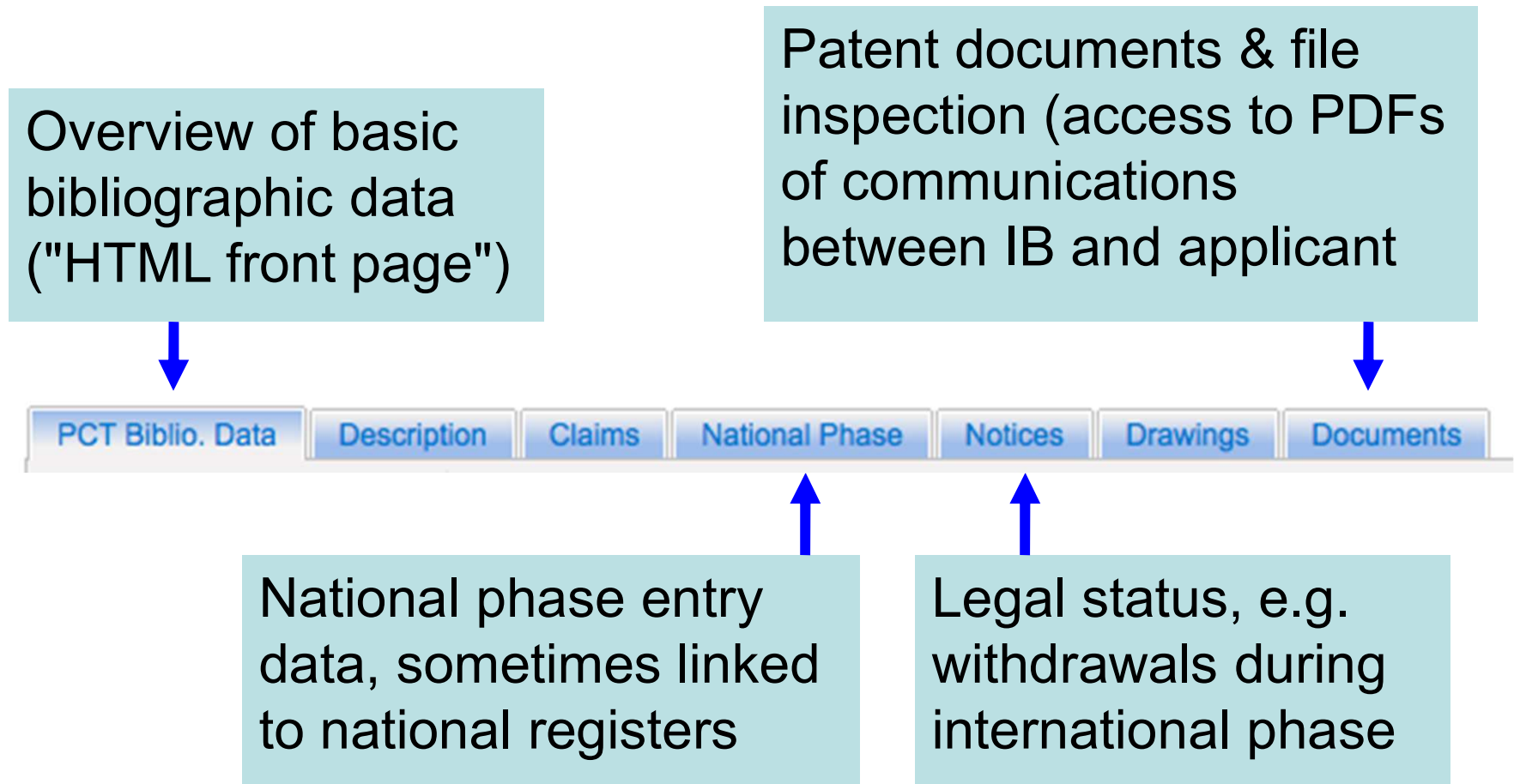
Amendments of claims



Summary PCT S&E Products

- **International search report (ISR):**
 - Available as WO-A1 or WO-A3 publication
 - 18 months or more after filing/priority date
- **Written opinion of ISA (WO-ISA)**
 - Available through file inspection (through Patentscope or Espacenet)
 - 30 months after filing/priority date (at national phase entry)
- **Supplementary international search report (SISR)** (where applicable)
- **International preliminary report on patentability (IPRP Ch. I and II)**
 - Available through file inspection (through Patentscope or Espacenet)
 - 30 months after filing/priority date (at national phase entry)
- **(Third party observations)**
 - Available through file inspection (through Patentscope or Espacenet)
 - At earliest 18 months after filing/priority date

Where to find products: Patentscope



Patentscope: national phase data

WIPO PATENTSCOPE
Search International and National Patent Collections

WORLD INTELLECTUAL PROPERTY ORGANIZATION

Search | Browse | Translate | Options | News | Login | Help

Home > IP Services > PATENTSCOPE

1. (WO2007111918) HEAT PROCESSING SYSTEMS, APPARATUSES, AND METHODS FOR COLLECTION AND DISPOSAL OF INFECTIOUS AND MEDICAL WASTE

Available information on National Phase entries [\(more information\)](#)


Office	Entry Date	National Number	National Status
Australia	16.09.2008	2007231591	Published: 09.10.2008
Canada	17.09.2008	2646350	
European Patent Office (EPO)	24.09.2008	2007753679	Published: 03.12.2008
India	19.09.2008	3822/KOLNP/2008	Published: 27.03.2009
Japan	22.09.2008	2009501550	

National phase application numbers
Link to national register
unlinked

US NPE?

Patentscope: PCT file inspection

2. (WO2007111918) HEAT PROCESSING SYSTEMS, APPARATUSES, AND METHODS FOR COLLECTION AND DISPOSAL OF INFECTIOUS AND MEDICAL WASTE

PCT Biblio. Data	Description	Claims	National Phase	Notices	Drawings	Documents
International Application Status 						
Date	Title	View	Download			
17.11.2013	International Application Status Report	HTML, PDF	PDF, XML			
Published International Application						
Date	Title	View	Download			
04.10.2007	Initial Publication without ISR (A2 40/2007)	PDF (80p.)	PDF (80p.), ZIP(XML + TIFFs)			
31.01.2008	Later publication of international search report (A3 05/2008)	PDF (7p.)	PDF (7p.), ZIP(XML + TIFFs)			
Related Documents on file at the International Bureau						
Date	Title	View	Download			
23.09.2008	(IB/373) International Preliminary Report on Patentability Chapter I	PDF (9p.)	PDF (9p.), ZIP(XML + TIFFs)			
23.09.2008	Written Opinion of the International Search Authority	PDF (8p.)	PDF (8p.), ZIP(XML + TIFFs)			
04.10.2007	(RO/101) Request form	PDF (4p.)	PDF (4p.), ZIP(XML + TIFFs)			
04.10.2007	US 60/785,512 23.03.2006 (Pr. Doc.)	PDF (57p.)				
04.10.2007	US 60/785,548 23.03.2006 (Pr. Doc.)	PDF (51p.)				
04.10.2007	(IB/304) Notification Concerning Submission or Transmittal of Priority Document	PDF (1p.)				

Covers only international phase

National phase challenges

- Claims may be different from claims in international phase
 - If the amended claims include features taken from the description, these features are not covered by ISR, IPRP; i.e. these reports may be of limited use
 - top-up searches may be required if the prior art cited in ISR, IPRP does not show these features;
 - Check if similar claims are submitted for the national phases at other IPOs; use respective S&E results, if available
- ISA/IPEA assumes validity of priority if priority document is not available; requires checking of validity in national phases

National phase challenges

- Differences of patent laws, e.g. exclusions, examination guidelines applied by ISA/IPEA;
- In particular, there is no "international" case law on interpretation of PCT Treaty and Regulations (since there is no appeal); consequently ISA/IPEA apply their respective case law.
- Trust/confidence in IPEA/ISA
- Small IPOs: same task like bigger offices but limited resources
 - Consider utilization of S&E results of other national phases, but observe national sovereignty

Thank you

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