



Recent Developments in Global IP Protection Systems and their Advantages for *Developing Countries*

- From PCT perspective-

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PCT Statistics



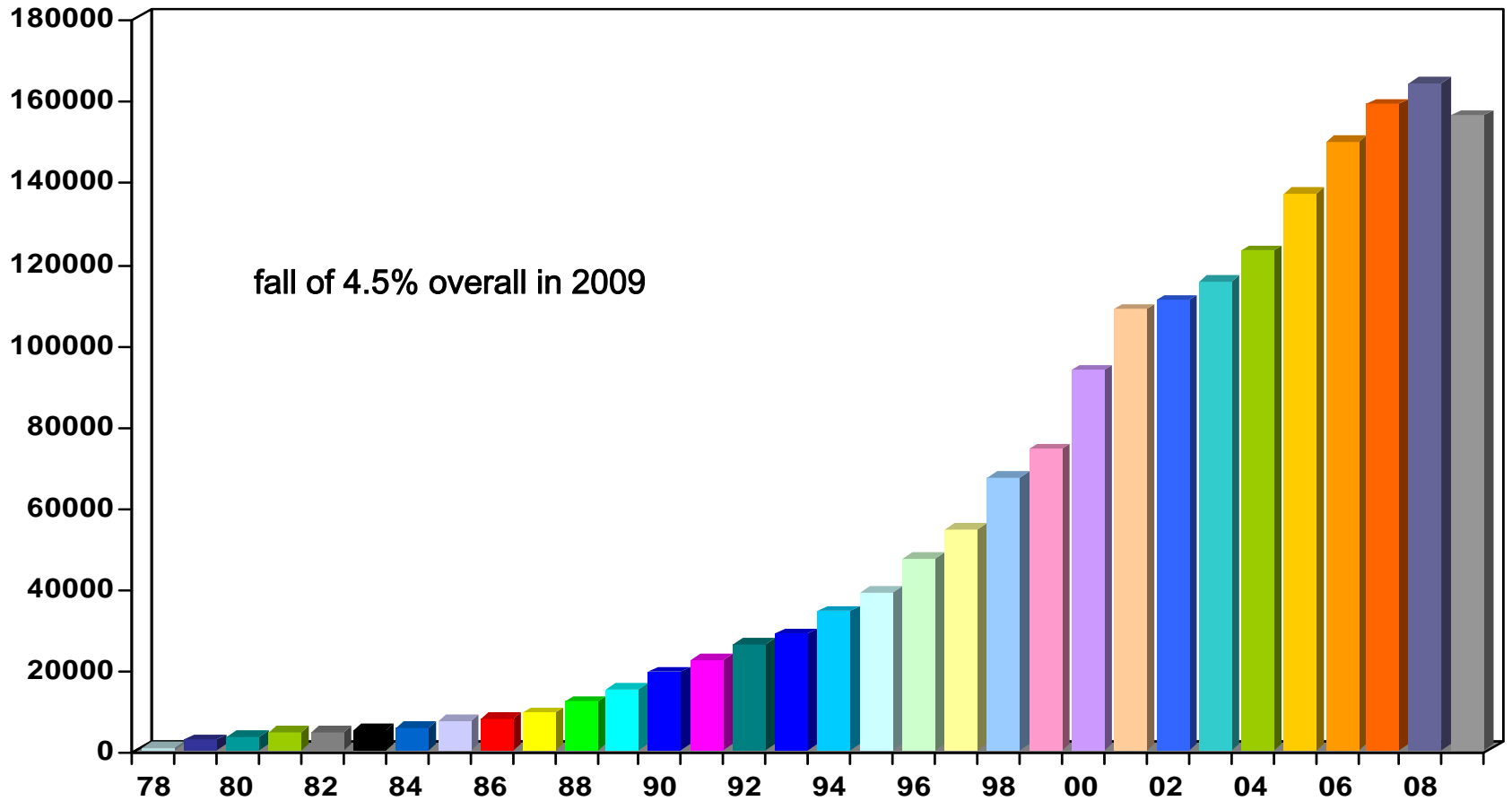
- Fall of 4.5 % overall in 2009

- Out of top 5 countries, 3 countries are in Asia
 - Japan (3.6%), Republic of Korea (1.9%), and China (29.1%) show positive growth
 - Their total share is about 30%

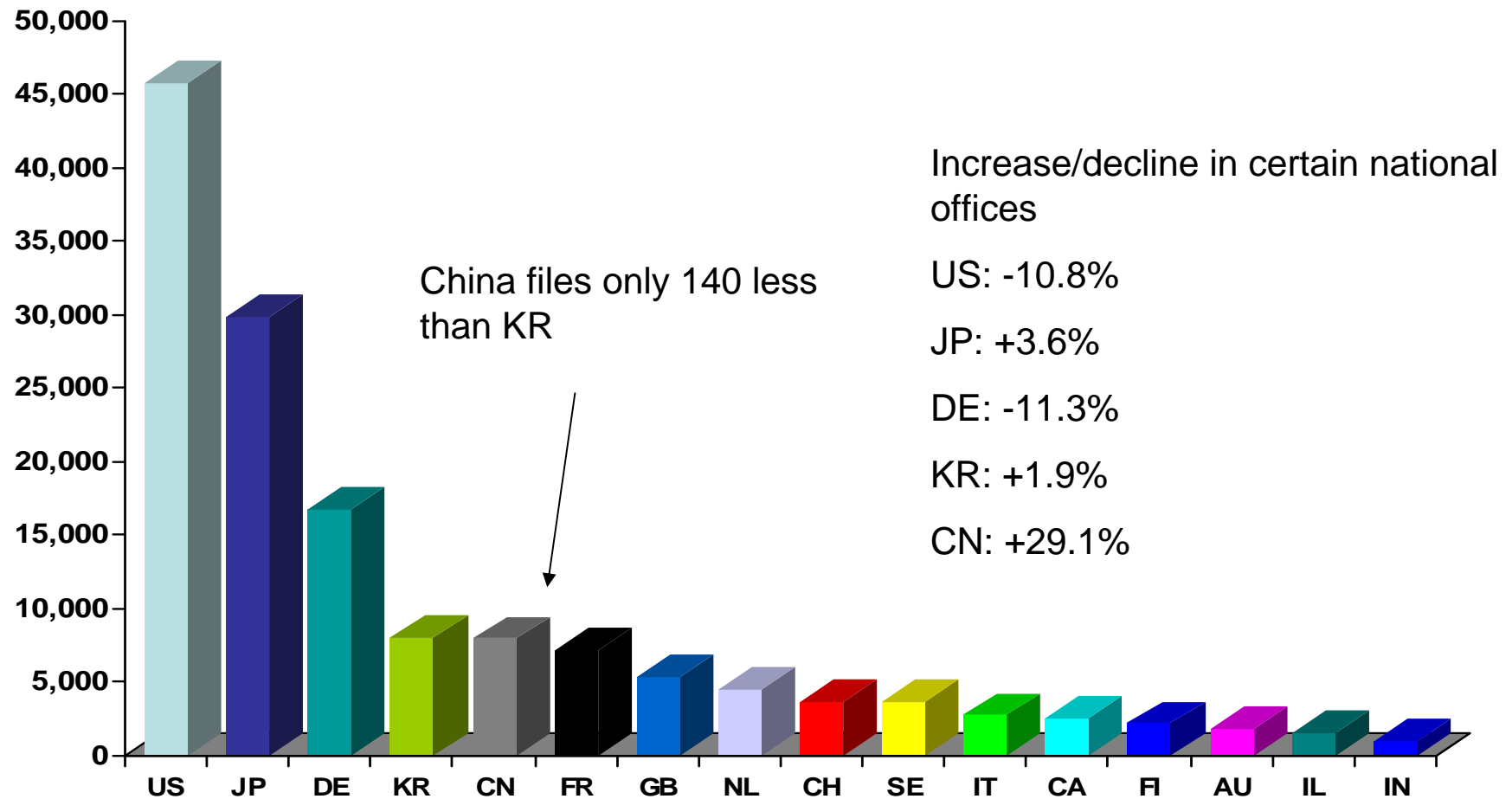
- Sign of modest recovery in the first half of 2010
http://www.wipo.int/pressroom/en/articles/2010/article_0029.html

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

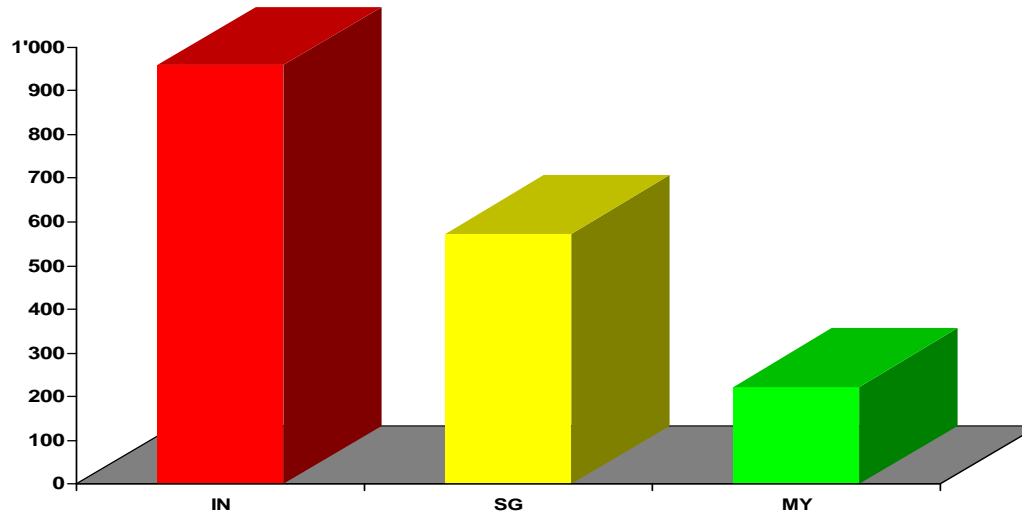
PCT Statistics



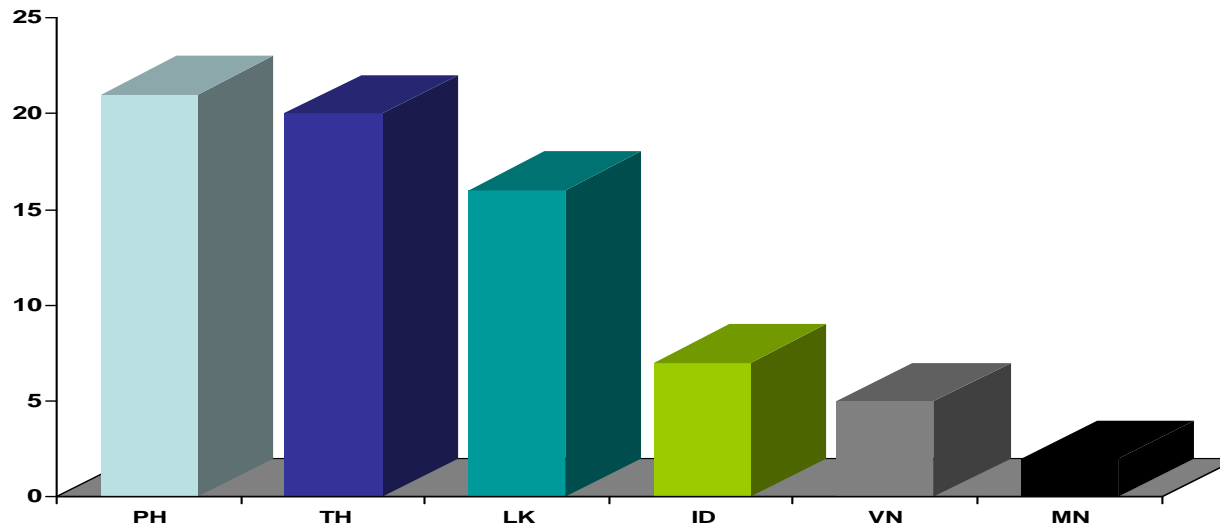
International Applications Received in 2009 by Country of Origin (1)



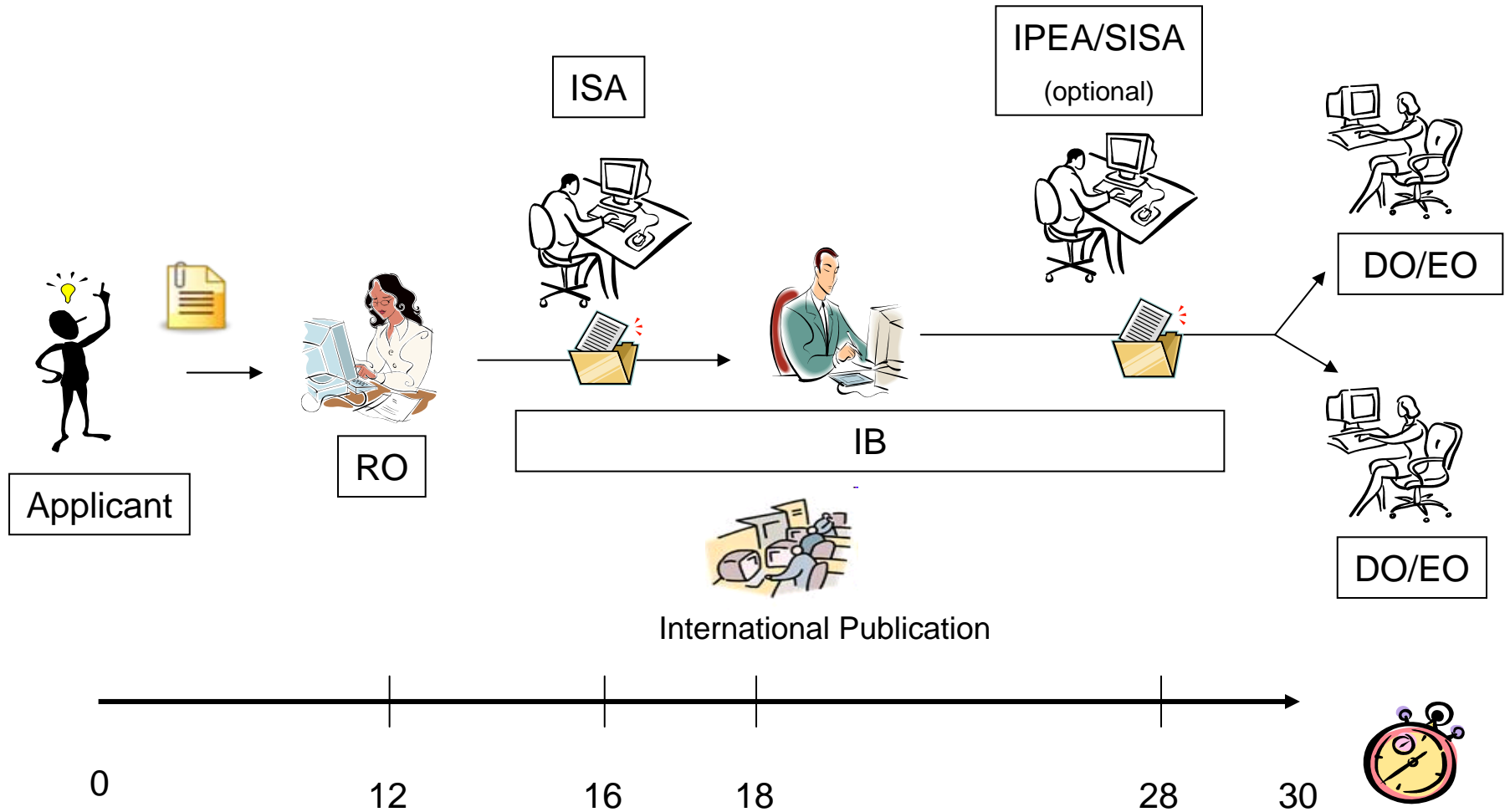
International Applications Received in 2009 by Country of Origin (2)



Asian Region

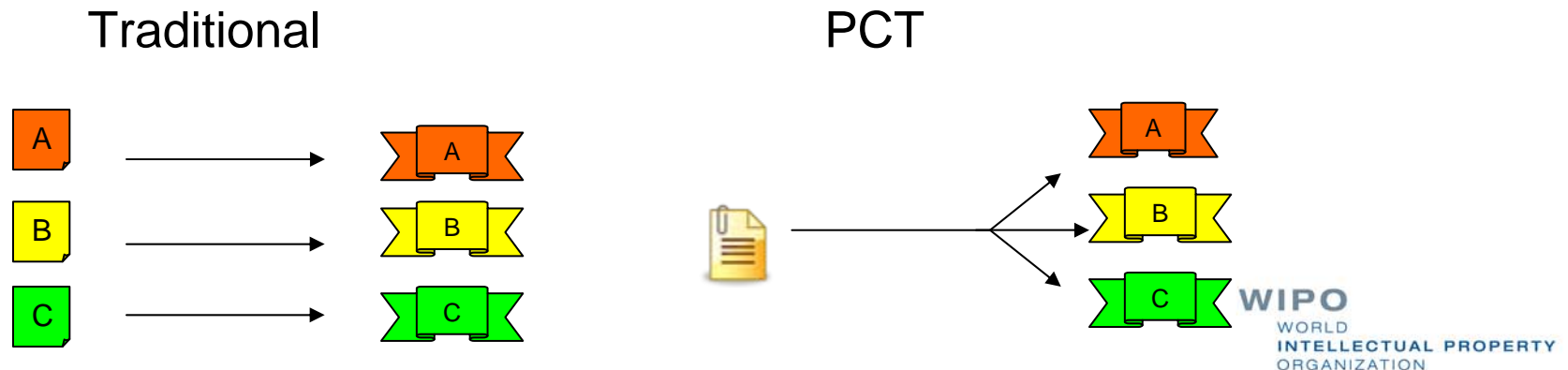


Overview of PCT (1)



Overview of PCT (2)

- Compact and centralized process
 - Only one application filed, containing, by default, the designation of all States
 - Filed in one language
 - Filed with one Office and one set of formality check
 - One international publication



Overview of PCT (3)

- Service products
 - International Search Report
 - Written Opinion of the ISA
 - International Preliminary Examination Report
 - Written Opinion of the IPEA
 - Supplementary International Search Report

- For applicants – patentability assessment
- For third parties – evaluation resources
- For Offices – work sharing



Overview of PCT (4)

- Deferring and avoiding costs on national procedures up until 30 months
- Better decision making, based on international reports (ISR, Written Opinion, IPER, SISR)



- Pace keeping function for both applicants and Offices/Authorities
Theoretically no backlog system



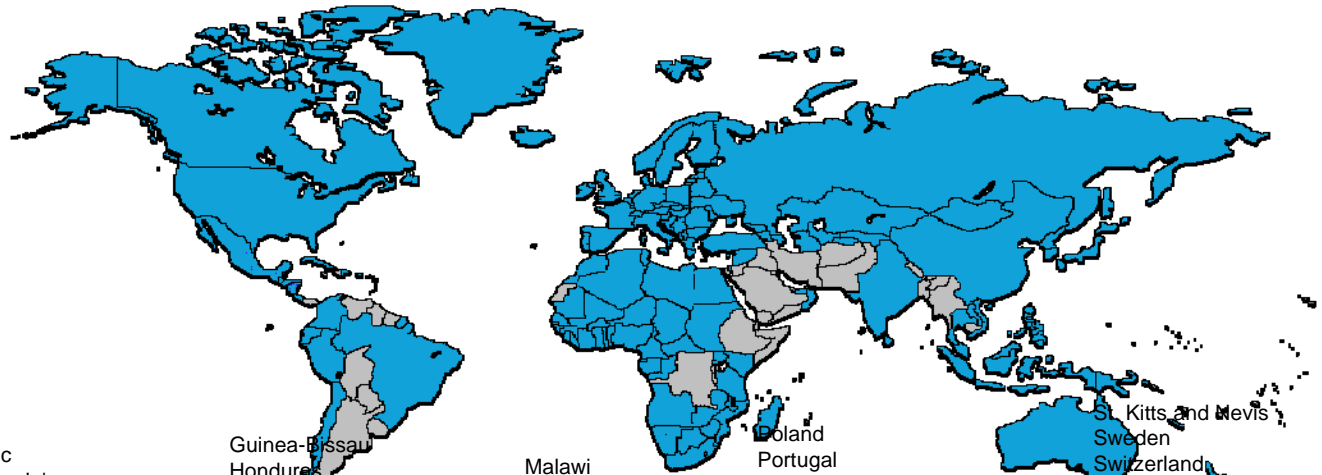
Overview of PCT (5)

- 142 PCT Member States
- Various national/regional Offices and International Authorities involved
- PCT system is supported by cooperation of all these various players

- Receiving Office
- International Searching Authority
- International Preliminary Examining Authority
- Designated/Elected Office
- International Bureau



142 PCT States



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
Chile
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
Peru
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
Serbia
Seychelles
Sierra Leone
Singapore
Slovakia
Slovenia
South Africa
Spain
Sri Lanka
Sudan
Swaziland

St. Kitts and Nevis
Sweden
Switzerland
Syrian Arab Republic
Tajikistan
Thailand
The former Yugoslav
Republic of Macedonia
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
Zambia
Zimbabwe

Overview of PCT (6)

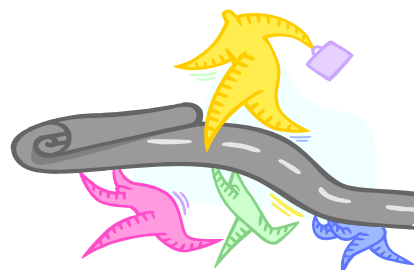
- Freedom of State on its national substantive patentability
 - The PCT system is a patent “filing” system, not a patent “granting” system. There is no “PCT patent” or “global patent”
- The decision on granting patents is made exclusively by national or regional Offices in the national phase



Merits for developing countries

- Utilize common resources
 - Workflow, Form, Tool (PCT-SAFE, etc.)
 - Unnecessary to develop on its own
- Utilize international preliminary reports on patentability
 - Enable well informed decision with limited capacities

- Various support from IB
 - Training & seminars
 - Technical assistance
 - Legal advice



Review of recent development (1)

- The PCT Reform (2000-2007)
- Simplification and improvements in efficiency
 - The period for entering the national phase under Chapter I was extended to 30 months
 - Written opinion of ISA was introduced into Chapter I
 - All-inclusive designation system



Review of recent development (2)

- Applicant safeguards
 - Reinstate the rights of applicants who had missed the time limit for national phase entry
 - Incorporation of missing elements and parts of the international application
 - Restoration of the right of priority
 - Rectification of obvious mistakes

- Supplementary international search

- Fee reductions to encourage the use of electronic filing

Roadmap

■ Background

- The PCT system does not effectively function as expected, e.g., quality, timeliness

■ Roadmap

- Improve the functioning of PCT system
 - Deliver results which meet the needs of applicants, Offices, third parties in all Contracting States
 - Without limiting freedom of Contracting States on substantive patent law matters

Recommendations (1)

- PCT/WG/3 (Jun. 2010) ,PCT/A/41(Sep. 2010) unanimously agreed a set of recommendations
- Recommended actions by ISA, RO, DO/EO, national Office, Contracting States, IB – all players are involved
- Accessibility from developing countries is recognized as one of main themes



Recommendations (2)



■ Quality

- Further improve quality management systems of IA
- Develop quality metrics for measuring usefulness
- Not routinely search more than a “top-up” when an international application handled as International Authority enters its own national phase
- Explore collaborative search and examination
- Set up third party observations system
- Set up quality feedback system for Offices
- Record search strategies
- Improve explanations of relevance of cited documents

■ Timelines

- Improve timeliness of actions in international phase

Recommendations particularly relevant to developing countries (1)

- Feedback to improve ISR
- Improve access to effective search systems
- Assist Offices in digitizing national patent collections
- Deliver effective patent status information
- Review the level of fees for different types of applicant



Recommendations particularly relevant to developing countries (2)

- Improve training for Offices, better coordination
- Technical assistance based on needs and national policy
- Promotion of licensing
- Study of disseminating technical information and facilitating access to technology
- Terms of reference for the possible establishment of Technical Assistance Committee



Recommendations particularly relevant to developing countries (3)

- Construction of Infrastructure → Topic 3
 - Digitization
 - Network
 - Search tool

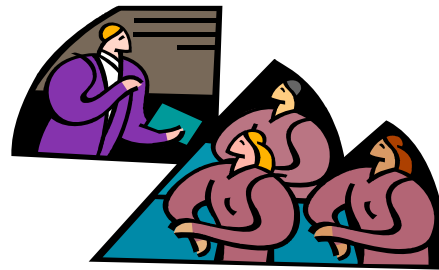
- Plan and prioritization within limited resources are needed



PCT International Cooperation Division (1)

■ Offices Services Section

- Cooperation with Member States in particular who belong to developing and least developed countries, with a focus on providing assistance (PCT training, seminars and expert missions, etc).
- Coordination of issues relating to International Authorities (ISA,IPEA)



PCT International Cooperation Division (2)

- Technical Cooperation Section

- Promotion and cooperation with Offices and International Authorities for the use of modern information technology

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Thank you!