

## **THE NATIONAL EXPERIENCE AND FUTURE PLANS FOR THE USE OF THE PCT SYSTEM IN SRILANKA**

### **PCT in Sri Lanka**

The Intellectual Property system in Sri Lanka is presently governed by the provisions of the Intellectual Property Act No.36 of 2003. It makes provisions in respect of Copyright and Related Rights, Patents, Marks, Industrial Designs, Unfair competition, Undisclosed Information, Geographical Indications and Layout Designs of Integrated Circuits and their management and enforcement. The National Intellectual Property Office of Sri Lanka is mandated with the administration of the IP system including the PCT activities in Sri Lanka.

Sri Lanka has been a member of the PCT system from February 26, 1982. However, Intellectual Property Office does not serve at present as a receiving Office for the purposes of PCT applications. The International Bureau of WIPO acts for Sri Lanka as the receiving office.

### **PCT Applications**

Being a contracting party to the Patent Cooperation Treaty, Sri Lanka is designated in PCT applications. The number of PCT applications made in Sri Lanka are low. The patent applications made in Sri Lanka are also generally low. Some of the statistics relating to the receipt of Patent applications are as follows:

Year	Applications			
	Resident	Non Resident		Total
		PCT	Non PCT	
2006	153	247	23	423
2007	151	259	20	430
2008	209	229	12	450
2009	193	182	09	384
2010	225	221	14	460
2011	196	231	08	435

Sri Lanken contribution to the PCT	
Year	Number of applications
2006	3
2007	7
2008	10
2009	16
2010	10
2011	6

Like in all other designated/elected offices the applicant must perform certain acts in order to effect 'entry in to the national phase'. It is necessary that the applicant pays the national fee. The fee is same as the fee required for filing of a national application. Moreover, the priority of an earlier application can be claimed.

Certain additional requirements such as the appointment of an agent in Sri Lanka need to be fulfilled. Where the application is not in English, an English translation is required. The IP Office follows the 30 months time limit from the priority date.

Once the application fulfills the required formalities and if the application accompanies an international search report, the patent is granted without further examination and publication. Once granted, any interested party may challenge the grant and seek the nullity of the patent.

If the applicant requests to amend the document in national phase he/she should pay the amendment fee with local search fee. Once the local search is carried out and if the results are positive, the application is published. If there is no objection to the proposed grant filed with the court within 3 months, the patent is granted.

### **Future Plans**

Recognizing the importance of the use of PCT system, we are interested in carrying out awareness programs on the PCT system, especially among universities, R&D institutions and private sector. It is also planned to enhance awareness programs on innovations and patenting of inventions for the benefit of various government agencies, universities and enterprises. The information system of the IP Office will also be strengthened to share the PCT related information more productively. Once we achieve the aim of increasing the number of the national PCT applications reasonably, we shall undertake to serve as a receiving office. The on-going automation project will enable us to deliver services more efficiently.