

## **Meeting of International Authorities under the Patent Cooperation Treaty (PCT)**

**Nineteenth Session  
Canberra, February 8 to 10, 2012**

### **PCT-PPH INFORMATION UPDATE**

*Report by the European Patent Office*

#### **I. INTRODUCTION**

1. The present document provides an update regarding the Patent Prosecution Highway (PPH) programme based on PCT work products. It is, furthermore, intended as a basis for a future exchange of views among International Authorities with regard to the enhancement of the use of PCT work products within the framework of the PPH and, ultimately, the reinforcement of the PCT as a utilisation scheme.

#### **II. THE PCT-PPH PROGRAMME**

2. The use of PCT work for PPH utilisation purposes goes back to an initiative of the EPO within the framework of the Trilateral Cooperation. The objective was to rectify an imbalance of the PPH scheme which at that time excluded reuse of PCT work products. The so-called Trilateral PCT-PPH pilot programme was launched on 29 January 2010 for a trial period of two years. However, against the background of its increasing use the three Offices have recently agreed to extend the trial period for an additional two years.

3. The launch and in particular the continuation of the Trilateral PCT-PPH pilot programme builds upon the longstanding commitment of the Trilateral partners to strengthen the PCT and promote its use as the primary work-sharing platform to be further developed in order to reach its full potential. The initiative was also considered as an important element in the continuing efforts of the Trilateral Offices to explore and implement various initiatives and measures to advance the WIPO PCT Roadmap by *inter alia* reinforcing the use of PCT work and, consequently, the utilisation potential inherent in the PCT.

4. From the EPO perspective, the significance of the PCT-PPH results from the coordinated approach as to the reuse of the PCT work products within such an arrangement, which can also create further synergies and in particular convey a strong message as to the quality and reliability of PCT work.

5. Under the PCT-PPH programme, a PPH request can be based on the latest PCT work product (WO-ISA, IPER) established by one of the participating Offices acting as ISA or IPEA, where this work product determines claims to be patentable/allowable. The PCT application may have been filed with any receiving Office and may claim priority from an earlier application filed with any member of the Paris Convention or the WTO.

6. Provided that the applicable participation requirements are fulfilled, the applicant may request accelerated processing of his PCT application under the PPH when the application enters the national phase before a respective designated Office.

7. The following figures illustrate the use of the PCT-PPH scheme among the Trilateral Offices since the launch of the respective activity in January 2010:

	Overall PPH usage	PPH requests based on national work products	PPH requests based on PCT work products
EPO	857	646	209
JPO	2122	1477	645
USPTO	7702	5675	2027
TOTAL	10681	7798	2881

8. These figures indicate that requests for participation in the PCT-PPH programme account for nearly one-third of the total number of PPH requests filed with the Trilateral Offices. Clearly the number of the PCT-PPH use *per se* is not significant. This figure becomes, however, relevant if regarded in relation to the PPH total and particularly in consideration of the relatively short time frame since the launch of the PCT-PPH programme.

### III. OUTLOOK

9. At the recent meeting of the Offices of the Plurilateral Patent Prosecution Highway (PLPPH) hosted by the EPO in October 2011 participating Offices agreed to undertake the development of a uniform PPH scheme. In principle, it is intended to streamline the multitude of co-existing bilateral PPH arrangements into a comprehensive PPH framework including the utilisation of PCT for PPH purposes. An initial blueprint will be drafted by the EPO and elaborated with interested Offices in the course of 2012.

10. *The Meeting is invited to note the above report.*

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