

Patent Cooperation Treaty (PCT) Working Group

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INFORMATION CONCERNING NATIONAL PHASE ENTRY

Document prepared by the International Bureau

SUMMARY

1. Since July 1, 2017, designated Offices¹ have been required under Rule 95.1 to notify the International Bureau of information concerning international applications which enter the national phase at their Office. The International Bureau has developed systems for collecting and distributing this information. While the supply of information has improved since the requirement entered into force, further work needs to be done to improve the breadth and quality of the data and the timeliness of its transmission.

BACKGROUND

2. Following a proposal in PCT Working Group document PCT/WG/8/8, the forty-seventh session of the PCT Assembly adopted an amendment to Rule 95.1 with effect from July 1, 2017, requiring designated Offices to provide timely information concerning international applications which had entered the national phase, together with information concerning subsequent national publications and grants (see document PCT/A/47/4 Rev. and paragraphs 18 to 20 of document PCT/A/47/9). The aim of this proposal was to improve access to patent information in terms of where protection is and is *not* being sought.

¹ In this document, references to designated Offices refer equally to elected Offices; references to national Offices and the national phase refer equally to regional Offices and the regional phase.

3. At the time of writing document PCT/WG/8/8 in 2015, data from 50 national and regional Offices in their role as designated Offices had been provided to the International Bureau concerning national phase entry. However, only 16 national Offices in their role as a designated Office had continued to supply data sufficiently regularly so that the information provided was within one year of being up to date.

IMPLEMENTATION UPDATE

4. To prepare for the entry into force of the requirement for Offices to provide national phase entry data, the International Bureau made updates to its system for receiving the data. At present, the International Bureau provides specifications² for reporting national phase status information in CSV and XML formats, to be transmitted by the PCT Electronic Data Interchange (PCT-EDI) system.

5. In addition, ePCT provides an action for designated Offices to report national phase entries. This is designed primarily for allowing designated Offices to have access to the files of international applications which have entered the national phase prior to publication, but it is also used for reporting all the required status information by some Offices which do not wish to implement a more automated solution using PCT-EDI.

6. Currently, the International Bureau collection of national phase entry data holds entries for 63 designated Offices, 13 more than in 2015. This data has been supplied by 41 Offices, two of which have been using the ePCT user interface. Notably, 32 Offices (16 more than in 2015) are supplying data more regularly. The maximum number of Offices that could supply national phase entry data, assuming all Offices were to receive national phase entries, is 124 Offices for the 152 Contracting States (allowing for States where the national route is closed and regional systems).

7. To assist Offices that use the WIPO Industrial Property Administration System (IPAS) for national patent administration, the International Bureau has updated the WIPO Publish software application³ to include an automatic process for providing national phase entry data. A number of designated Offices are installing and configuring this functionality. It is expected that national phase data will start to be received by this route shortly.

8. Furthermore, the International Bureau has made updates to the delivery and visibility of national phase entry data through enhancements to the PATENTSCOPE website where, under the "Browse" menu item, national phase entry data sets may be downloaded in CSV format. Further improvements are intended in the near future to permit the download of incremental (rather than complete) datasets.

9. There have been a number of inhibitors that have delayed the start of transmissions or the effective import of data from some Member States, most notably, issues related to data quality due to the condition of some back file collections. The International Bureau has correspondingly implemented additional automatic data quality controls, which aim to ensure that the national phase entry data for a particular application fits into a reasonable time window for the entry of the application, and that the national number sequencing for applications also corresponds to the national phase entry data as might be expected.

² Available from the WIPO website at:

http://www.wipo.int/export/sites/www/patentSCOPE/en/data/pdf/20170421_npe_v4_1.pdf.

³ The WIPO Publish Software forms part of the WIPO Industrial Property Administration System (IPAS) Office Suite, but may be installed and connected to any existing IP administration system at an IP Office. For further information on the WIPO Publish Software, see paragraphs 11 to 15 of document WIPO/IP/ITAI/GE/18/4 for the Meeting of Intellectual Property Offices (IPOs) on ICT Strategies and Artificial Intelligence (AI) for IP Administration, which will take place in Geneva from May 23 to 25, 2018.

NEXT STEPS

10. The International Bureau recommends that designated Offices check the availability of the data supplied by or for their Office using the "Browse" menu item in PATENTSCOPE. Depending on the data available, Offices should then take one or more of the following actions:

- (a) review the current availability within their Office of back file information from their own databases and compare it with the data available in PATENTSCOPE; in the case where there is a good quality dataset available that is not available in PATENTSCOPE, extract this set and transmit that information set, preferably in the required format, to the International Bureau in a one-off transmission - the International Bureau will assist Offices in reformatting data as needed;
- (b) review the possibility of implementing a simple procedure using ePCT or a local system to record and transmit the required national phase entry data front file information in either of the prescribed formats (CSV or XML) on a regular basis (preferably at least monthly) - in the case of Offices implementing IPAS for managing national patents, a temporary implementation of data transmission may be necessary where the IPAS implementation cannot deliver national phase entry data by the end of 2018; and
- (c) in the case where the Office has implemented a national online database of applications and no link to applications in this database is available in PATENTSCOPE, provide the International Bureau with a technical rule for calculating the link to the applications in that database based on the national application number.

11. For designated Offices that have received no national phase entries either recently, for example in 2018, or over a longer period, the International Bureau recommends that the designated Office contact the International Bureau to confirm that there have been no national phase entries for a particular period.

12. The International Bureau is ready, as necessary, to assist any Office in the implementation or improvement of transmissions.

13. The Working Group is invited to note the developments in PCT national phase entry information set out in this document.

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