

## **Patent Cooperation Treaty (PCT) Working Group**

**Eleventh Session  
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### **PCT COLLABORATIVE SEARCH AND EXAMINATION PILOT: PROGRESS REPORT**

*Document prepared by the European Patent Office*

#### **SUMMARY**

1. This document reports on the work of the PCT Collaborative Search and Examination Pilot Group (“CS&E Pilot Group”) in charge of developing and monitoring the third pilot project on collaborative search and examination under the PCT (“CS&E”).

#### **BACKGROUND**

2. At its third session in June 2010, the PCT Working Group endorsed a series of recommendations to improve the functioning of the PCT as listed in document PCT/WG/4/3. The recommendation under paragraph 165(b) mentions trials of arrangements whereby examiners in International Authorities with complementary skills work together to establish a report.

3. With this aim, the Korean Intellectual Property Office (KIPO), the United States Patent and Trademark Office (USPTO) and the European Patent Office (EPO) launched two pilot projects on collaborative search and examination under the PCT (CS&E) in 2010 and 2012. Both pilots concluded with an overall very positive outcome in terms of quality and efficiency for both the participating Offices and users whose applications were treated under the collaborative scheme (see documents PCT/MIA/18/7, PCT/MIA/20/4 and PCT/MIA/24/3).

## FRAMEWORK

4. On June 2, 2016, the IP5 Heads endorsed the “IP5 Cooperation Framework on Collaborative Search and Examination under the PCT”, which is a document setting the underlying principles and main features of the third pilot. The Collaborative Search and Examination Pilot Group (“CS&E Pilot Group”) established on the basis of that document is in charge of developing and monitoring this project.
5. The main features of this third pilot project are in particular:
  - an applicant-driven approach: the applications which will be processed during the third pilot will be selected by the applicants;
  - a balanced workload distribution under which all collaborating International Authorities will contribute to the establishment of each CS&E work product: each Office will process approximately 100 international applications in their role as “main ISA” and approximately 400 international applications in their role as “peer ISA” over two years;
  - a common set of quality and operational standards will be applied by all collaborating International Authorities when processing PCT applications;
  - the use of a “collaborative tool”, i.e. an IT infrastructure allowing exchanges among Offices in a secure environment and automated data collection; and
  - at some point in time during the pilot, applications filed in a language other than English will also be accepted by the collaborating International Authorities which so desire.
6. The CS&E Pilot Group, constituted of representatives of the IP5 Offices and the International Bureau, has been entrusted in particular with the following tasks:
  - further specifying the collaboration framework established by the IP5 Cooperation Framework on CS&E;
  - monitoring the pilot, evaluating the results and reporting back to the IP5 and PCT meetings;
  - preparing a final assessment concerning the proof of concept; and
  - coordinating the communication on the pilot.

## STATE OF PLAY

7. This pilot project is divided in two phases: a preparatory phase and an operational phase. It is intended to run for up to five years to enable a fair assessment of the effect of the collaboration in the subsequent national/regional phase. The preparatory phase started on June 2, 2016, the day of endorsement of the IP5 Cooperation Framework on CS&E by the IP5 Heads. This preparatory phase, dedicated to the administrative and practical preparations required for a smooth functioning of the pilot, is coming to its end. Indeed, at the sixth session of the CS&E Pilot Group held in Madrid on February 26 and 27, 2018, the decision was taken that the launch date of the operational phase should be set on July 1, 2018. The operational phase is expected to last until June 1, 2021 and will be dedicated to the processing of applications under the collaborative scheme, the monitoring of applications for evaluation purposes and the assessment of the outcome of the pilot.

8. As from July 1, 2018, applicants wishing to participate in the CS&E pilot project with an international application filed in English may file a request for participation in the pilot. Any request for participation in the pilot must be submitted on a standard participation form and filed in electronic form together with the international application at the receiving Office of one of the IP5 Offices or the International Bureau of the World Intellectual Property Organization (WIPO). The participation form will be available in all official languages of the IP5 Offices on the WIPO website at <http://www.wipo.int/pct/en/filing/cse.html>. Applicants participating in this pilot will only pay the standard fee for a PCT Chapter I search at the competent International Searching Authority under Rule 35 (hereinafter “the main International Searching Authority”).

9. Final international search reports and written opinions established by the main International Searching Authority within the CS&E framework will be made available to the public on PATENTSCOPE like any other international search reports and written opinions. Additionally, peer contributions prepared by the peer International Searching Authorities will be made available as separate documents on PATENTSCOPE. The final CS&E work products referred to above will be identified as such either by a direct indication in Box V of Form PCT/ISA/237 or at the top of a supplemental sheet referenced in the said box.

10. With a view to informing the users in a timely and consistent manner, the IP5 Offices intend to publish on their websites by around June 1, 2018, a similar notice presenting the CS&E pilot project and detailing the requirements for applicants’ participation in the pilot with international applications filed in English. During the first six months from the launch of the operational phase, all IP5 Offices will only accept into the pilot international applications filed in English. As of the seventh month from the launch of the operational phase, each IP5 Office in its capacity as main International Searching Authority may also accept international applications filed in a language other than English. Each main International Searching Authority which will accept international applications filed in a language other than English will inform the users accordingly by a second notice published at a later stage.

*11. The Working Group is invited to note the contents of the present document.*

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