



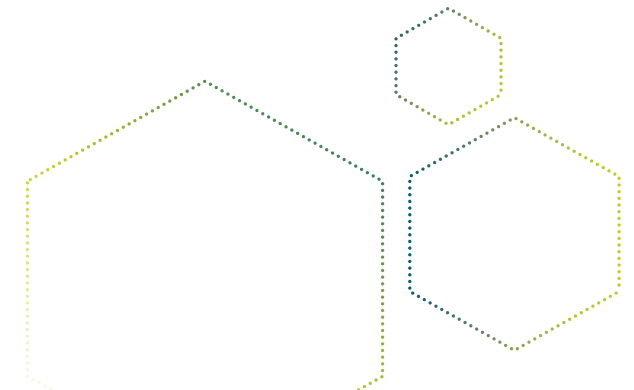
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The National Institute of Industrial Property's PPH agreements

inpi



PACTE ACT (2020)

A MAJOR ECONOMIC LAW – MANY CHANGES IN THE FIELD OF PATENTS

- **INTRODUCTION of the ground of inventive step for rejecting patent applications:** only novelty before the 22 May 2020
- **CREATION of a patent opposition procedure (post-grant):** similar to the EPO opposition procedure (from 1st of April 2020)
- **CREATION of a provisional patent application:** through a simple, affordable procedure, **applicants can secure an early filing date** and a **priority** (from 1st of July 2020)
- **EXTENSION of the protection period of the utility certificate:** from **6 to 10 years** with the possibility of **converting it into a patent application** (from 10th of January 2020)



Same requirements for substantive examination as other patent offices that had signed PPH agreements



BACKGROUND

MAIN REASONS FOR ENTERING INTO A PPH AGREEMENT (2020):

- **HELP applicants' economic expansion:** faster granting, better granting rate, fewer notifications
- **MUTUALIZE efforts:** use of the results of a previous procedure, improved examination quality, better management of the stock of applications under examination
- **IMPROVING INPI's international influence:** making the most of the PACTE act, joining the 54 offices that already had at least one PPH agreement, forging closer relations with our counterparts

Why not start with the Japan Patent Office?



EIGHT PPH AGREEMENTS (2021-2024)

- **NORMAL PPH with JPO**: in force since **1st of January 2021** (expanded to **Mottainai-PPH and PCT-PPH** since the **1st of July 2023**)
- **MOTTAINAI & PCT-PPH with USPTO**: in force since the **1st of December 2021**
- **MOTTAINAI & PCT-PPH with CIPO**: in force since the **1st of February 2022**
- **MOTTAINAI & PCT-PPH with INPI BRAZIL**: in force since the **1st May 2022**
- **MOTTAINAI & PCT-PPH with KIPO**: in force since the **1st of September 2022**
- **NORMAL PPH with CNIPA**: in force since the **1st of June 2023**
- **MOTTAINAI PPH with OMPIC**: in force since the **1st of November 2023**
- **MOTTAINAI & PCT-PPH with SAIP**: in force from the **30th of April 2024**



No fee and no limits in terms of number/IPC classes for PPH requests

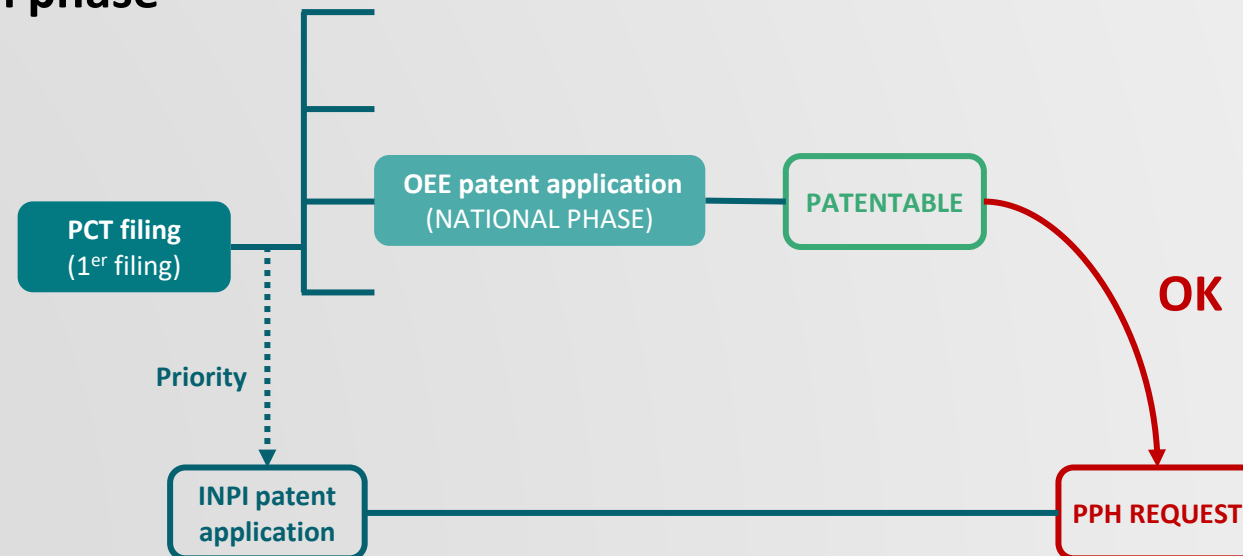


SOME OPERATIONAL IMPACTS

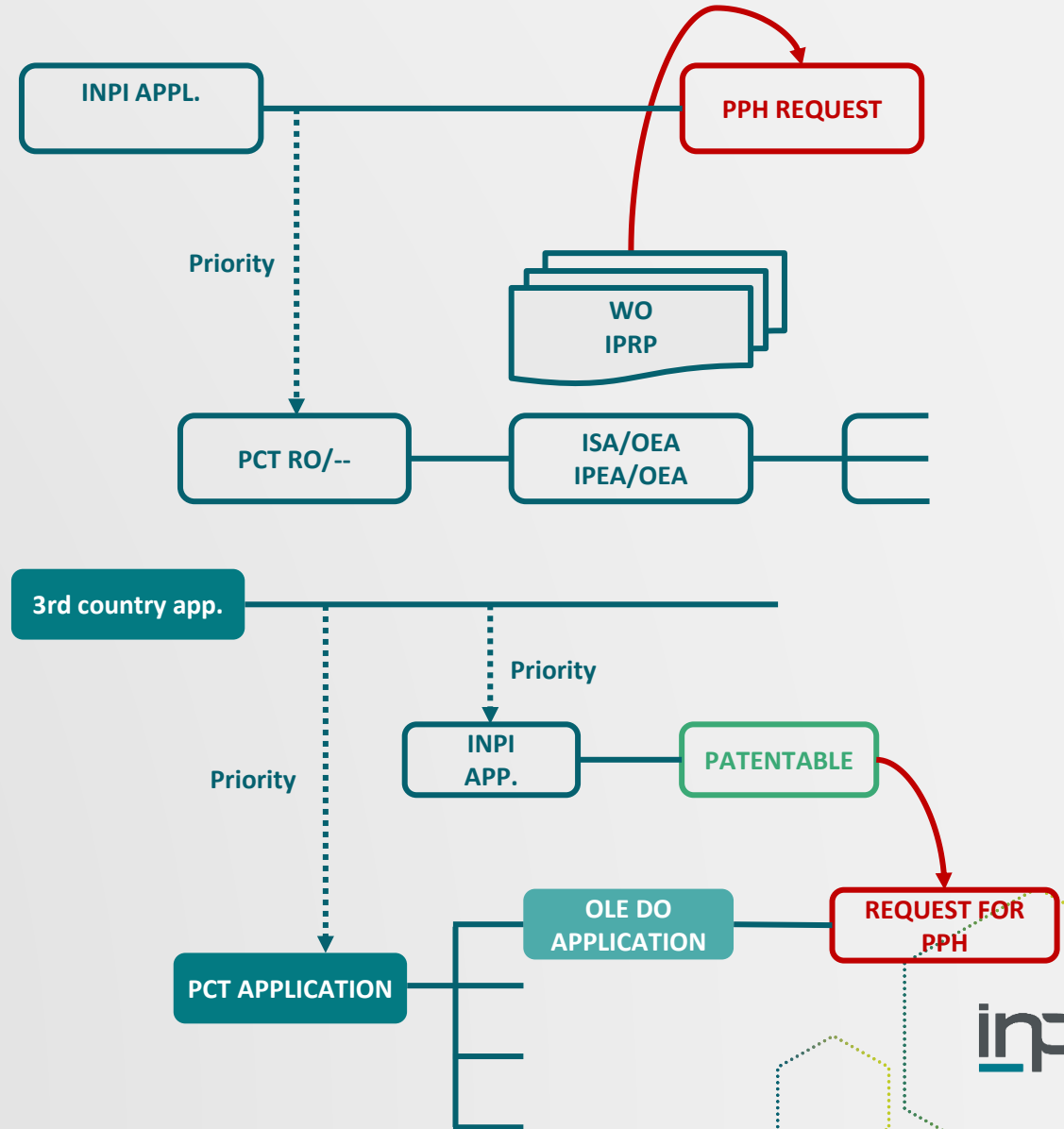
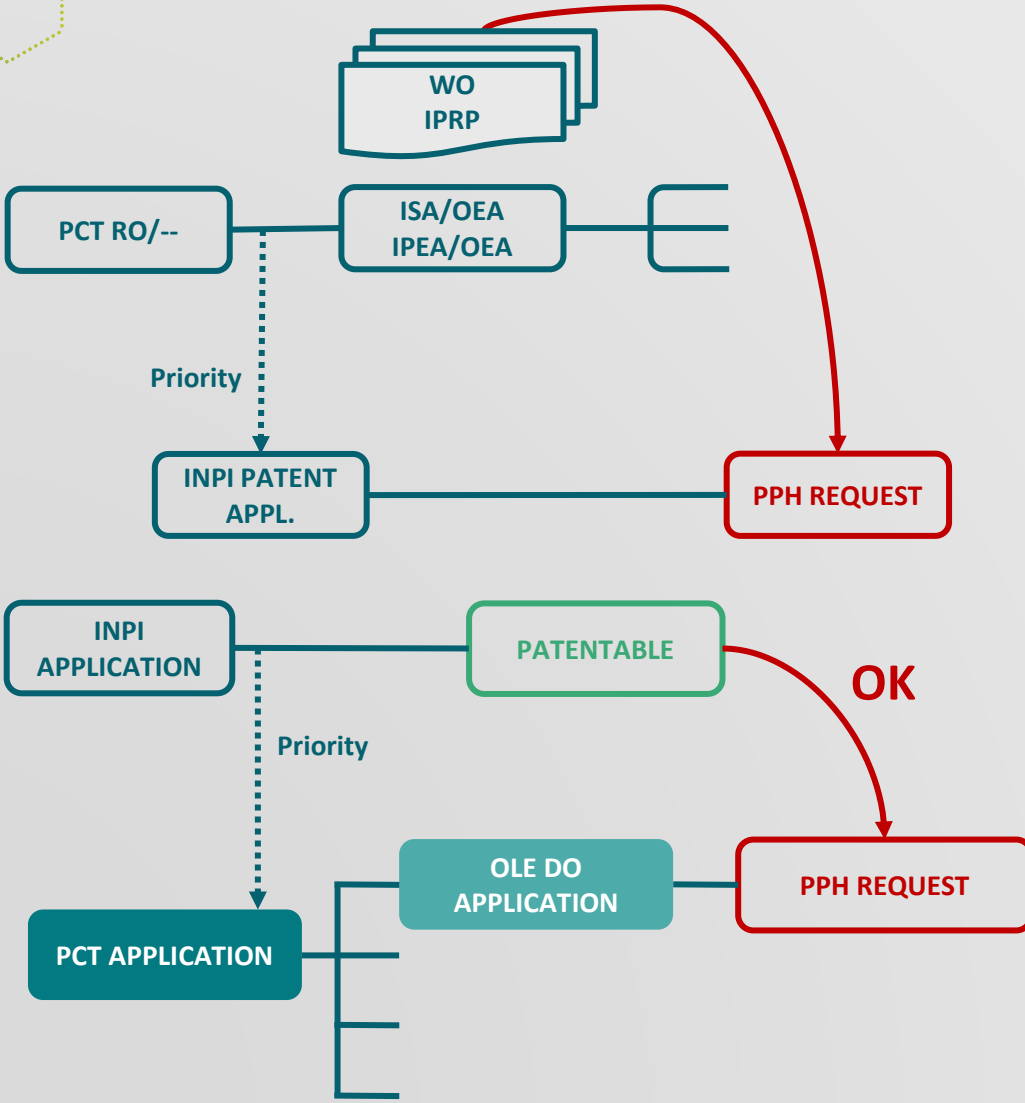
- **DRAFTING PPH guidelines:** in collaboration with our **PPH partner offices**
- **MODIFYING our IT tools:** to enable **PPH requests to be filed on our electronic patent filing portal** and internally to create **new PPH baskets** on our internal patent application management software for our examiners (so that they can easily see that the patent application under PPH request must be fast-tracked)
- **TRAINING OUR EXAMINERS and DRAFTING INTERNAL INSTRUCTIONS:** for our examiners to **process PPH requests autonomously**
- **COMMUNICATING with our applicants:** writing informative articles on our website, organizing training webinars

INTERACTIONS WITH PCT

- **INPI is not an International Searching and International Preliminary Examining Authority under the PCT:** INPI can nevertheless speed up the processing of national patent applications (which claim priority from a PCT application) by using **PCT work products** (WO-ISA, WO-IPEA or IPRP) notified to the applicant during the international phase of a PCT procedure.
- **France is a PCT contracting state for which only a regional patent (European patent) can be obtained via the PCT:** there is **no French PCT national phase**



INTERACTIONS WITH PCT





ASSESSMENT OF THE PPH

PPH REQUESTS that have been submitted to each patent office (from 1 January 2021 to 31 December 2023)

- **ABROAD: 62 PPH requests in total with INPI as OEE;** 27 at the USPTO, 19 at INPI Brazil, 7 at the KIPO, 4 at the CNIPA, 3 at the JPO, 2 at the CIPO
- **AT INPI: 11 requests in total, invoking the following agreements:** 6 for JPO, 4 for USPTO, 1 for CNIPA

Satisfactory, but we are going to try to improve these figures still further (webinars, communication...)



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Thank you for your attention!

Jonathan Witt – jwitt@inpi.fr



www.inpi.fr



INPI Direct

+33 (0)1 56 65 89 98



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