

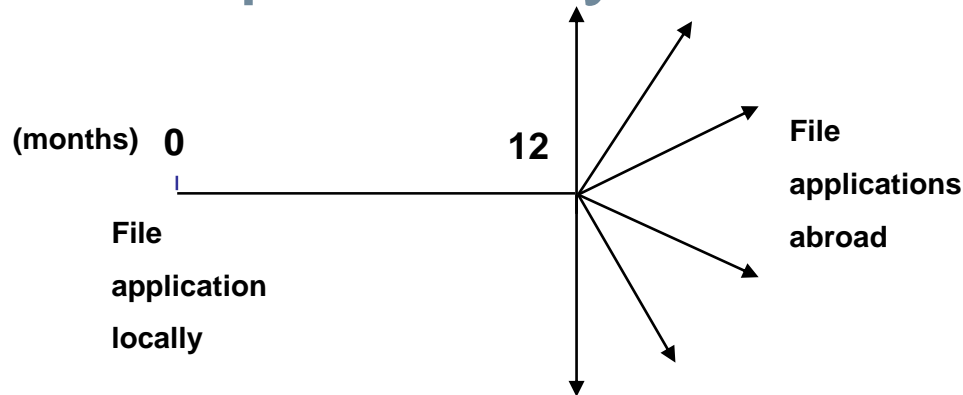


■ Seminar on the Patent Cooperation Treaty (PCT)



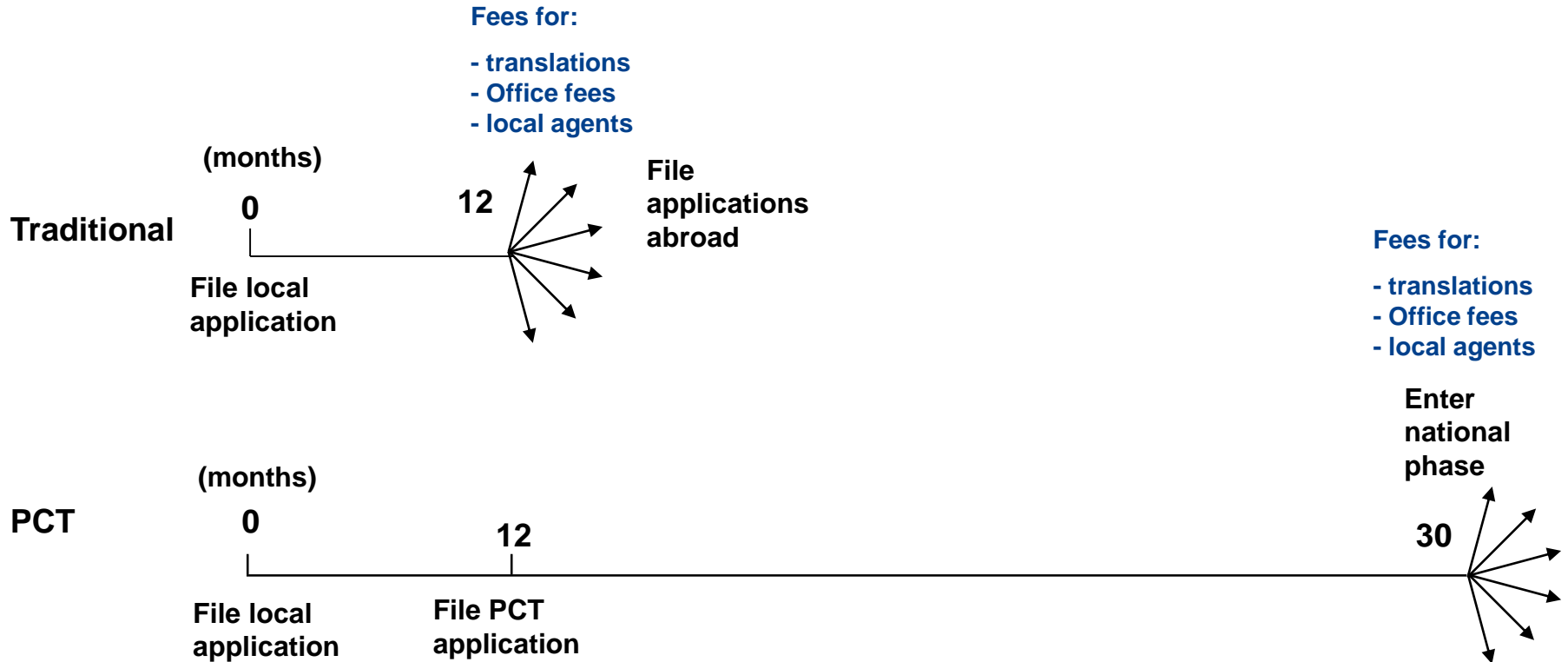
Introduction to the PCT System

Traditional patent systems



- Local patent application followed within 12 months by multiple foreign applications claiming priority under Paris Convention:
 - ❑ multiple formality requirements
 - ❑ multiple searches
 - ❑ multiple publications
 - ❑ multiple examinations and prosecutions of applications
 - ❑ translations and national fees required at 12 months
- Some rationalization because of regional arrangements:
ARIPO, EAPO, EPO, OAPI

Traditional patent system vs. PCT system



PCT system

Local patent application followed within 12 months by international application under the PCT, claiming Paris Convention priority, with “national phase” commencing at 30 months*:

- one set of formality requirements
- international search
- international publication
- international preliminary examination
- international application can be put in order before national phase
- translations and national fees required at 30 months,* and only if applicant wishes to proceed

* For exceptions, see www.wipo.int/pct/en/texts/reservations/res_incomp.html

General remarks on the PCT system (1)

- The PCT system is a patent “filing” system, not a patent “granting” system. There is no “PCT patent”
- The PCT system provides for
 - an international phase comprising:
 - filing of the international application
 - international search and written opinion of the ISA
 - international publication and
 - international preliminary examination
 - a national/regional phase before designated Offices
- The decision on granting patents is taken exclusively by national or regional Offices in the national phase

General remarks on the PCT system (2)

- Only inventions may be protected via the PCT by applying for patents, utility models and similar titles.
- Design and trademark protection cannot be obtained via the PCT. There are separate international conventions dealing with these types of industrial property protection (the Hague Agreement and the Madrid Agreement and Protocol, respectively).
- The PCT is administered by WIPO as are other international treaties in the field of industrial property, such as the Paris Convention.

PCT Contracting States (152)

States designated for regional protection and also, unless otherwise indicated, national protection

EA Eurasian Patent

AM Armenia
AZ Azerbaijan
BY Belarus
KG Kyrgyzstan
KZ Kazakhstan
RU Russian Federation
TJ Tajikistan
TM Turkmenistan

EP European Patent

AL Albania¹
AT Austria
* BE Belgium
BG Bulgaria
CH Switzerland
* CY Cyprus
CZ Czech Republic
DE Germany
DK Denmark
EE Estonia
ES Spain
FI Finland
* FR France
* GB United Kingdom
* GR Greece
HR Croatia¹
HU Hungary
* IE Ireland
IS Iceland
* IT Italy

LI Liechtenstein
* LT Lithuania
LU Luxembourg
* LV Latvia
* MC Monaco
MK The former Yugoslav
Republic of Macedonia¹
* MT Malta
* NL Netherlands
NO Norway
PL Poland
PT Portugal
RO Romania
RS Serbia¹
SE Sweden
* SI Slovenia
SK Slovakia
SM San Marino
TR Turkey

* Regional patent only

1 Extension agreement continues to apply to applications filed before 1 January 2008 (for HR), 1 January 2009 (for MK), 1 May 2010 (for AL) or 1 October 2010 (for RS)

PCT Contracting States (152) (continued)

States designated for regional protection and also, unless otherwise indicated, national protection

AP ARIPO Patent

BW	Botswana
GH	Ghana
GM	Gambia
KE	Kenya
LR	Liberia
LS	Lesotho
MW	Malawi
MZ	Mozambique
NA	Namibia
RW	Rwanda
SD	Sudan
SL	Sierra Leone
ST	Sao Tome and Principe
* SZ	Eswatini
TZ	United Republic of Tanzania
UG	Uganda
ZM	Zambia
ZW	Zimbabwe

OA OAPI Patent

* BF	Burkina Faso
* BJ	Benin
* CF	Central African Republic
* CG	Congo
* CI	Côte d'Ivoire
* CM	Cameroon
* GA	Gabon
* GN	Guinea
* GQ	Equatorial Guinea
* GW	Guinea-Bissau
* KM	Comoros
* ML	Mali
* MR	Mauritania
* NE	Niger
* SN	Senegal
* TD	Chad
* TG	Togo

* Regional patent only

PCT Contracting States (152) (continued)

States designated for national protection only except where otherwise indicated

AE	United Arab Emirates	ID	Indonesia	NI	Nicaragua
AG	Antigua and Barbuda	IL	Israel	NZ	New Zealand
AO	Angola	IN	India	OM	Oman
AU	Australia	IR	Islamic Republic of Iran	PA	Panama
* BA	Bosnia and Herzegovina	JO	Jordan	PE	Peru
BB	Barbados	JP	Japan	PG	Papua New Guinea
BH	Bahrain	** KH	Cambodia	PH	Philippines
BN	Brunei Darussalam	KM	Union of the Comoros	QA	Qatar
BR	Brazil	KN	Saint Kitts and Nevis	SA	Saudi Arabia
BZ	Belize	KP	Democratic People's Republic of Korea	SC	Seychelles
CA	Canada			SG	Singapore
CL	Chile	KR	Republic of Korea	ST	Sao Tome and Principe
CN	China	KW	Kuwait	SV	El Salvador
CO	Colombia	LA	Lao People's Democratic Republic	SY	Syrian Arab Republic
CR	Costa Rica			TH	Thailand
CU	Cuba	LC	Saint Lucia	** TN	Tunisia
DJ	Djibouti	LK	Sri Lanka	TT	Trinidad and Tobago
DM	Dominica	LY	Libya	UA	Ukraine
DO	Dominican Republic	** MA	Morocco	US	United States of America
DZ	Algeria	** MD	Republic of Moldova	UZ	Uzbekistan
EC	Ecuador	* ME	Montenegro	VC	Saint Vincent and the Grenadines
EG	Egypt	MG	Madagascar		
GD	Grenada	MN	Mongolia	VN	Viet Nam
GE	Georgia	MX	Mexico	ZA	South Africa
GT	Guatemala	MY	Malaysia		
HN	Honduras	NG	Nigeria		

Countries not yet PCT Contracting States (41)

Afghanistan

Andorra

Argentina

Bahamas

Bangladesh

Bhutan

Bolivia

Burundi

Cabo Verde

Democratic Republic of Congo

Eritrea

Ethiopia

Fiji

Guyana

Haiti

Iraq

Jamaica

Kiribati

Lebanon

Maldives

Marshall Islands

Mauritius

Micronesia

Myanmar

Nauru

Nepal

Pakistan

Palau

Paraguay

Samoa

Solomon Islands

Somalia

South Sudan

Suriname

Timor-Leste

Tonga

Tuvalu

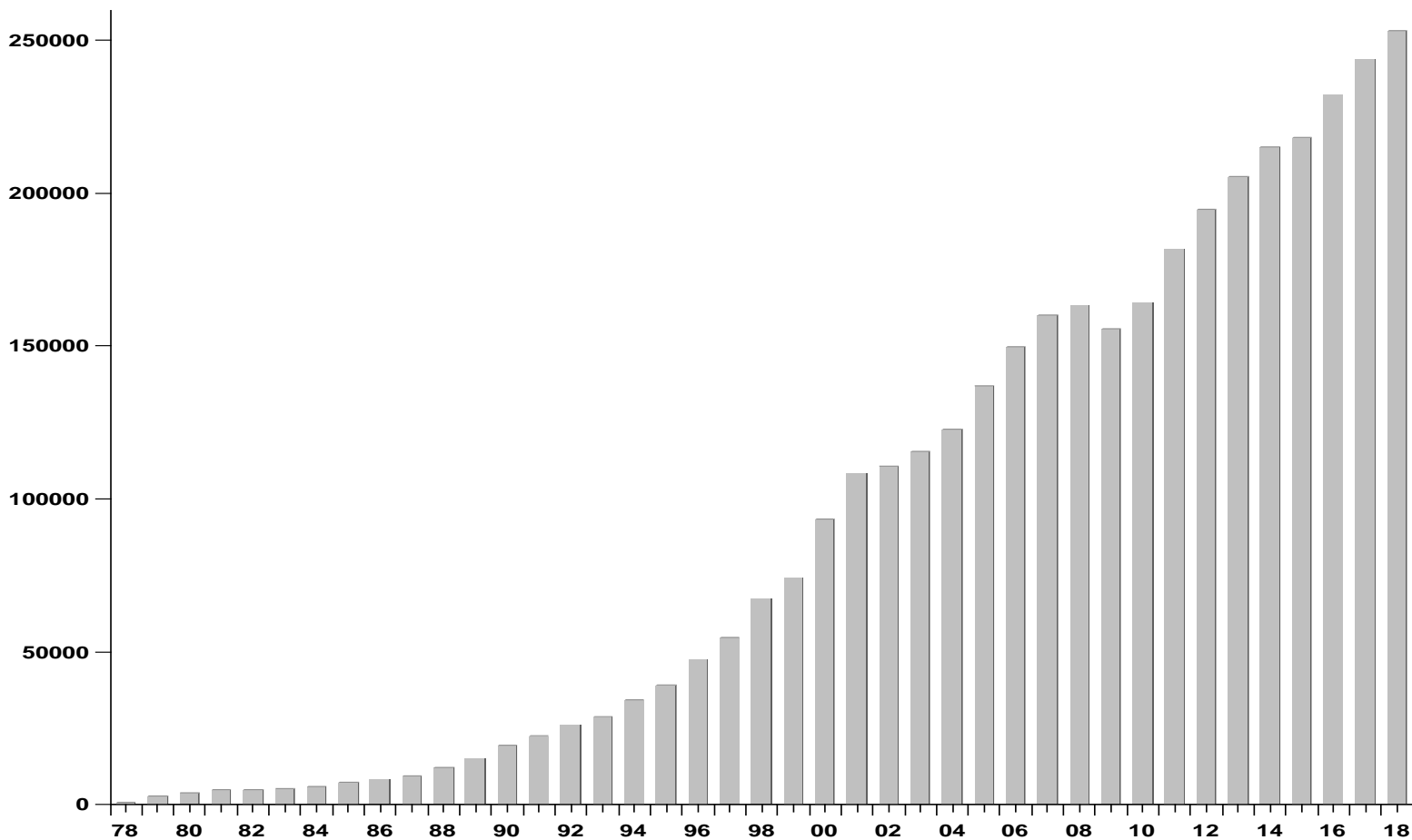
Uruguay

Vanuatu

Venezuela

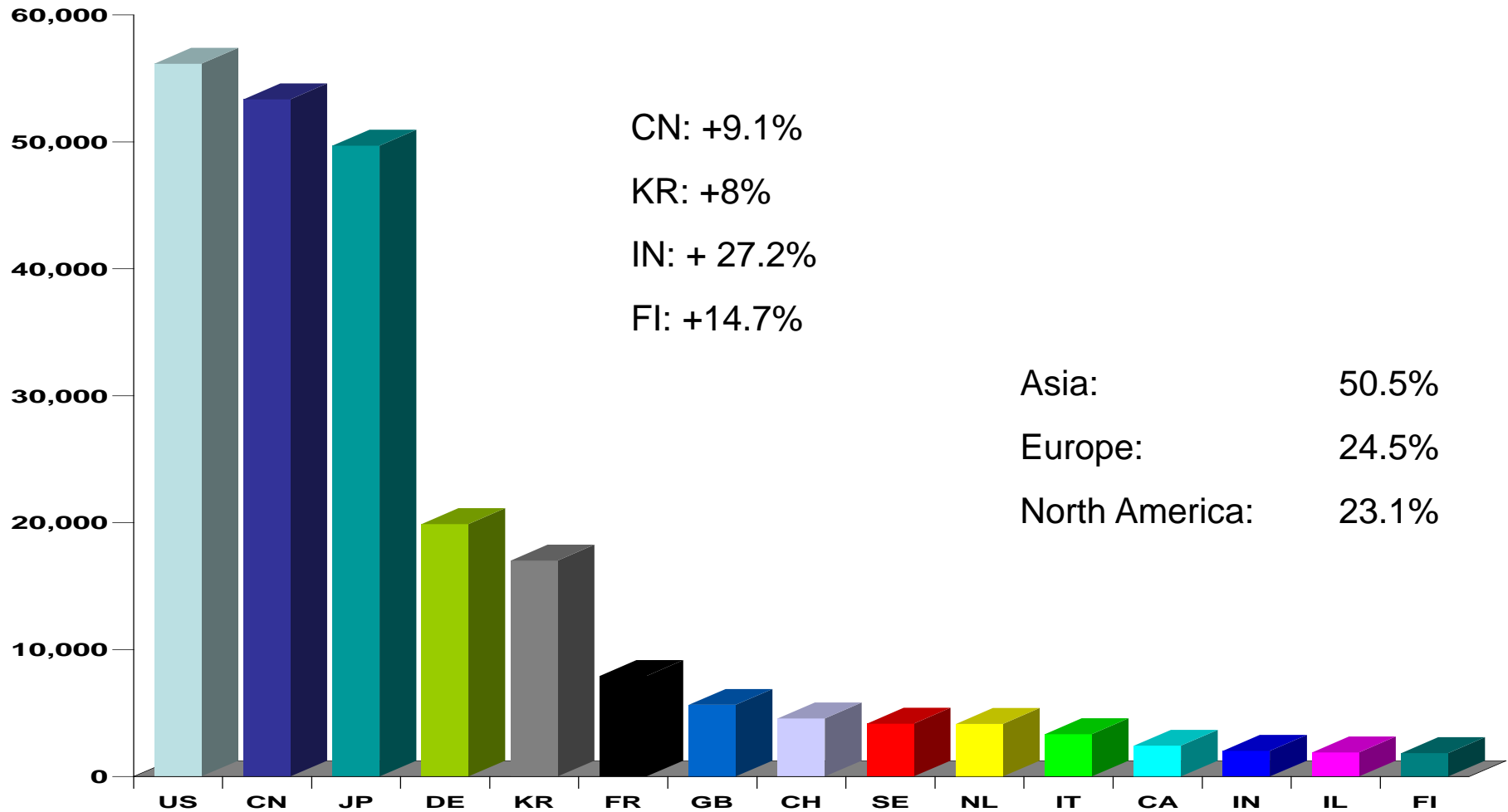
Yemen

Tremendous growth in PCT applications since 1978



2018: +3.9%

International applications received in 2018 by country of origin



- 22.1% originating in US, 21% in China, 19.6% in Japan
- 62.7% from the top 3 countries, 77.5% from top 5 countries, 92.4% of filings from top 15 countries

Top PCT Applicants in 2018

1. Huawei Technologies—CN (5,405)
2. Mitsubishi Electric—JP (2,812)
3. Intel—US (2,499)
4. Qualcomm—US (2,404)
5. ZTE—CN (2,080)
6. Samsung—KR (1,997)
7. BOE Technology Group—CN (1,813)
8. LG Electronics—KR (1,697)
9. Ericsson—SE (1,645)
10. Bosch—DE (1,524)
11. Microsoft—US (1,476)
12. Panasonic—JP (1,465)
13. Sony—JP (1,342)
14. Siemens—DE (1,211)
15. Hewlett-Packard—US (1,170)

*() of published
PCT applications*

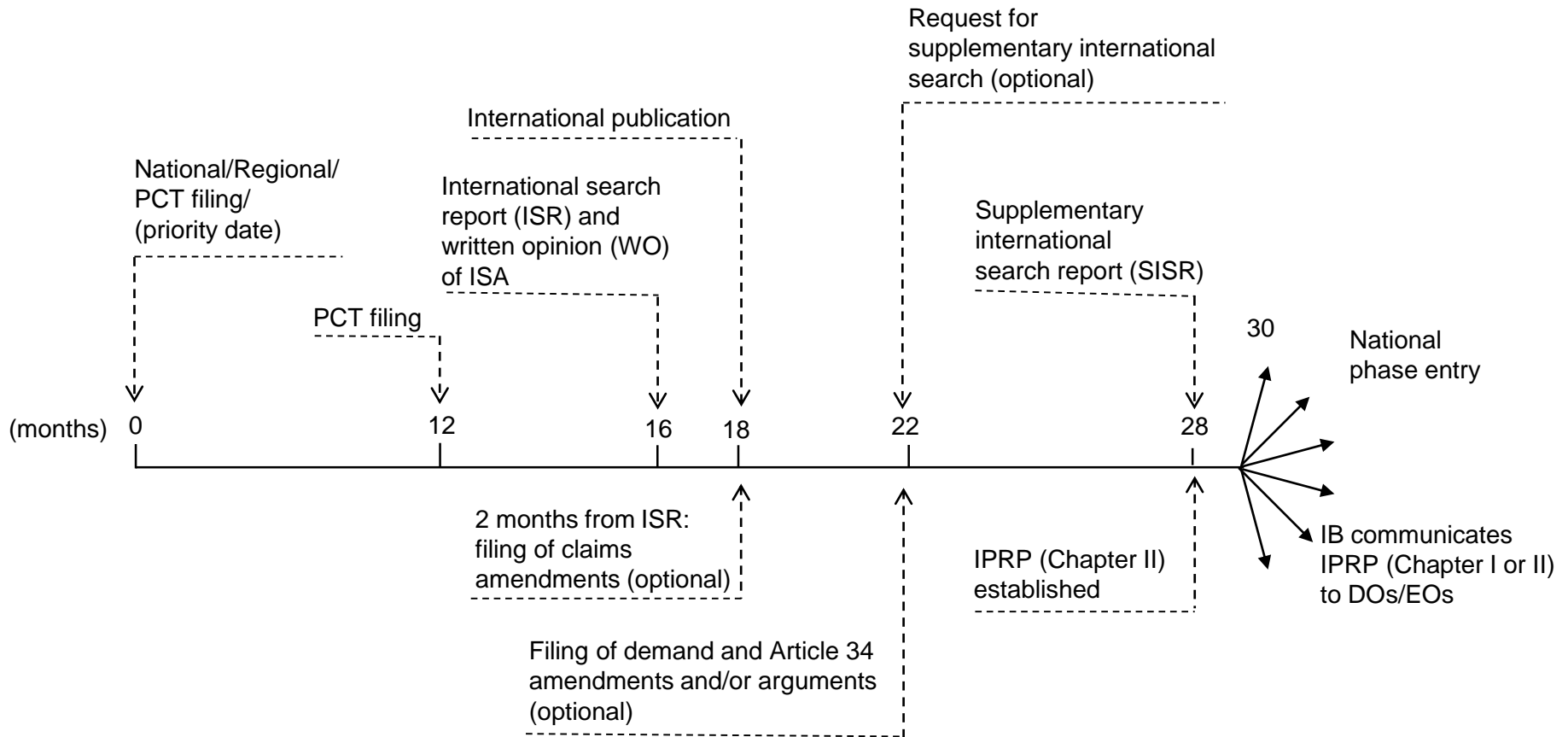
Top University PCT Applicants in 2018

1. University of California (US)
2. Massachusetts Institute of Technology (US)
3. Shenzhen University (CN)
4. South China University of Technology (CN)
5. Harvard University (US)
6. University of Texas (US)
7. Tsinghua University (CN)
8. Seoul National University (KR)
9. Stanford University (US)
10. China University of Mining and Technology (CN)
11. Osaka University (JP)
12. Johns Hopkins University (US)
13. Korea Advanced Institute of Science and Technology (KR)
14. University of Tokyo (JP)
15. Hanyang University (KR)



PCT Timeline

PCT TIMELINE



Non-applicability of time limit of 30 months under Article 22(1)

- The Offices of the following States have notified the International Bureau that they will not apply the 30 month time limit under Chapter I, as of 1 April 2002, for as long as modified Article 22(1) is not compatible with their national law:
 - LU Luxembourg
 - TZ United Republic of Tanzania
- Where one of these States has been designated for the purposes of a regional patent, the applicable time limit is 31 months
- If no demand for international preliminary examination is filed before the expiration of 19 months in respect of above States, the national phase will have to be entered before the expiration of 20 or 21 months from the priority date



Basics of the PCT

- The international application
- The international filing date
- The applicant
- Competent RO and ISA

The international application

- Only one application filed, containing, by default, the designation of all States (for every kind of protection available) and usual priority claim(s)
- Has the effect of a regular national filing (including establishment of a priority date) in each designated State: the international filing date is the filing date in each designated State
- Filed in one language
- Filed with one office
- One set of formality requirements
- Delays national processing until 30 months from the priority date (for exceptions, see www.wipo.int/pct/en/texts/reservations/res_incomp.html)

Minimum requirements for an international filing date (Article 11(1)) (1)

■ The application must contain at least:

- an indication that it is intended as an international application
- a request which has the effect of making all possible designations (Article 4 and Rules 3 and 4.9)
- the name of the applicant (Rule 4.5)
- a description (Rule 5)
- a claim (Rule 6)

Minimum requirements for an international filing date (Article 11(1)) (2)

■ Note that if:

- none of the applicants have the right to file with the receiving Office for reasons of residence or nationality (Rules 18 and 19); or
- the application is filed in a language not accepted by the receiving Office for that purpose (Rule 12.1),

the receiving Office will transmit the application to the receiving Office of the International Bureau for further processing (Rule 19.4)

Not required for obtaining an international filing date

- Payment of fees
- Applicant's signature
- Title of the invention
- Abstract
- Drawings (for missing drawings, see Article 14(2) and Rule 20.5)
- Translation into language of search or publication

The PCT applicant (Article 9 and Rule 18)

- The applicant may be a natural person (e.g. the inventor) or a legal entity (e.g. company, university, NGO) (also for the US since 16 September 2012)
- It is possible to indicate different applicants for different designated States (Rule 4.5(d))
- At least one of the applicants must be a national or resident of a PCT Contracting State (Rule 18.3)

Where to file the international application (Rule 19)

- With a national Office
- With the International Bureau of WIPO, or
- With a regional Office

For details, see PCT Applicant's Guide, International Phase, General Information, Annexes B1 and B2

Choice of receiving Office

Considerations:

- Accepted filing languages
- Choice of International Searching Authorities
- Criteria for restoration of the priority right and fee to be paid
- Possibility to incorporate by reference
- Acceptance of pre-conversion files

Which ISA(s) is (are) competent (Rule 35)

- The competent ISA(s) is (are) specified by the RO
- If more than one is specified by the RO, the applicant has the choice:
 - in making that choice, the applicant must take into account the language(s) accepted by the ISA (a translation of the international application for the purposes of international search may be required in certain cases (Rule 12.3))
- If the international application is filed with RO/IB, the competent ISAs will be those which would have been competent if the international application had been filed with (any of) the national or regional Office(s) which, on the basis of applicant's nationality or residence, could be a competent RO
- Choice of ISA to be indicated in the request (Box No. VII)



Filing of PCT Applications

Elements making up the international application

- Request (Article 3(2))
- Description (Article 3(2))
- One or more claims (Article 3(2))
- Abstract (may be filed later without affecting the international filing date) (Articles 3(2) and 3(3))
- Drawings (where applicable) — later submission may, subject to certain conditions, result in a later international filing date (Articles 3(2) and 14(2))
- Sequence listing part of description (where applicable) (Rule 5.2(a))
- Indications containing references to deposited microorganisms or other biological material (some designated Offices (e.g. Japan) require that they be in the description or in the international application on the international filing date) (Rule 13*bis*)

Elements which may accompany the international application

- Translation of the international application for the purposes of international search or international publication — may be furnished later without affecting the international filing date (Rules 12.3 and 12.4)
- Separate power of attorney or copy of general power of attorney — may be filed later without affecting the international filing date (Rules 90.4 and 90.5)
- Priority document(s) — may be furnished until the date of international publication (Rule 17.1)
- Sequence listing in electronic form complying with the Standard set out in Annex C of the Administrative Instructions—may be furnished later directly to the ISA without affecting the international filing date but subject to a late furnishing fee (Rule 13*ter*)
- Separate indications concerning deposited biological material that are not part of the international application, for ex., Form PCT/RO/134 (Rule 13*bis*)

The request (1)

- Electronic filing of the international application
 - ePCT-Filing
 - PCT-SAFE fully electronic
 - Other filing means provided by the receiving Office

The request (2)

- Printed request form (Form PCT/RO/101)
 - Available on Internet (www.wipo.int/pct/en/forms)
- Computer print-out (Rules 3.1 and 3.4, Section 102(h))
 - For integration with in-house computer systems
 - Layout and content shall correspond to the paper form (minor adjustments permitted)

Concept and operation of designation system (Rule 4.9)

- Automatic and all-inclusive designation of all PCT Contracting States
 - exceptions to the all-inclusive designation possible for DE, JP and KR (countries with particular rules on “self-designation”)
 - but only if the international application contains a priority claim to an earlier application filed in the State that is to be excluded
 - otherwise withdrawals of designations possible
- Choice of types of protection postponed until national phase entry (e.g. patent or utility model, national or regional patent)
- “Parent” information (continuation applications, patents of addition) may be included in PCT request form for search purposes

Use of Earlier Search Results (Rule 4.12)

- The applicant may request the ISA to take into account the results of an earlier search in carrying out the international search
 - How? by filling-in the appropriate box on the request form
- To the extent that the ISA takes such earlier search results into account, it may reduce the search fee
 - For further details see the agreements between the International Bureau and the ISAs/IPEAs at:
www.wipo.int/pct/en/access/isa_ipea_agreements.html

Transmittal of Earlier Search and/or Classification Results by ROs to ISAs (Rules 12*bis*, 23*bis* and 41) (1)

- Where the applicant does not request the ISA to take into account the results of an earlier search under Rule 4.12, ROs nevertheless forward the search/classification results from priority applications without the applicant's express permission
- Exceptions:
 - Applicants filing with RO/DE, RO/FI or RO/SE may request at the time of filing of the PCT application NOT to have earlier search results forwarded to the ISA, by checking the appropriate box on the request form

Transmittal of Earlier Search and/or Classification Results by ROs to ISAs (Rules 12*bis*, 23*bis* and 41) (2)

■ Exceptions: (*cont.*)

- ROs which have notified the IB of incompatibility of such forwarding with their applicable national law will only forward earlier search and classification results to the ISA if the applicant expressly authorized the RO by checking the appropriate box on the request form (concerns the receiving Offices: AU, CH, CZ, FI, HU, IL, JP, NO, SE, SG and US)
- If priority of an earlier PCT application is claimed and the earlier international search was carried out by a different ISA, ROs will only forward earlier search and classification results to the ISA if the applicant expressly authorized the RO by checking the appropriate box on the request form

Signature of the request (1)

(Rules 4.15, 26.2*bis*(a))

- In principle, the request must be signed by all persons (legal entity or natural persons) indicated as “applicant” or “applicant and inventor”

BUT: if only one of the applicants signs, the lack of signature of the other applicants will not be considered a defect

WARNING: Any notice of withdrawal would have to be signed by or on behalf of all applicants (including applicant/inventors)

NOTE: DOs are entitled to require confirmation of the international application by the signature of any applicant for the DO who has not signed the request

Signature of the request (2)

(Rules 4.15, 26.2*bis*(a))

- Signature by a person not named as applicant (FOR---ON BEHALF OF---AS AUTHORIZED SIGNATORY OF) depends on national law applied by receiving Office:
 - either an officer or employee of a legal entity (an officer or employee who does not have to be a patent attorney or patent agent)
 - or a legal representative, if the applicant is a natural person who is incapacitated
 - or a legal representative, if the applicant is a bankrupt company
- A person indicated as “inventor only” need not sign the request

Signature of the request (3) (Rules 4.15, 26.2*bis*(a))

- If the request is not signed by the applicant(s) but by an agent, a separate power of attorney signed by all the applicant(s) must be filed (either original individual power or copy of general power)

BUT: if only a power of attorney signed by one applicant is filed, the lack of powers of attorney signed by the other applicants will not be considered a defect

NOTE: ROs may waive requirement that a separate power or a copy of a general power of attorney must be submitted

Physical requirements of the international application (Rule 11) (1)

- A4 size paper for all the sheets (Rule 11.5)
- Line spacing: 1 1/2 for pages of text in description, claims and abstract (Rule 11.9(c))
- Minimum and maximum margins for the sheets of text and drawings (Rule 11.6)
- Indication of the applicant's or agent's file reference (Rule 11.6(f) and Section 109)
 - 12 characters maximum
 - in the upper left-hand corner of the sheet
 - within 1.5 cm of the top of the sheet

Physical requirements of the international application (Rule 11) (2)

- Numbering of the sheets (Rule 11.7, Sections 207 and 311)
 - centered at the top or bottom of the sheets, not in the margin
 - 4 series: request
description, claims, abstract
drawings (if any)
sequence listing part of the description (if any)
- Special requirements for drawings (Rule 11.13)

Recommendation: no text matter in the drawings (avoids problems with translations for national phase)

Headings of the parts of the description (Rule 5 and Section 204 of the Administrative Instructions)

- Technical Field
- Background Art
- Disclosure of Invention *or* Summary of Invention
- Brief Description of Drawings
- Best Mode for Carrying Out the Invention *or, where appropriate, Mode(s) for Carrying Out the Invention*
- Industrial Applicability
- Sequence Listing
- Sequence Listing Free Text



Functions of the receiving Office

The receiving Office (1)

- Specifies the International Searching Authority or Authorities competent for searching international applications filed with it (Article 16(2))
- Specifies the International Preliminary Examining Authority or Authorities competent for examining international applications filed with it (Article 32(2))
- Prescribes the language(s) in which international applications must be filed with it (Rule 12.1(a) and (c))
- Fixes the amount of the transmittal fee (Rule 14.1(b))

The receiving Office (2)

- Checks whether it is competent to act as receiving Office with regard to:
 - nationality/residence of the applicant (Rules 19.1 and 19.2)
 - language of filing (Rule 12.1(a)) and, where applicable, transmits international application to RO/IB (Rule 19.4)
- Accords or refuses international filing date (Article 11(1) and Rule 20)
- Decides on requests for incorporation by reference of missing elements or parts (Rules 20.5 to 20.7)
- Checks if any drawings referred to are included (Article 14(2))

The receiving Office (3)

- Checks whether translation of international application is required (Rules 12.3 and 12.4)
- Checks for formal defects (Article 14(1))
- Collects fees for RO, IB and ISA (Rules 14, 15 and 16)
- Checks if the required fees are timely paid (Rule 16*bis*)
- Checks priority claim(s) (Rules 4.10 and 26*bis*)
- Decides on requests for restoration of the priority right (Rule 26*bis*.3)

The receiving Office (4)

- Obtains national security clearance, if required by national law (where RO is regional Office or RO/IB, clearance is applicant's responsibility)
- Forwards the record copy to IB and the search copy to ISA, including any required translation (Article 12 and Rules 22.1 and 23.1)
- Forwards and receives correspondence from applicants and the international authorities
- Establishes certified copies of PCT applications filed with it (Rule 21.2)



The International Bureau as receiving Office

International Bureau as receiving Office (RO/IB) (1)

- The International Bureau is available as receiving Office for nationals and residents of all PCT Contracting States (Rule 19.1(a)(iii))
- Compliance with national security provisions is applicant's responsibility
- RO/IB accepts international applications filed in ANY language
- The competence of ISAs and IPEAs will be determined as if the international application had been filed with a competent national or regional Office (Rules 35.3(a) and 59.1(b)). Choice of ISA must be indicated in the request (Rules 4.1(b)(iv) and 4.14*bis*)

International Bureau as receiving Office (RO/IB) (2)

- An agent has the right to practice before RO/IB if qualified to act before a competent national or regional Office (Rule 83.1 *bis*)
- RO/IB has waived the requirement that a separate power of attorney or a copy of a general power of attorney has to be submitted in respect of any agent or common representative indicated in Box IV of the request, subject to certain conditions (see www.wipo.int/pct/en/texts/pdf/p_a_waivers.pdf)
- No transmittal fee for applicants from certain Contracting States

Transmittal of international applications to RO/IB (Rule 19.4) (1)

- Cases where the international application will be transmitted to RO/IB:
 - if it is filed by an applicant from a PCT Contracting State with an Office which is not competent as receiving Office because of the nationality or residence of the applicant
 - if it is in a language which is not accepted by the Office with which it is filed
 - if for any other reason, the receiving Office and RO/IB agree to the transmittal and the applicant authorizes it

Transmittal of international applications to RO/IB (Rule 19.4) (2)

■ Conditions for the transmittal:

- any applicable national security requirements are met
- a fee, equal to the transmittal fee, is paid (not all Offices will require such a fee)

■ Effect of the transmittal on the international filing date: the international filing date will be the date of receipt by the “non competent” Office provided that

- the minimum requirements for according an international filing date are met

Transmittal of international applications to RO/IB (Rule 19.4) (3)

■ Consequences of the transmittal:

- ❑ all PCT filing fees will be payable to the International Bureau in Swiss Francs, Euro or US Dollars
 - the one-month time limit for payment being calculated from the actual date of receipt of the application by RO/IB
- ❑ any fees paid to the non-competent Office, other than a fee equal to the transmittal fee (if required), will be refunded
- ❑ the question whether the person previously appointed as agent is entitled to represent the applicant before RO/IB must be checked (Rule 83.1 *bis*)
- ❑ the question whether the International Searching Authority chosen by the applicant is correct will be checked (Rule 35)

Filing PCT applications by fax at RO/IB (1)

- RO/IB accepts filing of all documents, including international applications, by fax; some are subject to confirmation within 14 days, others only upon invitation (14 days or more)*
- Note time difference: if the document transmitted is due within a certain time limit, it is the expiration of that time limit in Geneva which will determine whether the document was filed on time (Rule 80.4(b))
- Mechanical failure or other problem associated with the fax transmission remains at the applicant's risk (Rule 92.4(c))

* See *PCT Applicant's Guide*, General Information, Annex B2(IB)

Note: Fax transmissions no longer recommended since January 1, 2018

Filing PCT applications by fax at RO/IB (2)

- Acknowledgement of receipt of PCT application –
Form PCT/RO/199: by fax, if a fax number is given by the applicant/agent/sender;
(also) by special courier service (outside Europe)
- RO/IB decides on petitions if applicant does not agree with decision taken as to whether pages were received

Furnishing of priority document(s) in respect of PCT/IB applications (1)

- Where priority of an earlier national, regional or international (RO other than RO/IB) application is claimed in a PCT application filed with, or transmitted under Rule 19.4, to RO/IB:
 - RO/IB cannot be requested to establish a certified copy of such application (“priority document”) since RO/IB is not the Office with which that earlier application was filed
 - if the relevant check-box in Box No. VI of the request is marked, RO/IB will delete the check-mark *ex officio*

Furnishing of priority document(s) in respect of PCT/IB applications (2)

- ❑ the priority document must be obtained by the applicant from the national or regional Office or receiving Office concerned and furnished within the 16-month time limit – Note that, even if the Office concerned sends the priority document to IB on behalf of the applicant, the 16-month time limit applies (in other words, Rule 17.1(b) does not apply); and that, in order to meet the time limit, the document may be sent by fax* to the IB, subject to confirmation
- ❑ RO/IB may be requested to obtain the priority document via DAS to the extent that the Office with which the earlier application was filed participates in DAS (Rule 17.1(b-bis))

* Note: Fax transmissions no longer recommended since January 1, 2018

Furnishing of priority document(s) in respect of PCT/IB applications (3)

- Where priority of an earlier PCT/IB application is claimed in a subsequent PCT/IB application, the relevant check-box in Box No. VI of the request may be marked and RO/IB will prepare and transmit to the IB the corresponding priority document (see Rules 17.1(b) and 21.2)

Translation for the purposes of international search (Rules 12.3, 20.1(c) and (d))

- Where the international application is filed with RO/IB in a language which is not accepted by the ISA that is to carry out the international search, the applicant is required:
 - to furnish to RO/IB
 - within one month from the date of receipt of the international application by RO/IB
 - a translation of the international application into a language which is a language accepted by the ISA that is to carry out the international search and a language of publication

Invitation to furnish required translation (Rule 12.3(c) and (e))

■ Where, by the time RO/IB sends to the applicant the notification of the PCT number and of the international filing date, the applicant has not furnished the required translation, RO/IB will invite the applicant:

- to furnish the required translation within one month from the date of receipt of the international application
- in the event that the required translation is not furnished within that one month time limit, to furnish it (and to pay, where applicable, a late furnishing fee equal to 25% of the international filing fee) within
 - one month from the date of the invitation or
 - two months from the date of receipt of the international application by RO/IB,

whichever time limit expires later

Failure to furnish translation and/or pay late furnishing fee (Rule 12.3(d))

- Where the applicant has not, within the applicable time limit, furnished the required translation and/or paid, where applicable, the late furnishing fee, the international application will be considered withdrawn and RO/IB will so declare
 - Any translation and any payment received by RO/IB
 - before RO/IB makes the declaration that the international application is considered withdrawn and
 - before the expiration of 15 months from the priority date
- is considered to have been received before the expiration of the applicable time limit (that is, one month from the date of the invitation or two months from the date of receipt of the international application, whichever expires later)



International Publication

International publication (1)

(Article 21 and Rule 48)

■ When?

Promptly after 18 months from priority date on the Internet (<https://patentscope.wipo.int>)

■ Publication languages:

Arabic, Chinese, English, French, German, Japanese, Korean, Portuguese, Russian or Spanish

title, abstract and search report always (also) in English

■ Contents of published international application

always:

- front page with bibliographic data and abstract
- description, claims, and drawings, if any
- international search report

International publication (2) (Article 21 and Rule 48)

□ where applicable:

- amended claims (and any statement) under Article 19
- any declaration referred to in Rule 4.17 (Rule 48.2(a)(x))
- any relevant data concerning deposited biological material furnished under Rule 13*bis* (Rule 48.2(a)(viii))
- information regarding requests for restoration of right of priority (Rule 48.2(a)(xi))
- statement concerning authorized requests for rectification of obvious mistakes received after publication (Rule 48.2(i))
- information about a priority claim considered not to have been made (Rule 26*bis*.2(d))

International publication (3) (Article 21 and Rule 48)

□ upon applicant's request*:

- information about the applicant's wish to correct or add a priority claim after the expiration of the time limit under Rule 26*bis*.1(a) (Rule 26*bis*.2(e))
- refused request for rectification of an obvious mistake (Rule 91.3(d))

* See Annex B2/IB of the *PCT Applicant's Guide* for applicable fee

International publication (4)

(Article 21 and Rule 48)

■ Omission of certain information from international publication (Rule 48.2)

□ Reasoned request by the applicant to the IB

- Accompanied by replacement sheets and letter drawing attention to the differences between the replaced and the replacement sheet

□ Time limit for a request under Rule 48.2:

- Completion of technical preparations for international publication

□ Information qualifies for omission from publication, if

- it does not obviously serve the purpose of informing the public about the international application,
- publication of such information would clearly prejudice the personal or economic interests of any person, and
- there is no prevailing public interest to have access to that information

International publication (5) (Article 21 and Rule 48)

- Omission of certain information from international publication
(Rule 48.2) (*continued*)
 - RO, ISA, SISA or IB may draw the applicant's attention to information which it believes would qualify for omission from international publication under Rule 48, and suggest to the applicant to make a request under Rule 48
 - If the IB grants a request under Rule 48, it also informs all Offices and Authorities which have that information in their files not to give access to that information either

Communication of published international applications (Article 20 and Rule 47)

- Paper copies of published international applications are only sent to the applicant upon specific request
- Communicated to DOs by IB
- Notice of communication of the international application sent by IB to DOs serves as conclusive evidence of receipt of the application by DOs (Rule 47.1(c-bis), Form PCT/IB/308 (First Notice) for DOs which do not yet apply modified Article 22(1) and Form PCT/IB/308 (Second and Supplementary Notice) for all other DOs)

Early publication (Article 21(2)(b) and Rule 48.4(a))

- Upon express request by applicant
- If international search report available, no fee required
- If international search report not yet available: see the *PCT Applicant's Guide* International Phase, General Information (Annex B2/IB) for applicable fee

Form of publication

- Published international applications are available at <https://patentscope.wipo.int/search/en/structuredSearch.jsf>
- Official notices (PCT Gazette) are available at www.wipo.int/pct/en/official_notices

Frequency of international publication

- International publication of international applications and publication of the Official Notices takes place every Thursday,
 - except where that Thursday is a day on which the International Bureau is not open for official business, for example, Ascension Day or the Thursday that follows the first Sunday of September and certain Thursdays in the Christmas/New Year period.
- In such cases, inquire at the International Bureau as to what will be the publication date (possibly, but not always, the preceding Wednesday).

Technical preparations for international publication

- The technical preparations for international publication are normally completed 15 calendar days before the actual publication date

For example: if the publication date is: Thursday, *24 January 2019*, technical preparations are completed on Wednesday, *9 January 2019*

Consequently, any document that reaches the International Bureau on Tuesday, *8 January 2019*, is still taken into account for international publication (for example, change of name or address, amendment of the claims under Article 19, withdrawal of the international application or of a designation or of a priority claim)

- Technical preparations may be completed more than 15 days before the publication date where that publication date is not the “usual” Thursday because the International Bureau is not open for business or where there are a number of official holidays falling within that 15-day period. If in doubt, inquire at the International Bureau as to what will be the date of completion of technical preparations

Effects of international publication

- The PCT published application becomes part of the prior art as of its international publication date (Rule 34.1(b)(ii))
- International publication entitles PCT applicants to provisional protection in the designated States, if such protection is granted for published national applications (Article 29)
 - Such protection may be made conditional
 - on the furnishing of a translation (which may be of the claims only)
 - on receipt by the designated Office of a copy of the international application as published under the PCT, and/or
 - in the case of early publication under Article 21(2)(b), on the expiration of 18 months from the priority date
 - For further information on the specific requirements of a given Office, see the *PCT Applicant's Guide*, International Phase, General Information (Annexes B1 and B2)

Preventing publication of the international application (Rule 90*bis*.1(c)) (1)

- How: by withdrawing the international application
- When: before completion of the technical preparations for international publication
- The notice of withdrawal must:
 - be made in writing (use of Form PCT/IB/372 recommended)
 - be signed by all the applicants or on their behalf (by the appointed common agent or the appointed common representative), and
 - reach the International Bureau before completion of the technical preparations for publication

Preventing publication of the international application (Rule 90*bis*.1(c)) (2)

- Safeguard: the withdrawal should be made conditional on its being received by the International Bureau on time to prevent publication
- Consequence: the international application will not be published and will cease to have effect

Postponing publication of the international application (Rule 90*bis*.3(d) and (e)) (1)

- How: by withdrawing the (earliest) priority claim
- When: before completion of the technical preparations for international publication
- The notice of withdrawal must:
 - be made in writing (use of Form PCT/IB/372 recommended)
 - be signed by all the applicants or on their behalf (by the appointed common agent or the appointed common representative), and
 - reach the International Bureau before completion of the technical preparations for publication

Postponing publication of the international application (Rule 90*bis*.3(d) and (e)) (2)

- **Safeguard:** the withdrawal should be made conditional on its being received by the International Bureau on time to postpone publication
- **Consequences:** all time limits computed on the basis of the priority date which have not yet expired are recalculated on the basis of any remaining priority date or the international filing date, in particular for:
 - international publication
 - filing of demand
 - entry into the national phase



Access to File

- General principles
- Access to files held by Offices and Authorities

General principles

- The RO, ISA, IPEA, DO, EO and the IB all maintain their own files related to the international application
- Applicant or any person authorized by the applicant always has access to the international application file
- International applications are confidential in relation to third parties and other Offices until international publication
- DOs have access to documents in the IB file insofar as they relate to the Chapter I procedure
- EOs, in addition, have full access to IPEA file once the IPRP Chapter II is established

Access to files held by the IB (1)

- Before publication of the IA: Only applicant or any person authorized by the applicant has access to the full file content (preferably via ePCT **with** strong authentication)
- All published PCT applications are available on PATENTSCOPE

Access to files held by the IB (2)

- For access to other documents in the file of the IB by third parties after publication:
 - International applications filed after 1 January 2009:
 - The entire publicly available file content is on PATENTSCOPE
 - International applications filed on or after 1 July 1998 and before 1 January 2009:
 - Certain documents are available on PATENTSCOPE
 - Some documents are available in paper form only and are made available upon request against payment of a fee
 - International applications filed before 1 July 1998:
No access to file content

Access to files held by the IB (3)

■ Restrictions:

- ❑ Copies of the IPRP (Chapter I or II) or any translation thereof are only made publicly available on PATENTSCOPE after 30 months from the priority date
- ❑ No access:
 - Any document in the file relating to the Chapter II procedure (such as demand, written opinion by the IPEA, etc.), except for the IPRP Chapter II
 - Purely internal documents and communications between Offices
 - Information that has been omitted from publication under Rule 48.2(I)
 - Information that has been omitted from the file held by the IB under Rule 94.1(e)

Access to files held by the IB (4)

- Requirements to omit certain information from public file access under Rule 94.1(e)
 - Reasoned request by the applicant to the IB
 - Accompanied by replacement sheets and letter drawing attention to the differences between the replaced and the replacement sheet (where applicable)
 - Time limit for a request under Rule 94.1: any time
 - Information qualifies for omission from public file access , if
 - it does not obviously serve the purpose of informing the public about the international application,
 - public access to such information would clearly prejudice the personal or economic interests of any person, and
 - there is no prevailing public interest to have access to that information

Access to files held by the IB (5)

- Requirements to omit certain information from public file access under Rule 94.1(e) (*continued*):
 - IB may also draw the applicant's attention to information which it believes could qualify for omission from public file access under Rule 94.1(e), and suggest to the applicant to make a request under Rule 94.1(e)
 - Where the IB grants a request under Rule 94.1(e), it also informs all Offices and Authorities which have that information in their files not to give access to that information either
 - Whether or not a request to omit certain information is granted, the request to omit such information in any document part of that request will not be made publicly available by the IB

How to obtain third party access to files held by the IB (1)

■ PATENTSCOPE (<https://patentscope.wipo.int>)

- ❑ Access to published international applications, the latest bibliographic data, certain documents and forms
- ❑ Details on the availability of documents can be found by clicking on “data coverage” under the “help” tab

How to obtain third party access to files held by the IB (2)

- By email to pct.infoline@wipo.int or by fax* to the PCT Legal and User Relations Division at (41 22) 910 00 30
 - Paper copies of documents are sent, subject to reimbursement of the cost
 - Information on the cost of the service is available at: www.wipo.int/pct/guide/en/gdvol1/annexes/annexb2/ax_b_ib.pdf
 - Invoice sent separately once the documents are mailed

* Note: Fax transmissions no longer recommended since January 1, 2018

Access to files held by RO/ISA/IPEA (1)

- Before publication of the IA: Only applicant or any person authorized by the applicant has access to documents in the file of the RO, ISA or IPEA
- After publication, and only if provided for by the applicable national law:
 - Documents in the file of the RO:
 - Third parties have access to any document in the file (Article 30(3)), with the exception of any information that has been omitted from publication or public file access by the IB

Access to files held by RO/ISA/IPEA (2)

- After publication, and only if provided for by the applicable national law:
 - Documents in the file of the ISA and SISA:
 - Third parties have access to any document in the file (Article 30(1)) (also to the written opinion and any informal comments by the applicant for international applications filed on or after 1 July 2014), with the exception of any information that has been omitted from publication or public file access by the IB

Access to files held by RO/ISA/IPEA (3)

□ Documents in the file of the IPEA:

- EOs: Access to any document after the establishment of the IPRP Chapter II, with the exception of any information that has been omitted from publication or public file access by the IB
- Third parties: No access (Article 38)

Access to files held by DO/EO (1)

- Before publication of the IA: Only applicant or any person authorized by the applicant has access to documents in the file of the DO or EO
- After publication, and only if provided for by the applicable national law:
 - Documents in the file of the DO:
 - Third parties have access to any document after receipt of a copy of the international application by the DO (Article 30)



Fees Payable under the PCT

Fees payable to the receiving Office (RO)

- **transmittal fee**
- **international filing fee** (for IB)
- **search fee** (for ISA)
- **supplement per sheet in excess of 30** (for IB)
- *fee for priority document*
- *late payment fee*
- *late furnishing fee (translation of international application)*
- *fee for requesting restoration of the right of priority*
- *fee for copies of documents*

(Fees indicated in italics are payable only in certain circumstances)

Fees payable to the International Searching Authority (ISA)

- *additional search fee*
- *protest fee (where applicable)*
- *fee for copies of documents*
- *late furnishing fee (furnishing of a sequence listing)*

(Fees indicated in italics are payable only in certain circumstances)

Fees payable to the International Bureau (IB)

- *fee for early publication (before issuance of ISR)*
- *fee for publication of refused request for rectification of obvious mistake*
- *fee for publication of late request for correction/addition of priority claim*
- *fee for copies of documents*
- *supplementary search fee (for the SISA)*
- *supplementary search handling fee*

(Fees indicated in italics are payable only in certain circumstances)

PCT fees payable to the International Preliminary Examining Authority (IPEA)

- **preliminary examination fee**
- **handling fee** (for IB)
- *late payment fee*
- *additional examination fee*
- *protest fee (where applicable)*
- *fee for copies of documents*
- *late furnishing fee (furnishing of a sequence listing)*

(Fees indicated in italics are payable only in certain circumstances)

Fees not payable during international phase

Under the PCT, there is:

- no fee for requesting extension of time to correct certain formal defects
- no claims fee (at the time of filing of the international application or during the international phase, if claims are added)
- no fee for late response to certain communication (for example, invitation to correct or written opinion)
- no fee for filing a request for rectification of an obvious mistake under Rule 91
- no fee for requesting a change in the indications concerning the applicant, inventor, etc. under Rule 92*bis*

Time limits for payment of fees (1)

■ Chapter I:

- transmittal fee, international filing fee, search fee:
one month from the date of receipt of the
international application by the RO
(Rules 14.1(c), 15.4 and 16.1(f))
- special provisions for cases where the international
application is transmitted to RO/IB under Rule 19.4
(Rule 19.4(c))

Time limits for payment of fees (2)

■ Chapter II:

- preliminary examination fee and handling fee: one month from the date of receipt of the demand by the IPEA or 22 months from the priority date, whichever expires later (Rules 57.3 and 58.1(b))
- special provisions for cases where the demand is transmitted to the competent IPEA under Rule 59.3 (Rules 57.3 and 58.1(b))

Safeguards in respect of payment of fees

- In respect of the transmittal, international filing and search fees payable to the receiving Office (Rule 16*bis*.1(d))
- In respect of the handling and preliminary examination fees payable to the IPEA (Rule 58*bis*.1(d))
- If fees concerned are paid after the expiration of the applicable time limit(s) but before any further action is taken by the Office or Authority concerned, the fees are considered to have been paid within the applicable time limit(s)

Invitation to pay missing fees (Chapter I) (Rule 16*bis*)

- If the fees due (i.e., transmittal fee, search fee, international filing fee) are not paid within the applicable time limit(s):
 - the RO invites the applicant to pay to it the missing fees within one month from the date of the invitation; and
 - the RO may require a late payment fee of 50% of the missing amount (minimum: transmittal fee; maximum: 50% of the international filing fee)
- The RO will not transmit the search copy to the ISA until the search fee is paid (Rule 23.1(a))
- Consequence in case of non-payment:
 - the international application will be considered withdrawn by the RO

Invitation to pay missing fees (Chapter II) (Rule 58*bis*)

- If the fees due (i.e., preliminary examination fee and handling fee) are not paid within the applicable time limit:
 - the IPEA invites the applicant to pay to it the missing fees within one month from the date of the invitation; and
 - the IPEA may require a late payment fee of 50% of the missing amount (minimum: handling fee; maximum: double the amount of the handling fee)
- Examination will not start until the fees are paid (Rule 69.1(a)(ii))
- Consequence in case of non-payment:

If the amount paid is not sufficient to cover the examination fee, the handling fee and, where applicable, the late payment fee, the demand will be considered by the IPEA as if it had not been submitted and the IPEA will so declare

Refund of fees by the receiving Office (Rules 15.4 and 16.2)

- If no international filing date is accorded, or, due to prescriptions concerning national security, the international application is not treated as such: international filing and search fee

- If the international application is withdrawn or considered withdrawn:
 - before transmittal of the record copy to the IB: international filing fee

 - before transmittal of the search copy to the ISA: search fee

- For the other fees (e.g. transmittal fee) or when outside of the time limits indicated, certain fees may be refunded under certain circumstances.
Check with the competent Office or Authority

Refund of fees by the IPEA

■ Handling fee: full refund (Rule 57.4)

- if demand withdrawn before having been sent by the IPEA to the IB
- if demand considered, under Rule 54.4, not to have been submitted

■ Preliminary examination fee: refund of up to 100%, depending on circumstances and IPEA

- where demand considered as if it had not been submitted (Rule 58.3)
- where demand withdrawn before start of international preliminary examination (Agreement between IPEA and IB of WIPO); see the *PCT Applicant's Guide*, International Phase, International Preliminary Examining Authorities (Annex E) for details

Warning – fraudulent requests for payment of registration fees

- PCT applicants and agents are receiving invitations to pay fees that do not come from the IB and are unrelated to the processing of international applications under the PCT
- Whatever registration services might be offered in such invitations, they bear no connection to WIPO or to any of its official publications
- The services offered do not give applicants any added value, since they are provided by the IB for no additional charge (<https://patentscope.wipo.int>)
- Examples of such misleading invitations can be viewed on our website at the following link:
www.wipo.int/pct/en/warning/pct_warning.htm



Amendments under the PCT

- Amendments under Article 19
- Amendments under Article 34
- How to make amendments
- Amendments upon National Phase Entry

Amendments under Article 19 (Rule 46) (1)

- One opportunity to amend the claims only after receipt of the international search report and written opinion of the ISA
- Amended claims must not go beyond disclosure of the international application as filed (Article 19(2)) (compliance with that requirement is, however, not checked at this point)
- Amended claims may be accompanied by a statement (Article 19(1), Rule 46.4)
- Normally must be filed within two months from the date of transmittal of the international search report and written opinion of the ISA (Rule 46.1)

Amendments under Article 19 (Rule 46) (2)

- Filed directly with the IB (Rule 46.2)
- Generally used to better define provisional protection, where available
- Published as part of the international application at 18 months, together with the claims as originally filed (Rule 48.2(f))

Amendments under Article 34 (Rules 53.9 and 66.3 to 66.9) (1)

- Description, claims and drawings may be amended in connection with the international preliminary examination under Chapter II
- They should be filed
 - together with the demand for international preliminary examination so that examination will be based on the application as amended (Rule 53.9); or
 - at least before the expiration of the time limit to file a demand (Rule 54*bis*.1(a))
- Attention: amendments need not be taken into account by the examiner if they are received after he has begun to draw up another written opinion or the report (Rule 66.4*bis*)

Amendments under Article 34 (Rules 53.9 and 66.3 to 66.9) (2)

- Amendments shall not go beyond the disclosure of the international application as filed (Article 34(2)(b))
- If an amendment goes beyond the disclosure in the international application as filed, the international preliminary examination report shall be established as if that amendment had not been made, and the report shall so indicate
- The report shall also indicate the reasons why the amendment is considered to go beyond the disclosure in the international application as filed (Rule 70.2(c))

Comparison between types of amendments during international phase

Chapter I (Article 19)

- have effect in all DOs
- claims only
- filed upon receipt of the ISR and written opinion of ISA
- filed directly with IB (not ISA)
- formality examination by IB
- published as part of the international application by IB
- serve as basis for examination by IPEA unless reversed

Chapter II (Article 34)

- have effect in all EOs
- description, claims, drawings
- filed best together with the demand, or during examination by IPEA
- filed directly with IPEA
- formality and substantive examination by IPEA
- are confidential between IPEA and the applicant, are not published during the international phase
- serve as basis for examination by IPEA unless superseded

How to make amendments (Rules 46.5 and 66.8)

- Where claims are amended under Article 19 or 34, they have to be presented in the form of replacement sheets containing a complete set of claims
- Applicants must indicate the basis for the amendments in the application as filed, otherwise the IPRP (Ch.II) may be established as if the amendments had not been made
- In case of cancelation of certain claims, no renumbering of the remaining claims is required
- An accompanying letter explaining what has been amended is required
- Further details: Administrative Instructions Section 205

Replacement sheets for amendments under Article 19

- May not be filed with the receiving Office
- Must be filed directly with the IB preferably using ePCT
- Requests for rectification of obvious mistakes (Rule 91) are to be distinguished from Article 19 amendments and are sent directly to the ISA

Replacement sheets containing amendments under Article 34

- Can be filed in ePCT when preparing the demand
- Otherwise, must be filed directly with the competent IPEA
- Requests for rectification of obvious mistakes (Rule 91) are to be distinguished from Article 34 amendments



Entry into the National Phase

Decisions to be taken by the applicant

■ Whether

- to proceed with or drop the international application ?

■ When

- at the end of 30 months (in some cases 31 months or more)

- under Chapter I ?*
- under Chapter II ?

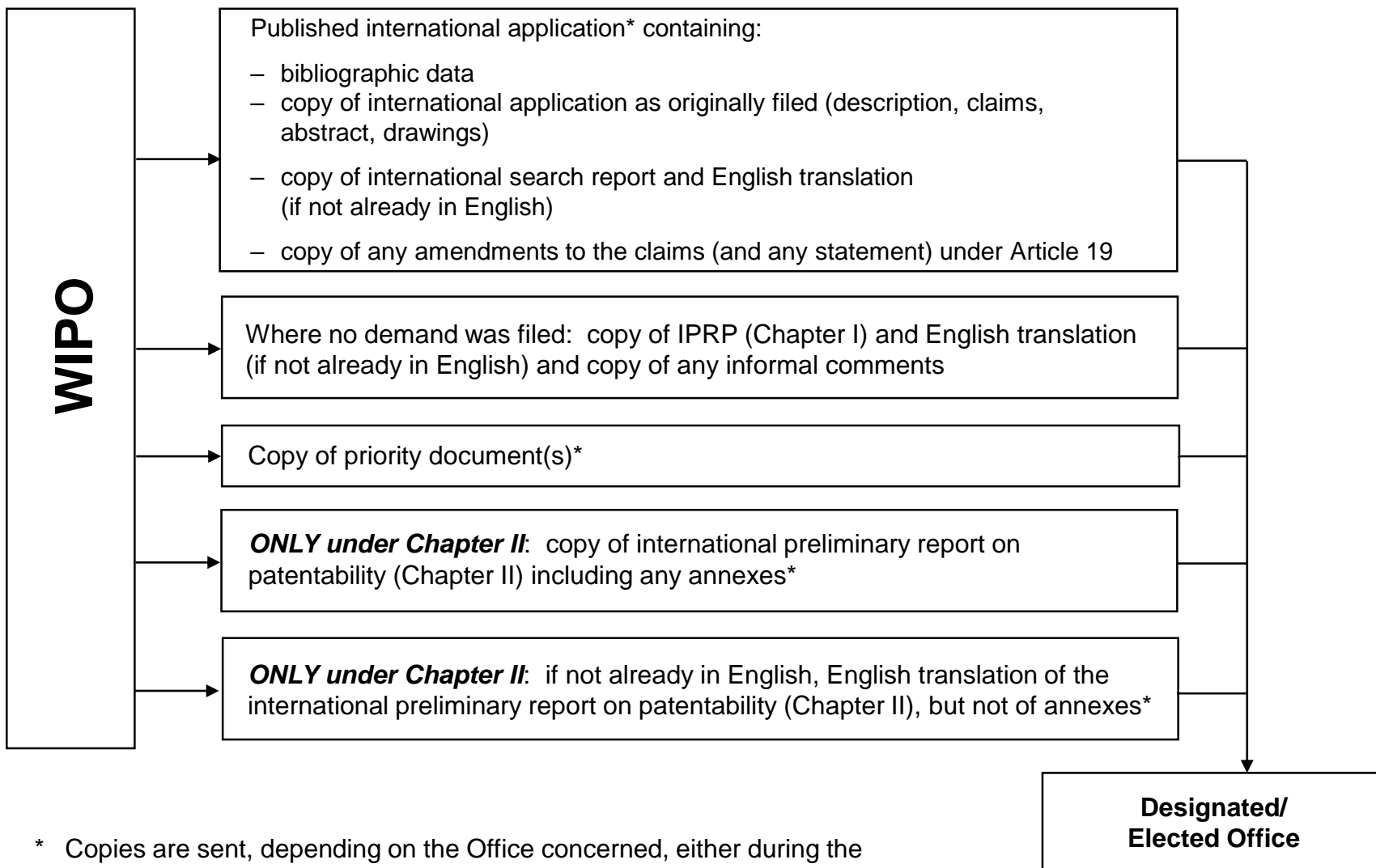
- early entry ?

■ Where (choice limited to designated/elected Offices)

- which national Offices
- which regional Offices

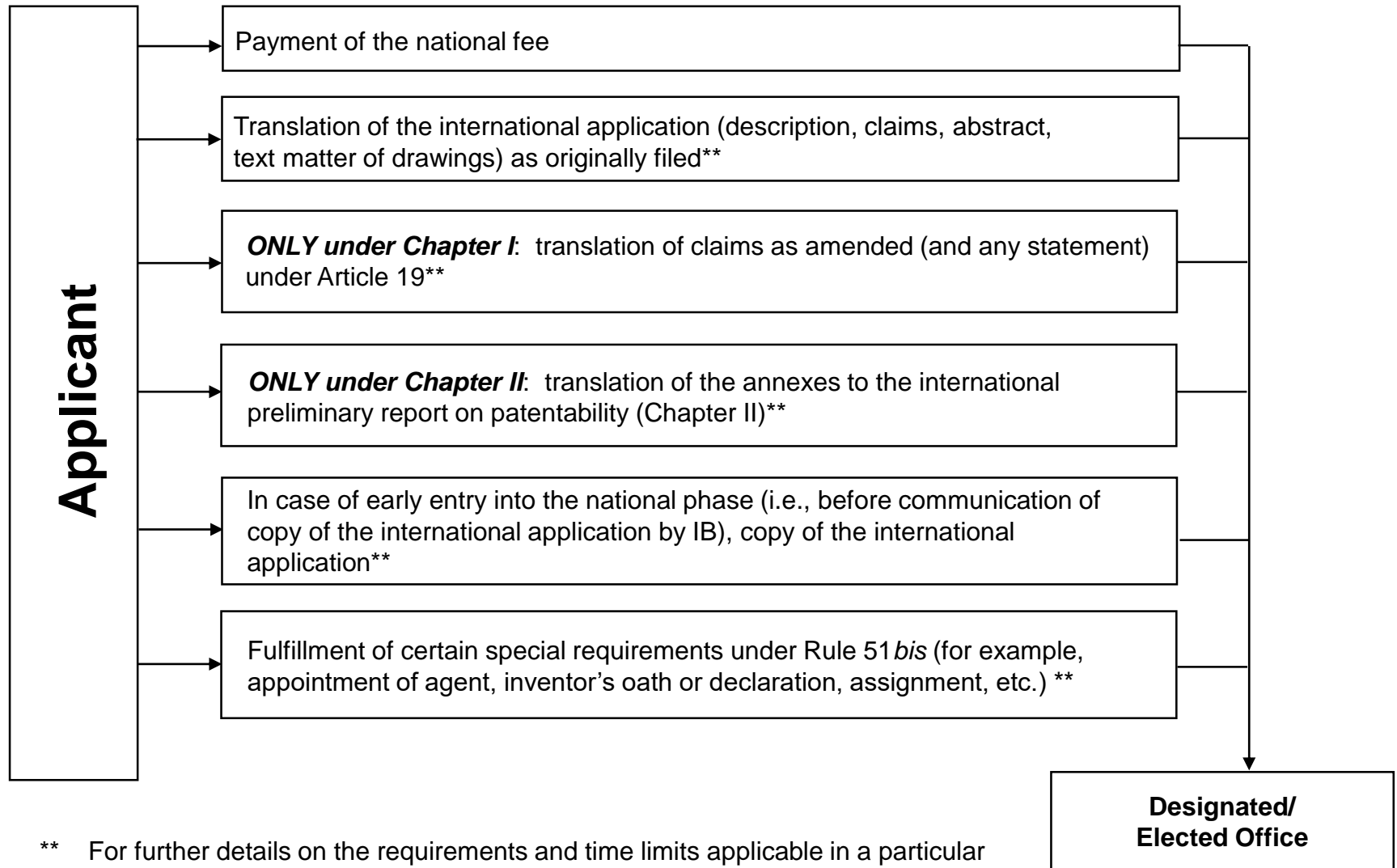
* LU and TZ continue to apply a 20-month time limit

Acts to be performed by the International Bureau



* Copies are sent, depending on the Office concerned, either during the international phase or, upon request from the Office to the International Bureau, after the applicant has entered the national phase

Acts to be performed by the Applicant



** For further details on the requirements and time limits applicable in a particular designated/elected Office, see the relevant national chapter in the *PCT Applicant's Guide*, National Phase

Time limit for entry in the national phase

The time limit applies irrespective of possible delays in the international phase due to:

- late international search report and written opinion of the ISA
- international preliminary examination delayed
- late international preliminary report on patentability (Chapter II)
- late translation of international preliminary report on patentability (Chapter II)

General national requirements

Art. 22(1) and 39(1)(a)

■ Requirements:

- Translation, if applicable
- Payment of national fee
- Copy of international application in particular circumstances only

■ Time limit under Art. 22(1): 30 months from the priority date

- For additional time, see PCT Applicant's Guide, national phase summaries
- For exceptions, see www.wipo.int/pct/en/texts/reservations/res_incomp.html

■ Time limit under Art. 39(1)(a): 30 months from the priority date

- For additional time, see PCT Applicant's Guide, national phase summaries

Special national requirements (Art. 27 and Rule 51 *bis*.1)

■ Time limit under Rule 51 *bis*.3:

- If requirements are not fulfilled within the time limit for entry into national phase under Art. 22 or 39:
 - Invitation by DO
 - At least 2 months from the invitation

Examples of special requirements under Rule 51 *bis*.1 (1)

■ Oath or declaration by the inventor (US only):

Where the corresponding declaration has been furnished during the international phase or directly to the DO/EO, no documents or evidence as to that matter may be required by DO/EO/US unless that Office may reasonably doubt the veracity of the declaration

■ Assignment documents (of the priority rights or of the application):

Where the corresponding declaration has been furnished during the international phase or directly to the DO/EO, no documents or evidence as to that matter may be required by the DO/EO unless that Office may reasonably doubt the veracity of the declaration

Examples of special requirements under Rule 51 *bis*.1 (2)

- Translation of the priority document may only be required (Rule 51 *bis*.1(e)):
 - where the validity of the priority is relevant to the determination whether the invention is patentable
 - in cases of incorporation by reference
- Appointment of local agent and submission of power of attorney
- Translation or other documents relating to the international application in more than one copy
- Certified translation of the international application (only where the Office may reasonably doubt the accuracy of the translation)

National requirements simplified for PCT applications (1)

■ Priority document

- ❑ The applicant does not need to furnish the priority document since the IB transmits copies to the DO/EOs
- ❑ If the DO/EO did not receive a copy of the priority document from the IB, it must request a copy from the IB (not from the applicant)

■ Drawings

- ❑ If the drawings do not contain any text matter to be translated, a simple copy of the drawings as filed is required by a few DOs
- ❑ If the drawings contain text matter to be translated, a set of drawings containing the translated text matter needs to be furnished

National requirements simplified for PCT applications (2)

- No legalized or certified translation of the international application
 - Otherwise, a simple translation is required
 - A few Offices (such as, AU, GB, IN, NZ, SG, ZA) require a "verified" translation
- No special form required (but strongly recommended) for entry into national phase

Communication with DOs/EOs (Rule 93*bis*)

- Any communication, notification, correspondence or other document relating to an international application will be communicated by the International Bureau to DOs/EOs only upon their request and at the time specified by the Offices
- Most DOs/EOs will receive the majority of documents concerned only after an applicant has entered the national phase before its Office
- Almost all PCT Contracting States now receive the DVD collections containing the full texts of the published international applications

Furnishing by International Bureau of copies of priority documents (Rule 17.2(a))

- The International Bureau provides copies of priority documents to designated Offices:
 - upon request
 - after international publication, unless the applicant made a specific request for early processing under Article 23(2)
- Almost all Offices request a copy of the priority document only after the application entered the national phase
- Only the European Patent Office systematically receives copies of all priority documents

Recommendations for preparing entry into the national phase (1)

- Leave sufficient time, where necessary, to prepare the translation of the international application
- Send your local agent, copies of the (relevant) documents on file: the published international application, the international search report and written opinion by the ISA, the international preliminary examination report, priority documents; note that none of these documents are required to be filed by the local agent at the local patent office

Recommendations for preparing entry into the national phase (2)

- Where you would prefer avoiding paying additional claims fee or other fees that are applicable under any particular national law, prepare the application, and any amendments thereof, according to the national practice
- Even though several designated/elected Offices provide for longer time limits, it is preferable to docket the 30-month time limits for all Offices (See www.wipo.int/pct/en/texts/reservations/res_incomp.html for exceptions under Article 22(1))

A few further tips to remember

- Remember to monitor time limits for entering national phase
 - they apply irrespective of delays in the international phase
- Make necessary indications that application is entering the national phase, i.e., that it is not a direct national filing
- Translation of the international application must be correct and complete (no subject matter may be added and/or deleted)
- Pay the required fees (amount may be different from that applicable to direct national filing)

Reinstatement of rights by DO/EOs (Rule 49.6) (1)

- Available in certain DO/EOs, where the applicant has missed the time limit under Article 22 or 39(1) to enter the national phase:
 - unintentionally
 - or - at the option of the Office -*
 - in spite of due care required by the circumstances

Reinstatement of rights by DO/EOs (Rule 49.6) (2)

- Applicants may submit a request for reinstatement and enter the national phase within:
 - 2 months from the date of removal of the cause of the failure to meet the time limit to enter national phase; or
 - 12 months from the date of expiration of the time limit to enter national phase;
- whichever period expires first

Reinstatement of rights by DO/EOs (Rule 49.6) (3)

- Longer time limits and/or further requirements may apply depending on the applicable national law
- For further details, see for each DO/EO, the relevant National Chapter in the *PCT Applicant's Guide*, National Phase

DO/EOs to which Rule 49.6 does not apply

- Notifications of incompatibility with respective national law were filed in accordance with Rule 49.6(f):

CA	Canada	LV	Latvia
CN	China	MX	Mexico
DE	Germany	NZ	New Zealand
IN	India	PH	Philippines
KR	Republic of Korea	PL	Poland

- The national law applicable by some of these Offices may nevertheless provide for other forms of protection against loss of rights - for further details, see for each DO/EO, the relevant National Chapter in the *PCT Applicant's Guide*, National Phase

Additional cases of protection against loss of rights

- Other than the (minimum) protection under Rule 49.6: excuse of delays in meeting time limits by designated/elected Offices (Article 48 and Rule 82*bis*)
- Rectification by designated/elected Offices of errors made by RO or IB (Rule 82*ter*)
- Review by and opportunity to correct before the designated/elected Offices (Articles 24(2), 25, 26, 39(3) and 48, Rules 82*bis* and 82*ter*)



Withdrawals

Withdrawals under Chapter I (1) (Article 24(1)(i) and Rule 90*bis*)

■ What?

- international application, designations (also for certain kinds of protection), priority claim

■ When?

- before the expiration of 30 months from the priority date

■ How?

- by a notice of withdrawal (use of Form PCT/IB/372 recommended) signed by all applicants, their agent or the appointed common representative, and filed with the RO or the IB

Withdrawals under Chapter I (2) (Article 24(1)(i) and Rule 90*bis*)

■ Effect:

- ❑ withdrawal effective upon receipt by the RO or the IB
- ❑ withdrawal has no effect in DOs where national processing or examination has already started
- ❑ withdrawal of international application or designations:
 - effect ceases in each designated State concerned, with same consequences as withdrawal of a national application in that State
 - if notice of withdrawal received by the IB before completion of technical preparations for international publication, there will be no international publication (withdrawal can be made conditional on receipt in time to prevent publication)
- ❑ withdrawal of priority claim: time limits which have not expired are re-computed on the basis of the revised priority date resulting from the withdrawal

Withdrawals under Chapter II (1) (Article 37 and Rule 90*bis*)

■ What?

- international application, designations, demand, elections, priority claim

■ When?

- before the expiration of 30 months from the priority date

■ How?

- by a notice of withdrawal (use of Form PCT/IB/372 recommended) signed by all applicants, their agent or the appointed common representative, and filed with:
 - the RO, the IB or the IPEA, if withdrawing international application or priority claim
 - the IB, if withdrawing demand or elections

Withdrawals under Chapter II (2) (Article 37 and Rule 90*bis*)

■ Effect:

- ❑ withdrawal effective upon receipt by appropriate Authority (see above)
- ❑ withdrawal has no effect in DOs/EOs where national processing or examination has already started
- ❑ withdrawal of demand or elections: withdrawal after expiration of Chapter I time limit for entry into national phase is considered to be withdrawal of the international application in relation to the State(s) concerned
- ❑ withdrawal of priority claim: time limits which have not expired are re-computed on the basis of the revised priority date resulting from the withdrawal



Requirements concerning the Deposit of Biological Material and Sequence Listings

Microbiological inventions

- Deposit of a sample in order to meet the requirement of full disclosure:
 - Many national laws require that, where a patent application refers to biological material which has not been made available to the public, a sample thereof be deposited with a recognized culture collection
- The Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure (Budapest Treaty)
 - provides for the recognition by its Contracting States of deposits made with any International Depositary Authority (IDA) under the Budapest Treaty
- The IDAs are recognized by all PCT Contracting States listed in Annex L of the *PCT Applicant's Guide*, whether they are Contracting States of the Budapest Treaty or not

When must the deposit be made?

- Many Offices require the deposit to be made before the filing date of the PCT application
- A late deposit, however, is no excuse for filing a PCT application claiming priority after the expiration of 12 months from the priority date (restoration of the right of priority may not work)
- Some Offices require that the deposit be made before the filing date of the application of which priority is claimed in the PCT application and that the priority application also makes reference to the deposited biological material, e.g. BY, CN, US

Reference to deposited biological material in a PCT application (Rule 13*bis*)

- Required in a PCT application only where the national law of a designated State provides for it. Usually needed for full disclosure of the invention.
- The *PCT Applicant's Guide*, Deposits of Biological Material (Annex L), contains information on the requirements of the designated States whose national law includes provisions on the deposit of biological material and indicates when and how reference to such deposited biological material should be made.

Time limit for furnishing references to deposited biological material (Rule 13*bis*.4)

- At the time of filing, as part of the international application (in the description): references in accordance with Rule 13.*bis*.3(a)(i) to (iv)
- Within 16 months from the priority date, or before completion of technical preparations for international publication: any further references related to the deposited biological material not part of the international application
- In case of a request for early publication: before completion of technical preparations for international publication

Reference to deposited biological material to be made in the description

- In accordance with Rule 13*bis*.3, the reference must include:
 - ❑ the name and address of the depositary institution
 - ❑ the date of deposit of the biological material with that institution
 - ❑ the accession number given to the deposit by that institution
 - ❑ any relevant information on the characteristics of the biological material
- Usually included in a paragraph at the beginning of the description
- Alternatively, Form PCT/RO/134 may be used for that purpose and be numbered as a sheet of the description

Reference to deposited biological material separate from the description

- Statement concerning the “expert solution”
- In the case where the applicant is not the depositor, a statement by the depositor concerning the right of the applicant to make reference to the biological material and to make it available to the public
- Form BP/4: acknowledgement of receipt by the IDA
- Form BP/9: viability statement
- All the above documents will be published by the IB with the international application

The “expert solution” (Rule 13*bis*.6)

- In respect of certain designated Offices, the applicant is entitled to request that a sample be issued only to an expert nominated by the requester
- A space is provided in form PCT/RO/134 to make such indication
- The request must reach the IB before the completion of technical preparations for the international publication of the application
- Some Offices also require the applicant to notify them directly before international publication takes place, e.g. DO/AU, DO/DE, DO/DK

Applicant and depositor of the sample are not the same person

- In this case, DO/GB and DO/EP require
 - within the time limit of 16 months from the priority date or before technical preparations for international publication have been completed
 - the name and address of the depositor to be included in the reference and
 - a statement specifying that the depositor has authorized the applicant to refer to the deposited biological material in the application and has given his unreserved and irrevocable consent to the deposited material being made available to the public
- Failure to do so may result in the application being refused in the national phase for insufficient disclosure

Which type of reference is covered by Rule 13*bis*?

- Only references to deposits under the Budapest Treaty will be treated as references to biological material under Rule 13*bis*
- Certificates on the Grant of Community Plant Variety Rights issued by the Community Plant Variety Office, a European Union Agency, are not covered by the Budapest Treaty and Rule 13*bis*
- References other than to biological material under Rule 13*bis* will not be published as part of the international application, but will be made available on PATENTSCOPE under “related documents on file at the International Bureau”

Presentation of nucleotide and/or amino acid sequence listings (1)

■ Relevant provisions:

- Rules 5.2 and 49.5(*a-bis*)

- Section 208 and Annex C of the Administrative Instructions

■ Where the international application contains disclosure of one or more nucleotide and/or amino acid sequences, the description must contain a sequence listing complying with the standard provided for in Annex C of the Administrative Instructions (“PCT Sequence Listing Standard”) (that standard has replaced the previously applicable various requirements of the ISAs, IPEAs and designated/elected Offices)

Presentation of nucleotide and/or amino acid sequence listings (2)

- If so required by the competent ISA, a copy of the sequence listing must also be submitted in electronic form complying with the Standard, in addition to the sequence listing as contained in the application; that copy:
 - must be identical to the written sequence listing
 - must be accompanied by a statement to that effect
- A sequence listing which complies with the Standard must be accepted:
 - by all ROs, ISAs and IPEAs for the purposes of the international phase and
 - by all designated/elected Offices for the purposes of the national phase

PCT Sequence Listing Standard (1)

- Basis: Section 208 and Annex C of the Administrative Instructions
- Where the sequence listing is filed together with the international application, it:
 - must be presented as a separate “Sequence Listing Part” of the description
 - must be placed at the end of the application
 - must begin on a new page
 - should preferably have independent page numbering

PCT Sequence Listing Standard (2)

- The Standard provides further details as to:
 - the symbols and the format which must be used for the presentation of nucleotide and/or amino acid sequences
 - with regard to other available information to be included in the sequence listing, the mandatory items which must, and the optional item which may, be included, and the order in which those items must appear
 - the presentation of features of sequences
 - the presentation of “free text”

PCT Sequence Listing Standard: presentation of free text (1)

- The Standard defines “free text” as a wording describing characteristics of the sequence which does not use “language neutral vocabulary”, that is, controlled vocabulary used in the sequence listing that represents scientific terms as prescribed by sequence database providers (including scientific names, qualifiers and their controlled vocabulary values, the symbols and the feature keys appearing in the Appendices to the Standard).
- Where the sequence listing part of the international application contains free text, that free text:
 - may, and preferably should, be in English (irrespective of the language of the main part of the description) (Rule 12.1(d))
 - must be repeated in the main part of the description (“Sequence Listing Free Text”) in the language thereof (ISA invites to furnish correction if not contained in main part of description as filed) (Rules 5.2(b) and 13*ter*.1(f))

PCT Sequence Listing Standard: presentation of free text (2)

- For the purposes of the national phase (Rule 49.5(a-bis)), no designated Office is entitled to require the applicant to furnish to it a translation of any text matter contained in the sequence listing part of the description if such text matter:
 - ❑ is presented in accordance with the Standard
 - ❑ is repeated in the main part of the description (and hence in any translation thereof)

Filing of sequence listings forming part of the international application

- No page fees are payable for sequence listings filed in ST.25 **text** format as part of an international application filed in electronic form
- Full page fees are payable for all pages of a sequence listing filed in **image** format as part of an international application in electronic form
- Full page fees are payable for sequence listings filed on paper
- **ATTENTION:** mixed mode filings (former Part 8 of the Administrative Instructions) no longer permissible

Tables related to sequence listings

- Pages of tables relating to sequence listings count as regular pages of the description
- Full page fees are payable for pages containing tables related to sequence listings, irrespective of whether or not they are submitted in electronic form

Filing of sequence listings not forming part of the international application

- Where a copy of a ST.25-compliant text format sequence listing has been furnished to the ISA under Rule 13*ter*.1 (for the purposes of international search only), the ISA will forward a copy of such a sequence listing to the International Bureau
- The International Bureau will make a copy of all sequence listings in text format received publicly available on PATENTSCOPE

Procedure where the sequence listing does not comply with the Standard (1)

- If the international application as filed does not contain:
 - a written sequence listing complying with the Standard; and/or
 - a sequence listing in electronic form complying with the Standard,

the ISA invites the applicant to furnish to it a listing (in such format) complying with the Standard, unless such a listing is already available to it, and to pay to it, where applicable, a late furnishing fee (Rule 13*ter*.1(a) and (b))

Procedure where the sequence listing does not comply with the Standard (2)

- Any sequence listing which is not contained in the international application as filed but which is furnished subsequently must not go beyond the disclosure in the application as filed and must be accompanied by a statement to that effect (Rule 13*ter*.1(e))
- If the applicant does not comply with the invitation within the time limit fixed in the invitation, the ISA is not required to search the application to the extent that a meaningful search cannot be carried out without the listing (Rule 13*ter*.1(d))

Sequence listing for International Preliminary Examining Authority (Rule 13*ter*.2)

The requirements applicable in respect of the procedure before the ISA apply *mutatis mutandis* in respect of the procedure before the IPEA

Sequence listing for designated/elected Offices (Rule 13^{ter}.3)

- Once the processing of the international application has started before a designated/elected Office, the requirements applicable in respect of the procedure before the ISA (and IPEA) apply *mutatis mutandis* in respect of the procedure before that Office
- No designated/elected Office is entitled to require the applicant to furnish to it a sequence listing other than a sequence listing complying with the PCT Sequence Listing Standard



Procedural Safeguards for International Applications

Procedural safeguards (1)

- Transmittal of international application by a non-competent receiving Office to the International Bureau as receiving Office (Rule 19.4)
- Invitation to correct defects (formal defects, priority claims)
- Extension of time limits by the receiving Office (except for payment of fees, correction and/or addition of priority claims)
- Invitation to pay missing or not fully paid fees (Rules 16*bis* and 58*bis*)
- Incorporation by reference (Rule 20)

Procedural safeguards (2)

- Restoration of the right of priority (Rules 26*bis*.3 and 49*ter*)
- Rectification of obvious mistakes (Rule 91)
- Withdrawal of application in order to prevent its publication
- Withdrawal of priority claim in order to delay publication of application and/or postpone entry into national phase
- Filing by facsimile in order to meet time limits (Rule 92.4)
- Delay in mail sent to applicant: 7-day rule (Rule 80.6)

Procedural safeguards (3)

- Delay or loss in mail sent by applicant: 5-day rule, registered airmail and delivery services (Rule 82.1)
- Reinstatement of rights after failure to enter national phase within applicable time limits (Rule 49.6)
- Excuse of delays in meeting time limits by designated/elected Offices (Article 48 and Rule 82*bis*)
- Rectification by designated/elected Offices of errors made by RO or IB (Rule 82*ter*)
- Review by designated/elected Offices (Articles 24, 25 and 26)

Procedural safeguards (4)

- Excuse of delay in meeting time limits due to *force majeure* (Rule 82*quater*)
 - RO, ISA, SISA, IPEA or IB will excuse a delay in meeting any time limit provided for in the Regulations, if it is proven to the Office's satisfaction that
 - the time limit could not be met due to war, revolution, civil disorder, strike, natural calamity, a general unavailability of electronic communication services or other similar reason, and
 - evidence is offered not later than six months after the expiration of the relevant time limit
 - The Rule does not apply to
 - the 12 month priority period under the Paris Convention
 - the time limit for entry into the national phase
 - The excuse of delay need not be considered by the DOs before which the national phase has already started



Amendments to the PCT Regulations as from 1 July 2018

PCT Rule Changes

■ Amendment to the Schedule of Fees

- Clarification that the 90% fee reduction is intended only for persons filing PCT applications in their own right and not those filing PCT applications on behalf of a person or entity which is not eligible for the fee reduction (e.g. the director or employee of a company where the application is made for the benefit of the company)

■ Amendment to PCT Rules 4.1(b)(ii) and 41.2(b)

- Correction of references regarding provisions which entered into force on 1 July 2017 relating to the transmittal of earlier search and/or classification results



Recent developments

Recent Developments

- New ISAs/IPEAs
- PCT Highlights
- Licensing availability
- Third Party Observations
- PATENTSCOPE
- WIPO Pearl
- PCT Direct
- PCT and PPH
- Arbitration and Mediation Center Fee Reductions

New ISAs/IPEAs

- Twenty three (23) Offices now hold the status as ISA/IPEA
 - The State Intellectual Property Service of Ukraine (SIPSU) started operations as an ISA/IPEA on 5 February 2016
 - The Visegrad Patent Institute started operations as ISA/IPEA on 1 July 2016
 - Turkish Patent and Trademark Office started operations as from 8 March 2017
 - The Intellectual Property Office of the Philippines has been appointed as an ISA/IPEA (2017) (*not yet operational*)

PCT Highlights

- High-level summary of recent and future developments in the PCT, with hyperlinks to more detailed information, databases, videos, etc.
- Targeted, in particular, at managers and attorneys
- Possibility to subscribe to the PCT Highlights mailing list for update notifications
- www.wipo.int/pct/en/highlights/index.html

Licensing availability (1)

- Applicants interested in concluding license agreements in relation to their international application may request the International Bureau to make this information available in PATENTSCOPE:
 - How? Applicants should submit a “Licensing Availability Request” to the IB using an ePCT “Action”
 - Alternatively, Form PCT/IB/382 may be used
 - When? At the time of filing or within 30 months from the priority date
 - Free of charge
 - Applicants can file multiple licensing requests or update previously submitted ones (within 30 months from the priority date)

Licensing availability (2)

- ❑ Licensing indications will be made publicly available after international publication of the application
- ❑ The licensing indications will be visible on PATENTSCOPE under the “*Bibliographic data*” tab with a link to the submitted licensing request itself
- ❑ International applications containing licensing information can be searched for in PATENTSCOPE
- ❑ The licensing indication displayed under the “*Bibliographic data*” tab may be revoked by the applicant at any time, that is, also after 30 months from the priority date

Third Party Observations - Main Features

- Allows third parties to submit prior art observations relevant to novelty and inventive step
- Web-based system using ePCT or web-forms in PATENTSCOPE
- Free-of-charge
- Submissions possible until the expiration of 28 months from the priority date
- Applicants may submit comments in response until the expiration of 30 months from the priority date
- Anonymous submission of third party observations possible
- Third-party supplied documents will not be available via PATENTSCOPE, but will be made available to International Authorities and national Offices

Third Party Observations – Role of the IB

- Checks for spam
- Notifies the applicant of submission of observations
- Makes observations available in PATENTSCOPE
- Sends to International Authorities and designated Offices observations, cited documents, and applicant responses
- Available since July 2012

PATENTSCOPE

- Interface available in 10 languages (plus mobile version)
- “Documents” tab includes the new section “Search and Examination-Related Documents”
- Information on national phase entry for more than 50 countries
- Access to more than 40 searchable national and regional patent collections
- New secure access to PATENTSCOPE via https
- WIPO Translate
 - translation tool based on neural machine translation technology that enables it to convert highly technical patent documents into a second language in a style and syntax that closely mirrors common usage
- Cross-Lingual Expansion
 - allows the search of a term/phrase and its variants in several languages by entering the term(s) in one language, the system will suggest variants and translate the term(s) allowing the search of patent documents in other languages

WIPO Pearl

- Multilingual terminology portal which gives access to scientific and technical terms derived from patent documents
- Available in all ten PCT languages
- Helps to promote accurate and consistent use of terms across different languages and makes it easier to search and share scientific and technical knowledge
- All content validated with reliability scores
- Integrated with PATENTSCOPE
- Further details can be found at:
www.wipo.int/wipopearl/search/home.html

“PCT Direct” (1)

- New service offered by:
 - EPO since 1 November 2014
 - Israel Patent Office since 1 April 2015
- During the PCT procedure, applicants can address patentability issues raised in the search opinion established for the priority application by the same office
- Aims at improving the efficiency and quality of the procedure before the ISA
- Further details can be found on the EPO website:
www.epo.org/law-practice/legal-texts/official-journal/2014/09/a89.html
- Further details can be found on the Israel Patent Office website:
www.justice.gov.il/En/Units/ILPO/Departments/PCT/News/Pages/PCTDirect.aspx

“PCT Direct” (2)

■ Requirements:

- the informal comments are filed together with the PCT application
 - with any RO if ISA/EP is chosen
 - with RO/IL if ISA/IL;
- EPO or Israel Patent Office is selected as ISA;
- the PCT application claims priority of an earlier application searched by the
 - EPO (European first filing or national first filing)¹
 - Israel Patent Office

■ Form:

- the informal comments are filed in form of a “PCT Direct Letter” in a single document in PDF format and the words “PCT Direct/informal comments” have been indicated under “Other” in Box IX of the PCT request form (Form PCT/RO/101)

¹ The EPO performs national searches for France, Netherlands, Belgium, Luxembourg, Italy, Turkey, Greece, Cyprus, Malta, San Marino, Lithuania, Latvia and Monaco

“PCT Direct” (3)

■ Informal comments:

- They are arguments regarding the patentability of the claims of the PCT application
- May include explanations regarding any modifications to the application documents, in particular to the claims, in comparison with the earlier application (e.g. marked-up copy)
- Aim at overcoming objections raised in the search opinion established for the priority application
- Do not form part of the PCT application, but are made publicly available on PATENTSCOPE

Patent Prosecution Highway (PPH) and PCT

- Accelerated examination in the national phase based on a positive work product of an International Authority (written opinion of the ISA or the IPEA, IPRP (Chapter I or II))
- Conditions:
 - At least one claim has been determined by the ISA or the IPEA to meet the PCT criteria of novelty, inventive step and industrial applicability; and
 - ALL the claims must sufficiently correspond to the claims deemed to meet the PCT criteria (they are of the same or similar scope or they are of narrower scope than the claims in the PCT application)
- Global PPH and PCT:
 - Introduction of Global PPH Pilot in January 2014
 - Single set of qualifying requirements that simplifies the existing PPH network so that it is more accessible for users

Patent Prosecution Highway (PPH) and PCT

- Global PPH complements existing bilateral PPH agreements
- Information on the PCT Website:
www.wipo.int/pct/en/filing/pct_pph.html
- Information on the PPH Portal:
www.jpo.go.jp/ppph-portal/index.htm
- Information on procedures and forms can be found on the websites of the participating Offices
- The IB requests feedback on experience with PCT-PPH at pct.legal@wipo.int

Arbitration and Mediation Center (AMC)

- Independent and impartial body that offers alternative dispute resolution options for the resolution of commercial disputes between private parties (time and cost efficient alternatives to litigation)
- Provides mediation, arbitration and expert determination services for IP and other commercial disputes
- 25% lifetime reduction on AMC's registration and administration fees where at least one party to the dispute has been named as an applicant or inventor in a published PCT application (no relationship to the dispute is required)
- Fee calculator

www.wipo.int/amc/en/calculator/adr.jsp



ePCT for Applicants (September 2018)

ePCT Overview

- Getting started pct.wipo.int/ePCT
- Access to ePCT with and without strong authentication
- ePCT-Filing
- eOwnership of PCT applications
- eHandshakes, sharing/removal of access rights
- Features and functions
- Future developments

What is ePCT? (1)

- Online portal that provides PCT services for both applicants and Offices (pct.wipo.int)
- User interface available in all PCT publication languages
- Provides secure and direct interaction with PCT applications maintained by the International Bureau
- Applicants can conduct most PCT transactions electronically with the International Bureau
- ePCT-Filing - Web-based filing of PCT applications

What is ePCT? (2)

- Receiving Offices, International Searching Authorities, International Preliminary Examining Authorities and designated Offices have access to PCT applications via secure ePCT Office accounts
- Applicants can conduct a number of electronic PCT transactions via ePCT also with participating Offices

ePCT modes

- Single WIPO Account (username and password) required to access ePCT
 - <https://pct.wipo.int/wipoaccounts/ePCT/>
- ePCT **without** strong authentication
 - Limited functionality, document upload
 - Practical alternative to paper (*fax transmissions to the IB no longer recommended since January 1, 2018*)
- ePCT **with** strong authentication
 - Additional identity verification
 - Access to full range of services and functions including the creation and filing of PCT applications
 - Access to PCT applications filed as of January 1, 2009, including before publication

ePCT without strong authentication

- Upload documents to the International Bureau only
 - PDF format
 - E-mail cannot be used to submit documents
- Submit Actions
 - Rule 92*bis* action for published PCT applications
 - Article 19 amendments
 - Third party observations
 - Actions cannot be saved as drafts when using ePCT without strong authentication

ePCT without strong authentication - Actions

PCT/IB2016/080079 ▾

International Filing Date 14 Apr 2016

Portfolio

Processing Team at IB PCT RO/IB Team

Tel. +41 22 338 92 22

Email ro.ib@wipo.int

▸ DOCUMENTS

▾ ACTIONS

Select Action

Action

Select

Select

Amendments Under Article 19 (text format only)

Rule 92bis change request

Third Party Observations

Upload Documents

ePCT with strong authentication

- Additional identity verification
 - ❑ Authenticator app with one-time password
 - ❑ SMS text with one-time password
 - ❑ Obtain/upload a “supported” digital certificate
- Best practice: set up at least 2 strong authentication methods
- Set-up instructions and videos are available on the ePCT SUPPORT page www.wipo.int/pct/en/epct/support.html

Digital Certificates

- Choice of “supported” certificates
 - WIPO digital certificate
 - EPO digital certificate (smart card)
- Note: USPTO digital certificates are NOT supported

WIPO Digital Certificate (1)

- A small electronic file with data that identifies the user (must be installed in your browser in order to authenticate access under strong authentication)
- Supported browsers to request and pick up your certificate are Mozilla Firefox (recommended) and Internet Explorer
- Available free-of-charge from WIPO, valid 2 years, renewable
- One-time opportunity to pick up the requested digital certificate (must be done within a week)

WIPO Digital Certificate (2)

■ Back-up the digital certificate

- ❑ Export and password protect the digital certificate (for details see the ePCT support page)
- ❑ E-mail the digital certificate to yourself and/or save it on a USB stick (keep password safe)
- ❑ Back-up may be required after a browser upgrade or to access ePCT with strong authentication from a different PC or browser

Multilingual Address Book (1)

- Record and store contact details of applicants, inventors, and agents
- Possibility to include English transliteration for entries in Arabic, Chinese, Japanese, Korean, Russian
- Import of existing address book (.csv extension) from PCT-SAFE or EPO-OLF software
- Address book sharing based on access rights
 - eOwner (can edit, view and share)
 - eEditor (can edit and view)
 - eViewer (can view only)

Multilingual Address Book (2)

The screenshot displays the WIPO ePCT Workbench interface. At the top, the navigation bar includes the WIPO logo, 'ePCT', 'WORKBENCH', and 'NEW IA'. The user's location and time are shown as 'GENEVA MAR 23, 2017 9:14 AM CET', along with 'SUPPORT' and the user's name 'PASCAL PIRIOU' with a dropdown arrow. A 'LOGOUT' link is also present. The main header features the 'WORKBENCH' title with a dropdown arrow. Below this, there are tabs for 'Current IAs', 'Drafts', 'Unpublished', 'Published', and 'Archived', followed by a search box. A secondary navigation bar contains links for 'Show Filter', 'Columns', and 'Download list'. The bottom section shows a table header with columns: 'us', 'File Ref', 'IFD', 'Priority', and 'Applic'. A dropdown menu is open from the user's name, listing options: 'Notifications', 'Address Book' (highlighted with a red box), 'Default access rights', 'My History', 'My Account', 'Request eOwnership code', 'PCT Resources', 'WIPO Online Services', and 'Office Profiles'.

Multilingual Address Book (3)

The screenshot displays the WIPO ePCT Address Book interface. At the top, the header includes the WIPO logo, 'WIPO | ePCT ADDRESS BOOK', the date and time 'GENEVA MAR 23, 2017 9:14 AM CET', and user information 'SUPPORT PASCAL PIRIOU'. Below the header, there are navigation links for 'CONTACTS' and 'ACCESS RIGHTS'. The main heading is 'PASCAL' with a dropdown arrow. Below this, there are buttons for 'Add' and 'Import', and a search bar labeled 'Search contact' with a magnifying glass icon. Underneath the search bar, there are links for 'Refresh' and 'Download list'. The main content area is a table with the following columns: 'Name / Address', 'Country...', 'Nat', 'Res', 'E-mail', and 'Notifications metho'. A single contact entry is visible, with the following details:

Name / Address	Country...	Nat	Res	E-mail	Notifications metho
[EN] ABC COMPANY Street 1 Sunset Blvd 1080 Miami 95100 Florida	US	US	US	info@abc.com	

ePCT-Filing (1)



- Web-based filing of PCT applications available to all PCT applicants
- Real-time validation of data against the electronic processing system of the International Bureau
- Request form can be prepared in all PCT publication languages

ePCT-Filing (2)

- Specification in PDF, DOCX or XML formats
 - For PDF format, option for single specification with or without drawings
 - For XML format, single file only
- Application body in DOCX format for conversion to XML using online converter <https://pct.wipo.int/DocConverter>
 - Templates and sample files are available in all PCT publication languages
 - DOCX User Guide available in English

ePCT-Filing (3)

■ Color or greyscale content

- ❑ Not permitted in PCT applications (Rule 11)
- ❑ ePCT will automatically detect color or greyscale content and warn the applicant that the IB will convert the color content into black and white for publication
- ❑ However, any original color or greyscale content will be available on PATENTSCOPE as part of the public application file
- ❑ If color or greyscale is used, the front page of the published PCT application will contain a notice that the application as filed contained color or greyscale content
- ❑ Designated Offices are not obliged to take the color or greyscale content into account, and may rely on the PCT application as published in black and white

ePCT-Filing (4)

- “Cloning” of PCT applications
 - The bibliographic data of a previous filing under ePCT-New IA (whether already filed or not yet filed) is used as an application template
 - Option to include all data and documents
 - Option to also copy access rights
- Real-time online payment to the International Bureau of filing fees by credit card or by debiting a WIPO Current Account (only for filings with RO/IB)
 - Visa, MasterCard/Eurocard, American Express, Discover, Diners Club
 - Payment can be made at or after the time of filing

ePCT-Filing (5)

- Accompanying items (not part of the PCT application), for example
 - General correspondence
 - Documents in pre-conversion format
 - Translations for international publication and/or international search
 - Sequence listing for search purposes
 - Generate request to participate in the IP5 CS&E pilot
- Possibility to make same day corrections
- Download copy of new PCT application before filing (ZIP (multiple PDF) or single PDF)
- Multiple Rule 4.17 declarations of the same type are now merged in order to reduce the page count

eOwnership of PCT applications

- Right to access and manage a PCT application in ePCT
- Process is automatic when using ePCT-Filing
 - Access rights can be assigned prior to filing
 - Users with access rights can access the draft PCT application
- If ePCT-Filing is not used, additional steps are required to take eOwnership
- Default access rights can be set up and automatically applied each time you are confirmed as 'original eOwner', either to individuals or to groups of individuals

Taking eOwnership

- Automatic assignment of access rights when using ePCT-Filing
- At the time of electronic filing using PCT-SAFE, EPO online filing or JPO PAS
- Subsequent to electronic filing using a supported digital certificate that is also uploaded to your WIPO Account
- Paper-filed applications or electronically-filed applications with non-supported digital certificate

Taking eOwnership when using other compatible e-filing software

- Generate a one-time eOwnership code in ePCT and paste it into the relevant signature field along with your Customer ID when filing with PCT-SAFE, EPO online filing or JPO PAS
- The new application is therefore securely associated with your WIPO Account
- When the record copy is received by the International Bureau, access rights will be automatically assigned to you based on the matching eOwnership code and Customer ID

Taking eOwnership PCT-SAFE, EPO online filing and JPO PAS

The screenshot shows the WIPO ePCT interface. At the top, the header includes the WIPO logo, 'ePCT REQUEST ACCESS RIGHTS', the location and time 'GENEVA JUL 17, 2017 9:48 AM CEST', 'SUPPORT', and the user name 'PASCAL PIRIOU'. A dropdown menu is open, listing various user options, with 'Generate eOwnership code' highlighted. Below the menu, a large heading reads 'GENERATE eOWNERSHIP CODE FOR USE WHEN PCT-SAFE, EPO ONLINE FILING & JPO PAS'. A text box explains that the code is for use during filing and is not applicable for other systems. Below this, instructions state that the code and customer ID should be pasted into the signature box of PCT-SAFE, EPO, or JPO PAS. A red box highlights the generated 'Customer ID user_CH_PIRIOU_PASCAL_1755' and the 'eOwnership Code SVYYHX2QMQRPY0'.

WIPO | ePCT REQUEST ACCESS RIGHTS GENEVA JUL 17, 2017 9:48 AM CEST SUPPORT PASCAL PIRIOU

GENERATE eOWNERSHIP CODE FOR USE WHEN PCT-SAFE, EPO ONLINE FILING & JPO PAS

Generate an eOwnership code to set up ePCT access rights as part of the filing process when using PCT-SAFE, EPO online filing or JPO PAS.
This eOwnership Code can only be used at the time of filing, for one application and is not applicable for other systems.

Copy/paste your Customer ID and eOwnership code below into the corresponding fields in the signature box in PCT-SAFE, EPO online filing or JPO PAS.
When the record copy is received at the International Bureau, eOwnership will be automatically assigned to the holder of the Customer ID.

Customer ID user_CH_PIRIOU_PASCAL_1755
eOwnership Code SVYYHX2QMQRPY0

Taking eOwnership - Subsequent to electronic filing using a supported digital certificate

- Unpublished e-filed applications using a supported digital certificate
 - Both the e-filing and ePCT digital certificates must match
 - Enter the confirmation code in the bottom right-hand corner of Form PCT/IB/301
 - eOwnership automatically assigned

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland	Authorized officer Bardini Ann e-mail pt04.pct@wipo.int Telephone No. +41 22 338 74 04
Facsimile No. +41 22 338 82 70 Form PCT/IB/301 (July 2010)	I/EYK64AFLSN7PW0

Taking eOwnership Paper or non-supported digital certificate (1)

- Applications filed on paper or filed electronically with a non-supported digital certificate
- Search for application outside of your Workbench and select reason “Request access rights”

The screenshot shows the 'WORKBENCH' interface with a search form titled 'FIND IA OUTSIDE OF MY WORKBENCH'. The form includes the following elements:

- Top right: 'CREATE NEW IA' and 'FIND IA OUTSIDE OF MY WORKBENCH' (highlighted with a red box).
- Navigation tabs: 'Current IAs', 'Draft IAs', 'Draft Actions', 'Unpublished', 'Published', 'Archived', and a 'Search' input field.
- Filter options: 'Filter Applied', 'Save filter', 'Download list', 'Columns', and 'Show rows [ALL]'.
- Search form fields:
 - 'International Application Number *' (highlighted with a red box).
 - 'International Filing Date *' (highlighted with a red box).
 - 'Reason *' dropdown menu with 'Request Access Rights' selected (highlighted with a red box).
- Buttons: 'Cancel' and 'Search IA'.

Taking eOwnership

Paper or non-supported digital certificate (2)

- Enter confirmation code indicated on Form PCT/IB/301 (unpublished applications only) or on Form PCT/IB/345 (applications containing Rule 92*bis* requests and published applications)

REQUEST ACCESS RIGHTS

The access rights confirmation code can be found in the bottom right-hand corner of Form PCT/IB/301, or on Form PCT/IB/345 if a new confirmation code was already requested from the International Bureau.

Access rights confirmation code *

Cancel Confirm

- This will trigger an online form for the International Bureau to approve or reject the request for access rights
- You will receive an e-mail notification once the request for access rights has been processed by the International Bureau

Sharing of Access Rights – eHandshake (1)

- First step in providing access to PCT applications
- Consists in the association and trusted recognition between different WIPO User Accounts with strong authentication
- eHandshakes do not directly result in shared access rights which have to be specifically assigned (default access rights options can be pre-defined)
- eHandshakes are managed within your WIPO account (select “My Account” from the drop-down menu next to your name)

Sharing of Access Rights – eHandshake (2)

- Shortcut link to eHandshake screen available when editing access rights

The screenshot shows a web interface for managing access rights. At the top, there is a section titled "ACCESS RIGHTS" with a dropdown arrow. Below this title are two buttons: "Current Access Rights" and "History". A prominent message box with a red border contains the text: "To assign rights to another person you must first have established an [eHandshake](#)". Below the message box is a table with two rows of user information. Each row includes a name, a role, and a dropdown arrow on the right side.

ACCESS RIGHTS	
Current Access Rights	History
To assign rights to another person you must first have established an eHandshake	
PIRIOU PASCAL eOwner	▼
ana mena[eHandshake user] eOwner	▼

Sharing of Access Rights – eHandshake (3)

■ Request new eHandshake

- If you know the associate's customer ID, enter it in the corresponding field

REQUEST NEW eHANDSHAKE

Enter the Customer ID of the user to whom you want to send an eHandshake request.

Customer ID *
user_US_DOE_JANE_1234

- If you do not know the associate's customer ID, send yours by e-mail so that the associate can initiate the process

INITIATE eHANDSHAKE

Your Customer ID is **user_GB_BARDINI_ANN_7884**.

Send Customer ID by e-mail to an associate to initiate an eHandshake request

Types of Access Rights

■ eOwner

- Complete control over all aspects of the PCT application in ePCT
- May be the applicant, agent or other individual (e.g., paralegal, assistant, secretary) who actually filed the PCT application, or another individual to whom access rights were granted by an existing eOwner

■ eEditor

- Can do everything except assign access rights

■ eViewer

- “Look” but don’t “Touch”

Assigning + Managing Access Rights (1)

- An eOwner can assign/modify/remove access rights of others via the Workbench (e.g. for multiple applications) or via the “Access Rights” of each application

The screenshot displays the WIPO ePCT Workbench interface for application 0000AB-1412 PCT/IB2016/080264. The 'ACCESS RIGHTS' tab is selected and highlighted with a red box. Below the application details, there are navigation options: DATA, DOCUMENTS, ACTIONS, ACCESS RIGHTS (selected), and HISTORY. Under the 'ACCESS RIGHTS' section, the 'Edit' button is highlighted with a red box. A table below shows the current access rights assignments.

Name	Granted On	Granted By	Rights
Ann Bardini ann.bardini@wipo... Original eOwner	14 Dec 2016	Ann Bardini	eOwner
Riadh BEN GHACHEM riadh.be... eHandshake user	14 Dec 2016	Ann Bardini	eEditor
Aymeric BLANC aymeric.blanc... eHandshake user	14 Dec 2016	Ann Bardini	eViewer

Assigning + Managing Access Rights (2)

- Access rights can be managed for multiple applications at the same time, including removal of all ePCT access rights for an eHandshake user in one step via your eHandshakes screen
- Access rights can be automatically assigned to a default ~~lists~~ group of eHandshake users
- PCT applications should have more than one eOwner to facilitate access rights management and to ensure that at least one user has access to a PCT application
- Access rights should be removed for ePCT users no longer requiring access (e.g., change of applicant, change of agent, departure, etc.)
- Full history of all access rights modifications is available

Signatures (1)

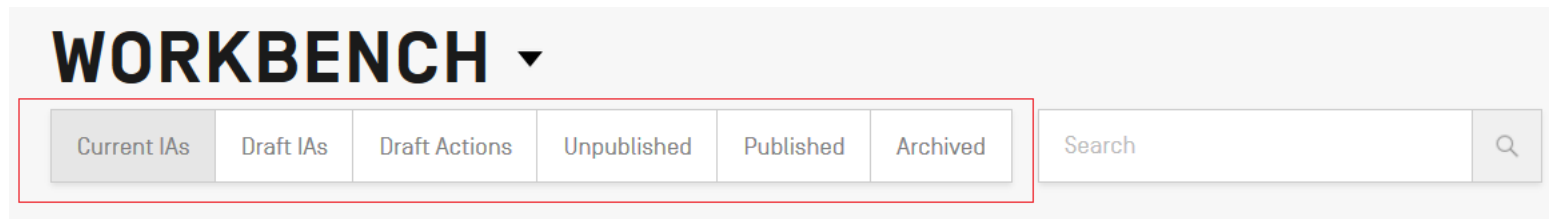
- ePCT access rights holders (eOwner or eEditor) are different from authorized signatories (applicant or agent)
- Applicant or agent may not necessarily be an eOwner or eEditor
- Applicant or agent signatures are required for ePCT-Filing and other PCT transactions, e.g., Rule 92*bis* changes, filing of Chapter II demand, Article 19 amendments, withdrawals
- Signatures may be applied in the form of a text string or by uploading an image file

Signatures (2)

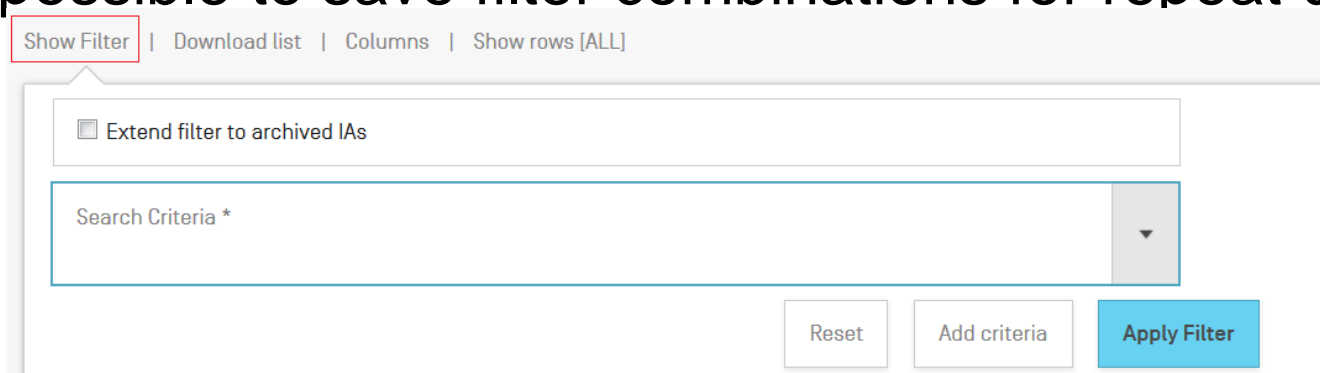
- It is also possible to indicate that the signature of an authorized signatory appears in an attached document
- ‘External signature’ process allows someone without ePCT access to apply their signature to a document prepared using ePCT (e.g., where the attorney does not have access to ePCT but needs to approve and sign a document prepared by a paralegal who uses ePCT)

Workbench (1)

- List of all PCT applications to which you have access rights (eOwner, eEditor, eViewer)
- The Workbench contains 6 pre-defined shortcut filter buttons to display applications as per their status



- Many combinations of filters can be applied and it is possible to save filter combinations for repeat use



Workbench (2)

- The Workbench columns can be re-arranged by dragging/dropping; customize columns to show/hide
- Workbench list can be downloaded to a spreadsheet
- Select one or more applications to reveal a bar that gives access to functions such as manage access rights, archiving and organizing applications into Portfolios

The screenshot displays the 'WORKBENCH' interface. At the top, there are tabs for 'Current IAs', 'Drafts', 'Unpublished', 'Published', and 'Archived', along with a search bar. Below the tabs, there are links for 'Filter Applied', 'Columns', and 'Download list'. A blue bar is visible with 'Actions' and 'Cancel' buttons, and a notification '1/6 selected'. Below this is a table with the following columns: IA Number, IA Status, File Ref, IFD, Portfolio, Applicant Name, My Rights, My Comments, and Warning. The first row of the table is highlighted in light blue and contains the following data: PCT/AU2017/099002, New IA - RO Phase, [NewRef-AU123](#), 14 Mar 2017, EPCT CENTER NSW AUSTRALIA, eOwner, and [Edit](#).

- Clicking on the IA number, file reference or 'My rights' link will open up a detailed file view

Viewing a PCT application

- Shortcut links for navigating to each section

WIPO | ePCT PCT/IB2017/080020 GENEVA MAR 3, 2017 8:48 AM CET SUPPORT JANE DOE Close

DATA DOCUMENTS ACTIONS ACCESS RIGHTS TIMELINE HISTORY SEND EPCT MESSAGE

1234567 PCT/IB2017/080020 ▾


IA Status Not yet Published	Int. Filing Date 23 Jan 2017	ISA/EP Search copy not yet sent
Applicant[s] ABC COMPANY [+1] Inventor[s] SMITH, John		
Portfolio	Team at IB PCT RO/IB Team	Language of Filing EN


- DATA
- DOCUMENTS
- ACTIONS
- ACCESS RIGHTS
- TIMELINE
- HISTORY

Dropdown menu on IA number

- Gives quick access to a number of useful functions

DATA DOCUMENTS ACTIONS ACCESS RIGHTS TIMELINE NATIONAL PHASE HISTORY

A10RIADH **PCT/IB2017/080337** 

Archive	
Add to Portfolio	Int. Filing Date 07 Nov 2017
Warning Message	
My Comments	
Clone IA	
View draft IA as filed via ePCT	Team at IB PCT R0/IB Team
IA Status Report (PDF)	
IA Status Report (XML)	
History	
Add bookmark 	

Data

- Up-to-date bibliographic data for the PCT application being viewed
- Information about the target date for international publication/republication and preview of bibliographic data in publication front page layout
- Where the language of filing of a PCT application is in Arabic, Chinese, Japanese, Korean or Russian, bibliographic data are available in those languages in addition to the English transliteration
- Data are available as “IA Status Report” (IASR) in PDF or XML format

Documents (1)

- Access to documents on Record as held by the IB, but also documents submitted to ePCT participating Offices in their capacity as RO, ISA, IPEA

▼ DOCUMENTS				
▼ RECORD AS HELD BY THE IB				
<input type="checkbox"/>	Documents [Doc ID] ⇅	Source ⇅	Status ⇅	Date ▼
<input type="checkbox"/>	E Filing Transmission Receipt [11] 1 page	ePCT	Processed	06 Mar 2017
<input type="checkbox"/>	ePCT Message [9] 1 page	RO	Not yet processed	06 Mar 2017
<input type="checkbox"/>	Application Body as Filed [2] 4 pages	ePCT	Not yet processed	06 Mar 2017
▼ DOCUMENTS FOR ISA/EP				
<input type="checkbox"/>	Documents [Doc ID] ⇅	Source ⇅	Status ⇅	Date ▼
<input type="checkbox"/>	ePCT Cover Letter [10] 1 page	ePCT	Copy as received	07 Mar 2017
<input type="checkbox"/>	Request for Rectification [11] 1 page	ePCT	Copy as received	07 Mar 2017
▼ DOCUMENTS FOR IPEA/EP				
<input type="checkbox"/>	Documents [Doc ID] ⇅	Source ⇅	Status ⇅	Date ▼
<input type="checkbox"/>	Chapter II Demand for IPEA [13] 6 pages	ePCT	Copy as received	07 Mar 2017
<input type="checkbox"/>	ePCT Cover Letter [12] 1 page	ePCT	Copy as received	07 Mar 2017

Documents (2)

- Indications about the status and public availability of each document type, plus audit trail, if available

▼ RECORD AS HELD BY THE IB

<input type="checkbox"/>	Documents [Doc ID] ⇅	Source ⇅	Status ⇅	PATENTSCOPE ⇅	Date ▾	
<input type="checkbox"/>	Power of Attorney [9] 1 page	ePCT	Not yet processed	Pending processing	17 Oct 2016	Document information

Document information

Document Power of Attorney[9]

Status Not yet processed

Available on PATENTSCOPE Pending processing
This document type is made available on PATENTSCOPE at the time of publication

[View document as it will be rendered at the IB](#)

User Name ⇅	Type of Action ⇅	Audit Info ⇅	Event Date ⇅
Ann Bardini	Import	P/A: PCTIB2016080069-...	17 Oct 2016

Documents (3)

- ‘Upload’ shortcut button to ePCT Action to ‘Upload documents’ (mostly PDF format) to the IB and also to participating Offices in capacity as RO, ISA, IPEA
 - Types of document selectable for upload depend on the recipient selected
 - A cover letter is automatically generated – user can type a comment to be included in the cover letter

Simple, secure alternative to sending documents by mail
(fax transmissions to the IB no longer recommended since January 1, 2018)

- Current date and time at the *recipient* Office is displayed in the interface and is set as the date of receipt of uploaded documents
- After upload, documents are visible under Documents and the recipient Office is notified by the system

Upload Documents – Priority Document

- Upload of digitally signed priority documents
 - Available only for priority documents issued in electronic format by BR, PT and US

Actions (1)

- Full suite of Actions only when using ePCT with strong authentication and with eOwner/eEditor access rights

▼ **ACTIONS**

Select Action

Action *

- Amendments Under Article 19 (text format only)
- Create Power of Attorney
- Declarations under Rule 4.17
- Licensing Availability Request
- Make international application available to DAS
- Observations on close prior art
- Obtain priority document from DAS
- Online Payment
- Request Certified Copy
- Request for Early Publication
- Rule 92bis change request
- Submit Chapter II Demand
- Translation for international publication
- Upload Documents
- Withdraw Chapter II Demand
- Withdraw Designation(s)
- Withdraw Election(s)
- Withdraw International Application
- Withdraw Priority Claim(s)

Actions (2)

- The user benefits from pre-filled bibliographic data and automated validations to avoid errors; time limit checks
- Data and documents submitted through “Actions” are directly imported for processing with no need for retyping (reduces potential transcription errors)
- “Actions” are subject to review by the recipient (the IB or any participating Offices in capacity as RO, ISA, IPEA)
- “Actions” should be used instead of the equivalent document upload
- Option to save “Actions” as a draft only with strong authentication

Actions (3)

- “Action” for Article 19 amendments
 - Option always appears but can only be used if the ISR has been received by the IB and time limit has not expired (also available when using ePCT without strong authentication provided that the application has been published)
 - Can only be uploaded in DOCX or text-based PDF format
 - DOCX files converted to XML using online converter (templates and samples are provided)
 - Accompanying letter can be prepared online
- Output of Actions is always rendered in language of publication of the application (regardless of language of interface)

Time Line

- Date and time in Geneva, Switzerland, is displayed at the top of the screen to facilitate awareness of deadlines
- Graphical representation of PCT time limits
- Summary of key dates
- E-mail alerts for most of these time limits can be set up in Notification Preferences

History

- List of actions taken by all ePCT users for the PCT application
 - Filter option
- Default view is for the last one week period
- Similar 'My History' function is available via the dropdown menu next to your name in the ePCT header which lists only your actions taken in ePCT in respect of any international application

Notifications

■ Preferences

- Specify the events in the lifecycle of a PCT application for which you want to receive notifications
- Method (e-mail, Notifications list, or both) and type of notifications

■ Filters

- Received date, read date, unread, date range

■ Clearing of notifications from the list

■ Only most recent 1000 notifications are stored

Portfolios

- User-defined, personal ‘virtual folders’ for grouping PCT applications
- Portfolios are basically filters for viewing PCT applications in groups that are meaningful for the user who defines them
- Deletion of PCT applications from a Portfolio or deletion of the Portfolio itself only deletes the virtual grouping, not the applications themselves
- Switch between the Workbench view and Portfolio-based view of your applications

Future Developments

- Extension of ePCT-Filing to other receiving Offices
- Machine-to-machine functionality
- Extend the online payment function to other types of fees for the IB (post-filing)

ePCT in DEMO mode

- pctdemo.wipo.int
- Demo environment in which you can practice and familiarize yourself with ePCT
- Do not use confidential or sensitive data in the ePCT demo environment

Need help with ePCT – SUPPORT (1)

- Use the “SUPPORT” link in the ePCT header
- PCT eServices
 - Tel: +41-22-338-9523
 - E-mail: pct.eservices@wipo.int
 - Monday to Friday, 9am-6pm Geneva time

Need help with ePCT – SUPPORT (2)

■ FAQs and user documentation

- Database of help info

- Live Chat (during business hours) available via FAQ answers and CONTACT US

■ Webinars on ePCT

- www.wipo.int/pct/en/seminar/webinars/index.html



Where to Get Help

PCT information available on the Internet (1)

- PCT Treaty and Regulations (www.wipo.int/pct/en/texts/)
- PCT Administrative Instructions (www.wipo.int/pct/en/texts/)
- PCT Applicant's Guide (updated weekly)
(www.wipo.int/pct/guide/en/)
- PCT Newsletter (monthly) (www.wipo.int/pct/en/newslett/)
- PCT Highlights (www.wipo.int/pct/en/highlights/)
- PCT Legal Text Index, providing references to PCT Articles, Rules, Administrative Instructions, Forms and various PCT Guidelines (www.wipo.int/pct/en/texts/pdf/legal_index.pdf)
- Official Notices
(www.wipo.int/pct/en/official_notices/index.html)

PCT information available on the Internet (2)

- PCT Receiving Office Guidelines
(www.wipo.int/pct/en/texts/gdlines.html)
- PCT International Search and Preliminary Examination Guidelines (www.wipo.int/pct/en/texts/gdlines.html)
- WIPO Standards
(www.wipo.int/standards/en/part_03_standards.html)
- PCT Minimum Documentation, Patents and Non-Patent Literature (www.wipo.int/scit/en/standards/pdf/04-01-01.pdf and www.wipo.int/scit/en/standards/pdf/04-02-01.pdf)
- Agreements between International Bureau of WIPO and International Searching and/or Preliminary Examining Authorities
(www.wipo.int/pct/en/access/isa_ipea_agreements.html)

PCT Applicant's Guide (1)

- Regularly updated, web-based publication, available free-of-charge at www.wipo.int/pct/guide/en/
- Free weekly e-mail updating service detailing updated information
- Contents:
 - International phase
 - instructions concerning the preparation, filing and processing of international applications
 - blank forms (request, demand, power of attorney, etc.)
 - “Annexes” setting out information relevant to each Contracting State and regional or international Organization and each Office and Authority

PCT Applicant's Guide (2)

■ Contents (cont.)

□ National phase

- information on all acts that must or may be performed before the DO/EOs
- time limits
- fees
- blank national forms

PCT training options

- “Learn the PCT” Video Series
(www.wipo.int/pct/en/training/index.html)
 - A series of 29 short videos designed to provide a basic introduction to important aspects and issues in the PCT system (in English)
- PCT Distance Learning Course available in the 10 publication languages
(www.wipo.int/pct/en/distance_learning/index.html)
- PCT Webinars
(www.wipo.int/pct/en/seminar/webinars/index.html)
 - Free webinars on PCT topics for companies/law firms on request
- More information on the PCT resources website:
www.wipo.int/pct

Where to get help at WIPO on PCT-related questions (1)

PCT Infoline	Telephone	+41 22 338 83 38
	Fax*	+41 22 338 83 39
	e-mail	pct.infoline@wipo.int
RO/IB	Telephone	+41 22 338 92 22
	Fax*	+41 22 910 06 10
	e-mail	ro.ib@wipo.int
PCT eServices Help Desk	Telephone	+41 22 338 95 23
	Internet address	www.wipo.int
	e-mail	pct.eservices@wipo.int

* Note: Fax transmissions no longer recommended since January 1, 2018

Where to get help at WIPO on PCT-related questions (2)

Marketing and Distribution Section (PCT Publications)	Telephones	+41 22 338 96 18
		+41 22 338 99 30
		+41 22 338 95 90
	Fax*	+41 22 740 18 12
		+41 22 733 54 28
Order online at	Internet address	www.wipo.int/ebookshop
	e-mail	publications.mail@wipo.int
WIPO Switchboard		+41 22 338 91 11
PCT Internet Site	Internet address	www.wipo.int/pct/en/

* Note: Fax transmissions no longer recommended since January 1, 2018



PCT Information Service

The PCT Information Service answers general inquiries about the filing of international applications and the procedure to be followed during the international phase of the PCT. For an overview of the PCT system please see *Protecting your Inventions Abroad: Frequently Asked Questions about the Patent Cooperation Treaty (PCT)*.

Please note that correspondence relating to specific international applications should be addressed to the PCT Operations Division, preferably uploaded through ePCT: (this may be done through ePCT *public services*, which does not require you to obtain a digital certificate) or by facsimile: (+41-22) 338 82 70 or the specific fax number indicated on the forms issued by the International Bureau (IB), or you can [contact the "authorized officer" directly](#).

Specifically and only for inquiries relating to:

- international applications filed directly with the IB in its capacity as receiving Office, or
- international applications transmitted to the IB as receiving Office under [PCT Rule 19.4](#) (that is: where the national (or regional) Office with which the application was filed is not competent to receive the application concerned; where the application is not in a language accepted by that national Office; or for any other reason where the national Office and the IB agree that the procedure under this Rule should apply),

please contact the PCT Receiving and Processing Section of the IB: telephone: (41-22) 338 92 22, facsimile: (41-22) 910 06 10 or e-mail: ro.ib@wipo.int. Further information on [filing directly at the IB](#).

The PCT Information Service can be contacted as follows:

- Telephone: (+41-22) 338 83 38
- Facsimile: (+41-22) 338 83 39
- E-mail: pct.infoline@wipo.int

Telephone opening hours are from 9.00 a.m. to 6.00 p.m. Central European time (from 3.00 a.m. to 12.00 p.m. (noon) US Eastern time zone).

Shortcuts

- For orders of or subscriptions to PCT information products or publications please use the [WIPO Electronic Bookshop](#) or contact the Marketing and Distribution Section: publications.mail@wipo.int or facsimile (+41-22) 740 18 12.
- [International Bureau closed dates](#)



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WORLD INTELLECTUAL PROPERTY ORGANIZATION

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Home > IP Services > PATENTSCOPE

Search for Contact Details of the Team in Charge of your PCT Application

If you wish to ask any questions relating to a specific international patent application, you can contact the "authorized officer" directly. To know who is the authorized officer in charge of your PCT application, type your IA number in the box below; the name and contact details of the staff in charge will appear.

IA Number

Search For

e.g. EP2007001234

Search

Reset



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Home > IP Services > PATENTSCOPE

Search for Contact Details of the Team in Charge of your PCT Application

If you wish to ask any questions relating to a specific international patent application, you can contact the "authorized officer" directly. To know who is the authorized officer in charge of your PCT application, type your IA number in the box below; the name and contact details of the staff in charge will appear.

IA Number

Search For e.g. EP2007001234

US2009051003	
Team	PCT Operations Team2
Coordinator	Xiaofan Tang
Phone	+41 22 338 74 02
Fax	+41 22 338 89 65
Email	pct.team2@wipo.int

PCT case law database

- Text-searchable PCT case law database available at:
www.wipo.int/pctcaselawdb/en
- Contents:
 - decisions from national courts
 - decisions from regional administrative bodies
 - abstracts and legal references added by IB
- Any comments or submissions for addition can be sent to the IB at: pct.legal@wipo.int

PCT Resources/Information

- For general questions about the PCT, contact the PCT Information Service at:

Telephone: (+41-22) 338 83 38

Facsimile*: (+41-22) 338 83 39

E-mail: pct.infoline@wipo.int

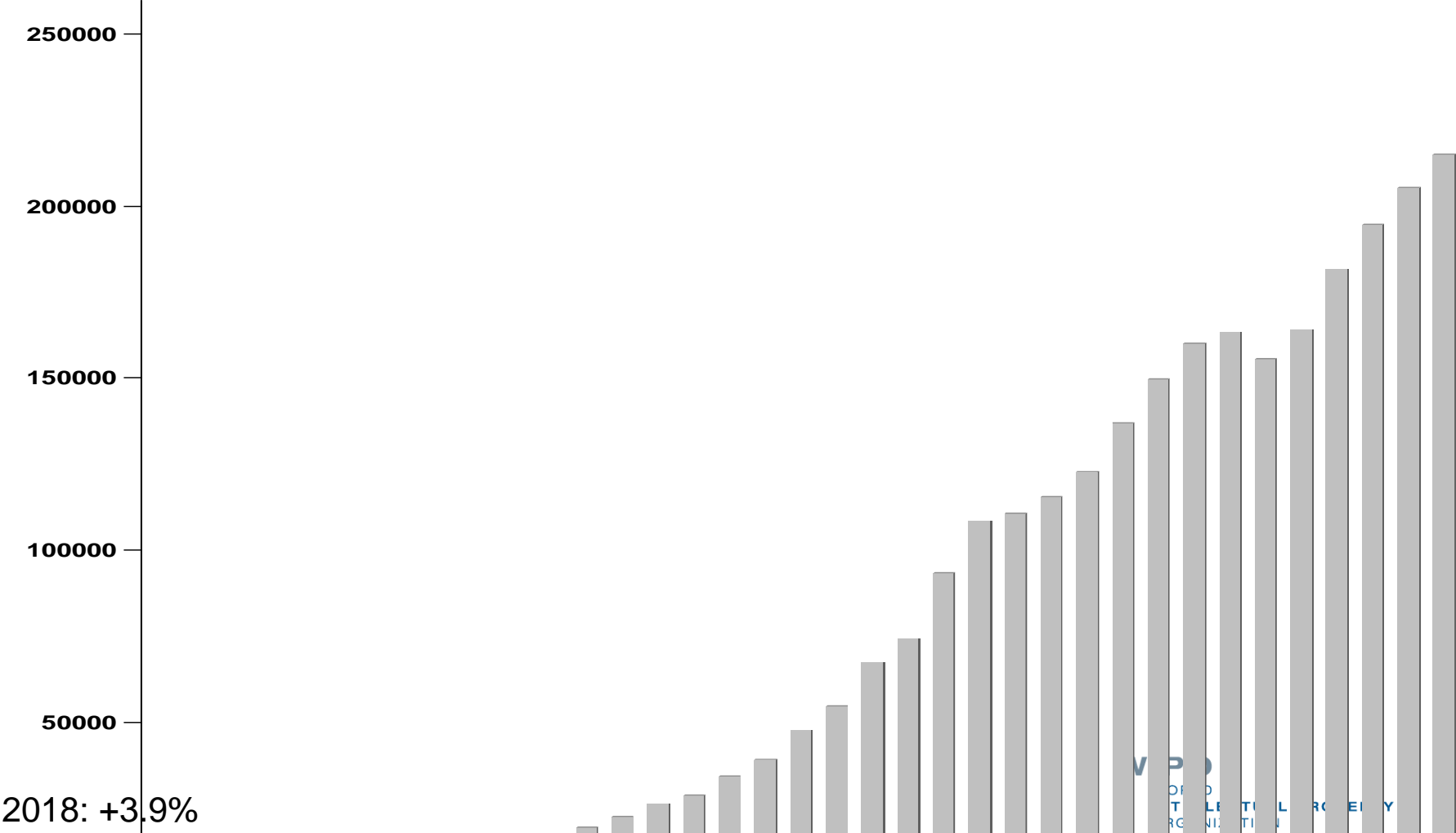
- Contact the speaker:

Rolando.Hernandez@wipo.int

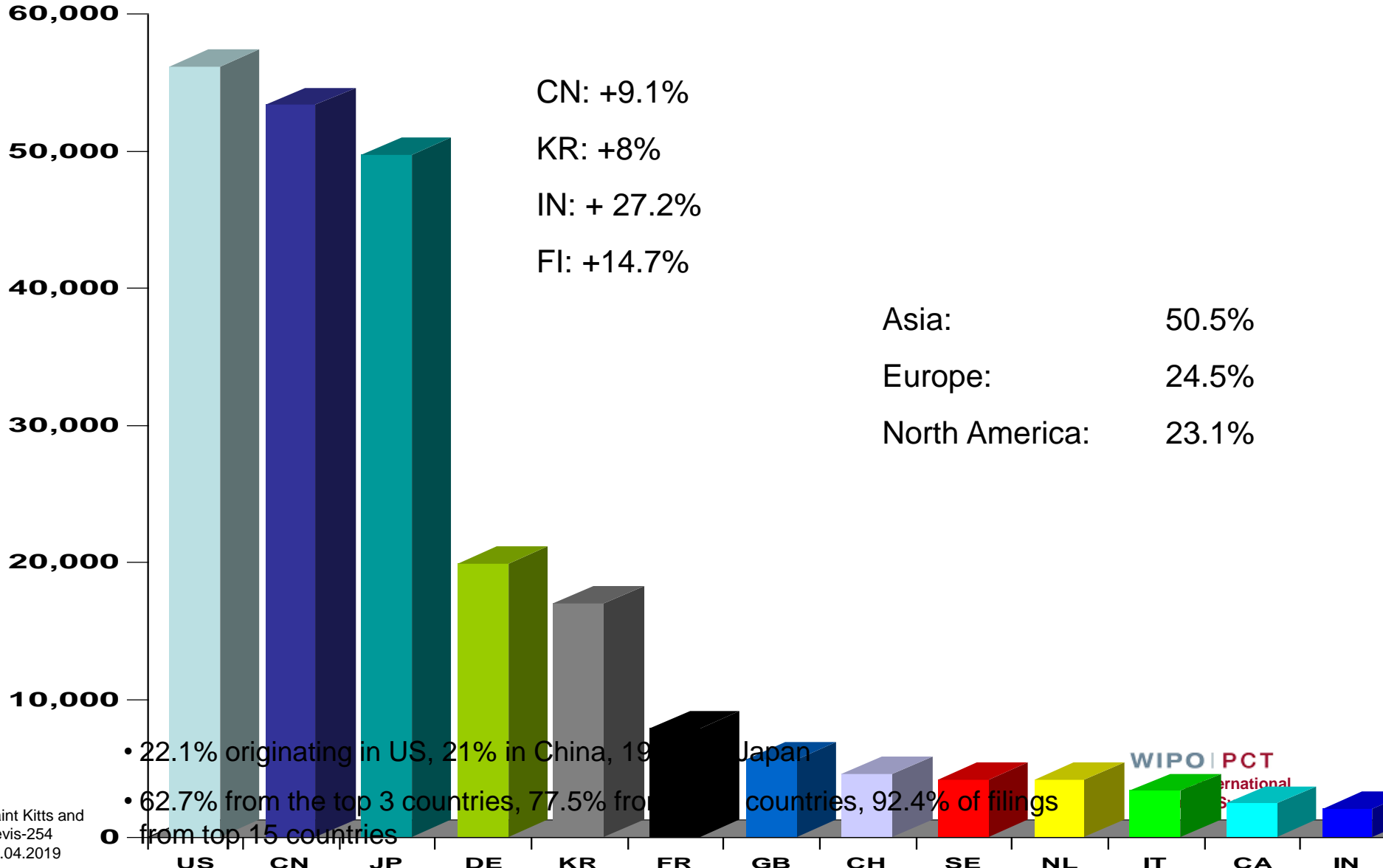
+41-22-338-8668

* Note: Fax transmissions no longer recommended since January 1, 2018

Tremendous growth in PCT applications since 1978



International applications received in 2018 by country of origin



Top PCT Applicants in 2018

1. Huawei Technologies—CN (5,405)
2. Mitsubishi Electric—JP (2,812)
3. Intel—US (2,499)
4. Qualcomm—US (2,404)
5. ZTE—CN (2,080)
6. Samsung—KR (1,997)
7. BOE Technology Group—CN (1,813)
8. LG Electronics—KR (1,697)
9. Ericsson—SE (1,645)
10. Bosch—DE (1,524)
11. Microsoft—US (1,476)
12. Panasonic—JP (1,465)
13. Sony—JP (1,342)
14. Siemens—DE (1,211)
15. Hewlett-Packard—US (1,170)

*() of published
PCT applications*

Top University PCT Applicants in 2018

1. University of California (US)
2. Massachusetts Institute of Technology (US)
3. Shenzhen University (CN)
4. South China University of Technology (CN)
5. Harvard University (US)
6. University of Texas (US)
7. Tsinghua University (CN)
8. Seoul National University (KR)
9. Stanford University (US)
10. China University of Mining and Technology (CN)
11. Osaka University (JP)
12. Johns Hopkins University (US)
13. Korea Advanced Institute of Science and Technology (KR)
14. University of Tokyo (JP)
15. Hanyang University (KR)