



Overview of the PCT System

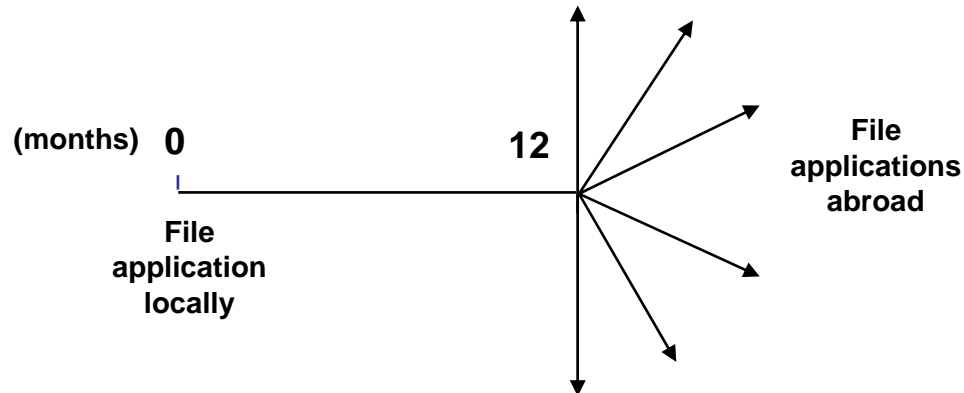
Peter Waring
WIPO

June 26, 2013

Routes of patenting abroad

- Direct filing with national patent Offices abroad
- Conventional filing (Paris route); priority claiming
- Regional patent systems (EAPO, EPO, ARIPO, OAPI)
- PCT filing:
 - International phase
 - National phase

Traditional patent systems (Paris route)



- 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

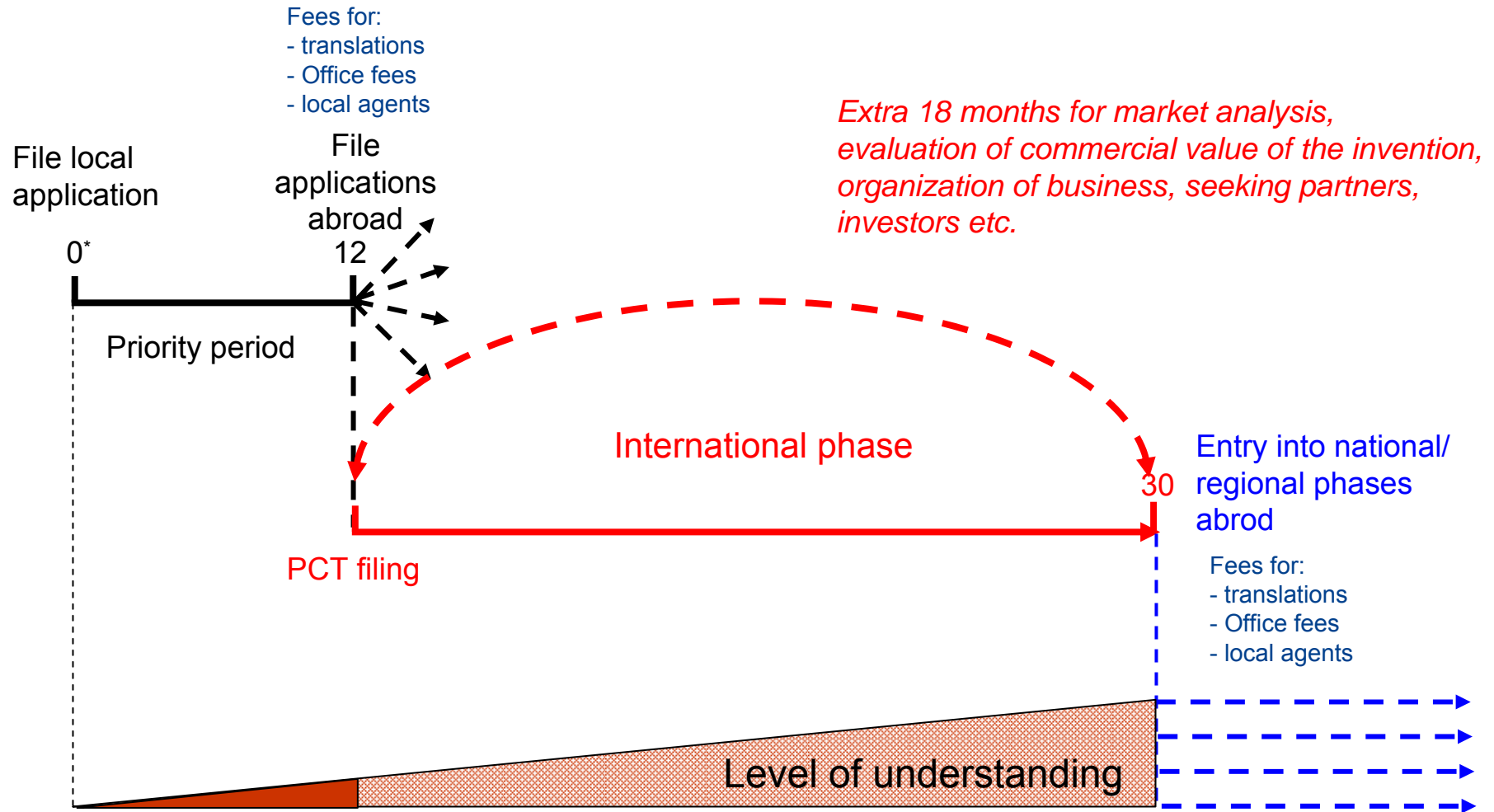
PCT system

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

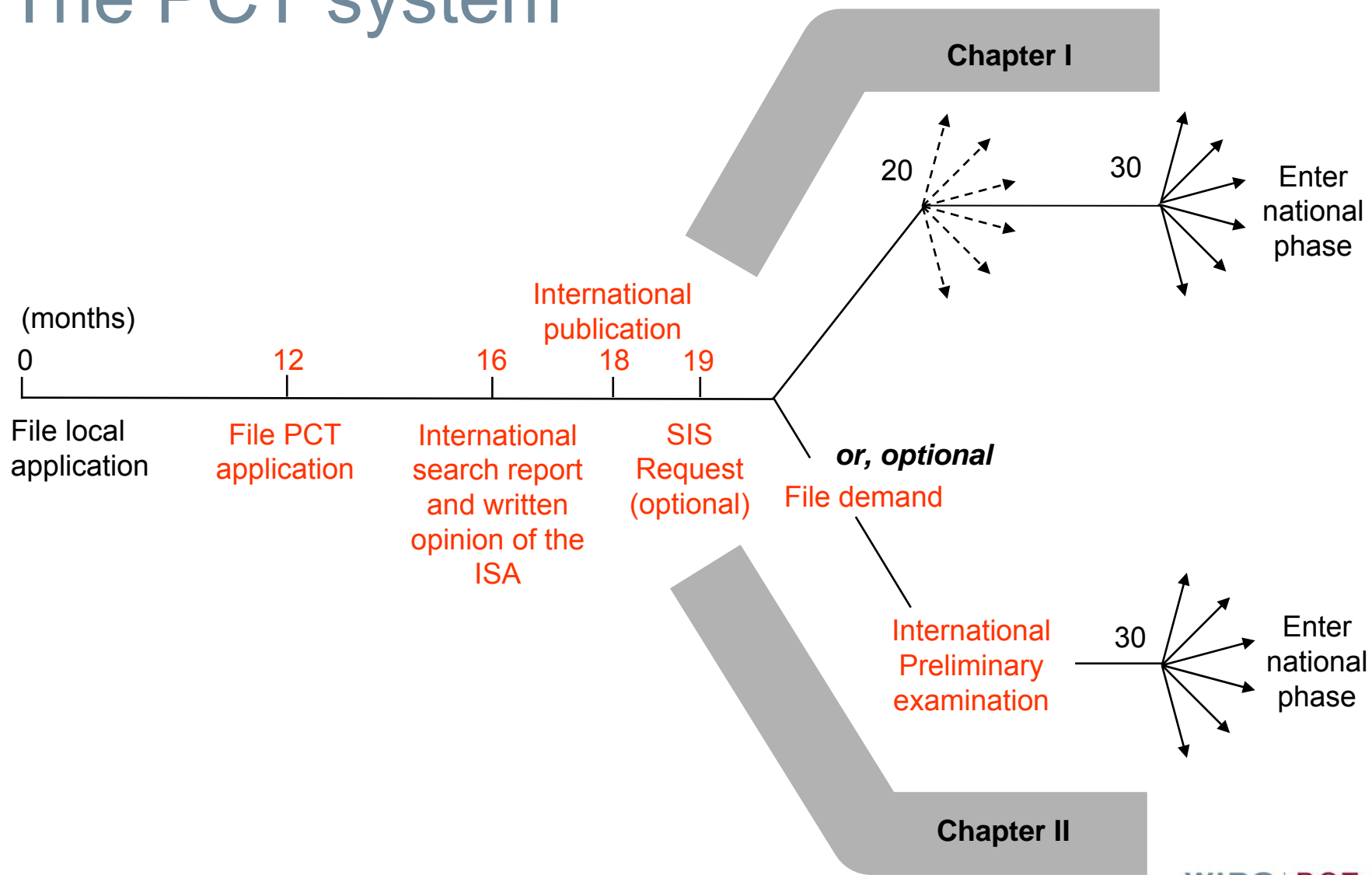
* For exceptions, see http://www.wipo.int/pct/en/texts/reservations/res_incomp.html

Traditional patent system vs. PCT system



* Time limits are given in months from the priority dates

The PCT system



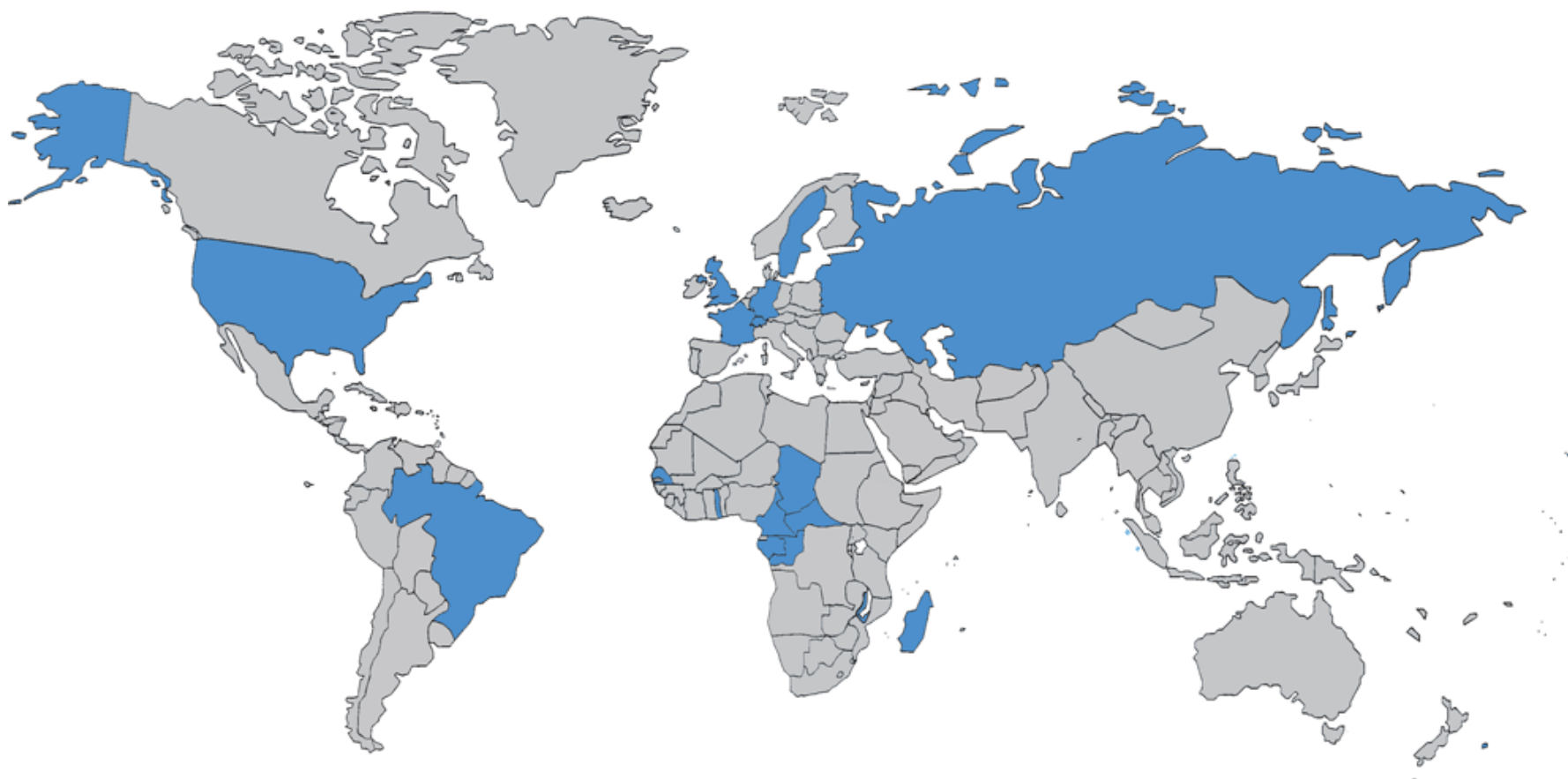
General remarks on the PCT system (1)

- Was signed in June 1970, in Washington, D.C., and became operational in June 1978 with 18 States
- 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

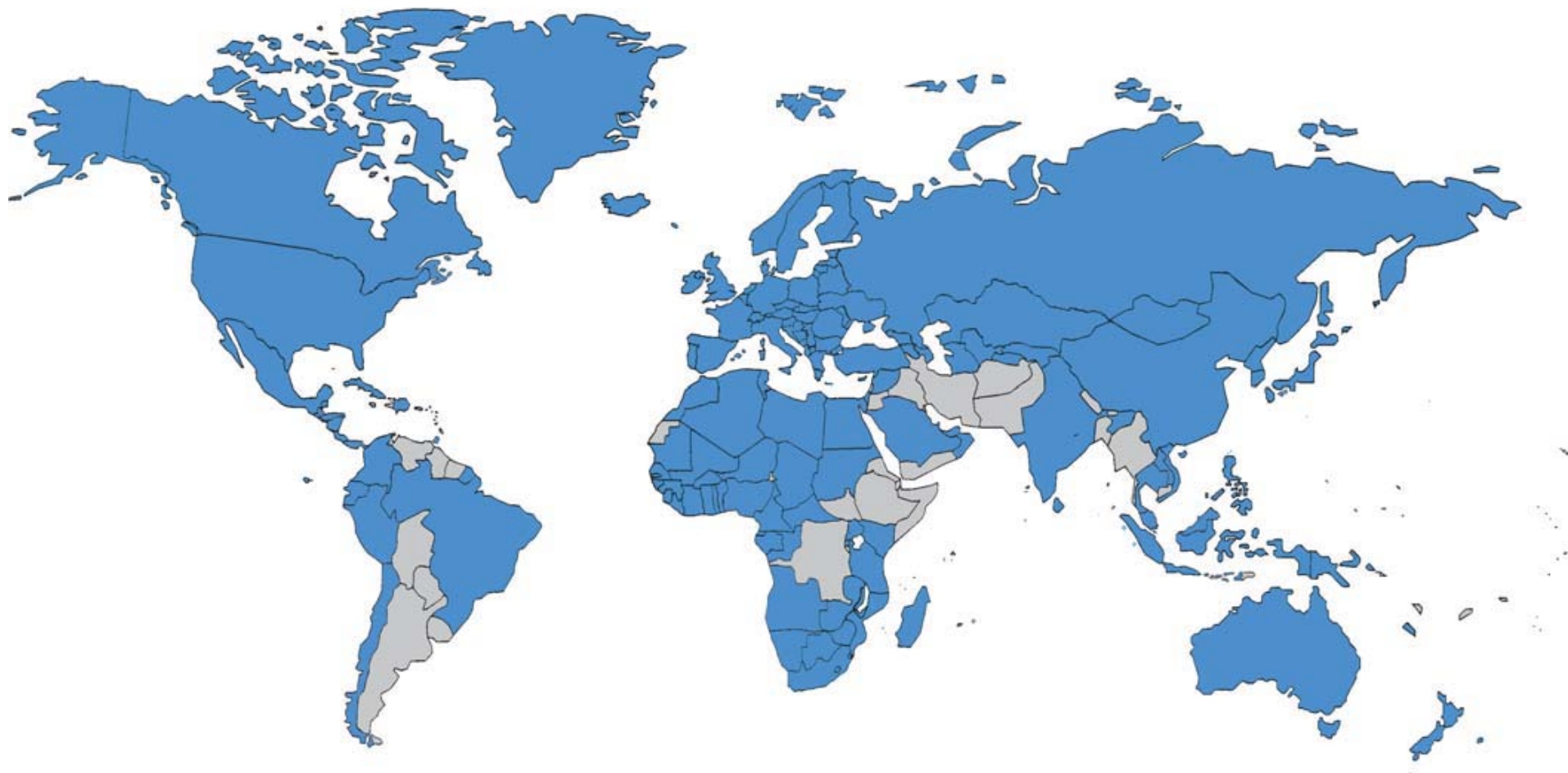
General remarks on the PCT system (2)

- 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.

The PCT in 1978



The PCT today (1)



147 PCT Contracting States in 2012

PCT Contracting States (147)

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	Albania ¹	LI	Liechtenstein
AT	Austria	LT	Lithuania
* BE	Belgium	LU	Luxembourg
BG	Bulgaria	* LV	Latvia
CH	Switzerland	* MC	Monaco
* CY	Cyprus	MK	The former Yugoslav Republic of Macedonia ¹
CZ	Czech Republic	* MT	Malta
DE	Germany	* NL	Netherlands
DK	Denmark	NO	Norway
EE	Estonia	PL	Poland
ES	Spain	PT	Portugal
FI	Finland	RO	Romania
* FR	France	RS	Serbia ¹
GB	United Kingdom	SE	Sweden
* GR	Greece	* SI	Slovenia
HR	Croatia ¹	SK	Slovakia
HU	Hungary	SM	San Marino
* IE	Ireland	TR	Turkey
IS	Iceland		
* IT	Italy		

* 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 (147) (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 (from 24.09.2011)
SD	Sudan
SL	Sierra Leone
* SZ	Swaziland
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
* ML	Mali
* MR	Mauritania
* NE	Niger
* SN	Senegal
* TD	Chad
* TG	Togo

* Regional patent only

PCT Contracting States (147) (continued)

States designated for national protection only except where otherwise indicated

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

Countries not yet PCT Contracting States (46)

Afghanistan

Andorra

Argentina

Bahamas

Bangladesh

Bhutan

Bolivia

Burundi

Cambodia

Cape Verde

Democratic Republic of Congo

Djibouti

Eritrea

Ethiopia

Fiji

Guyana

Haiti

Iran (Islamic Republic of)

Iraq

Jamaica

Jordan

Kiribati

Kuwait

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

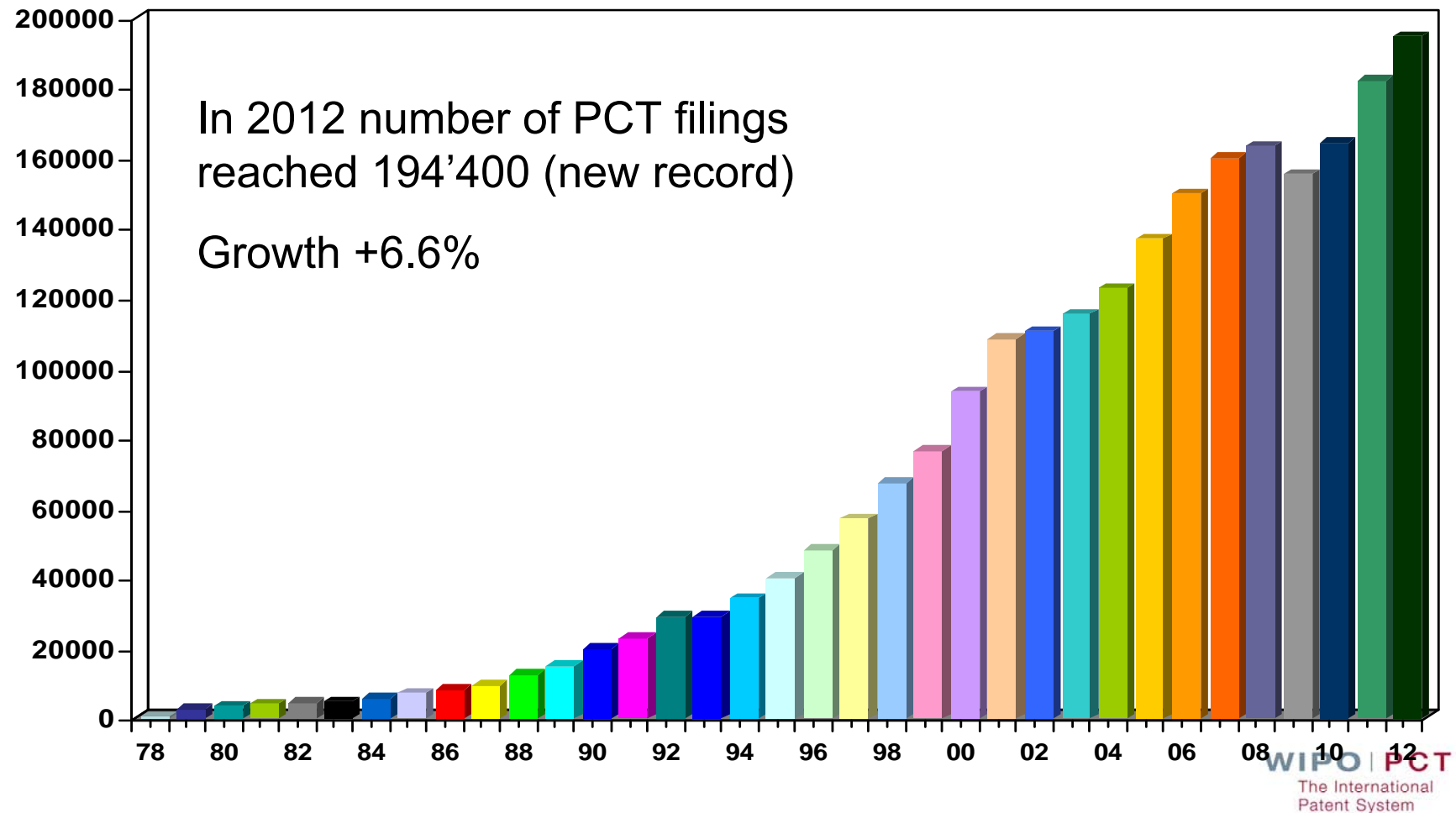
Venezuela

Yemen

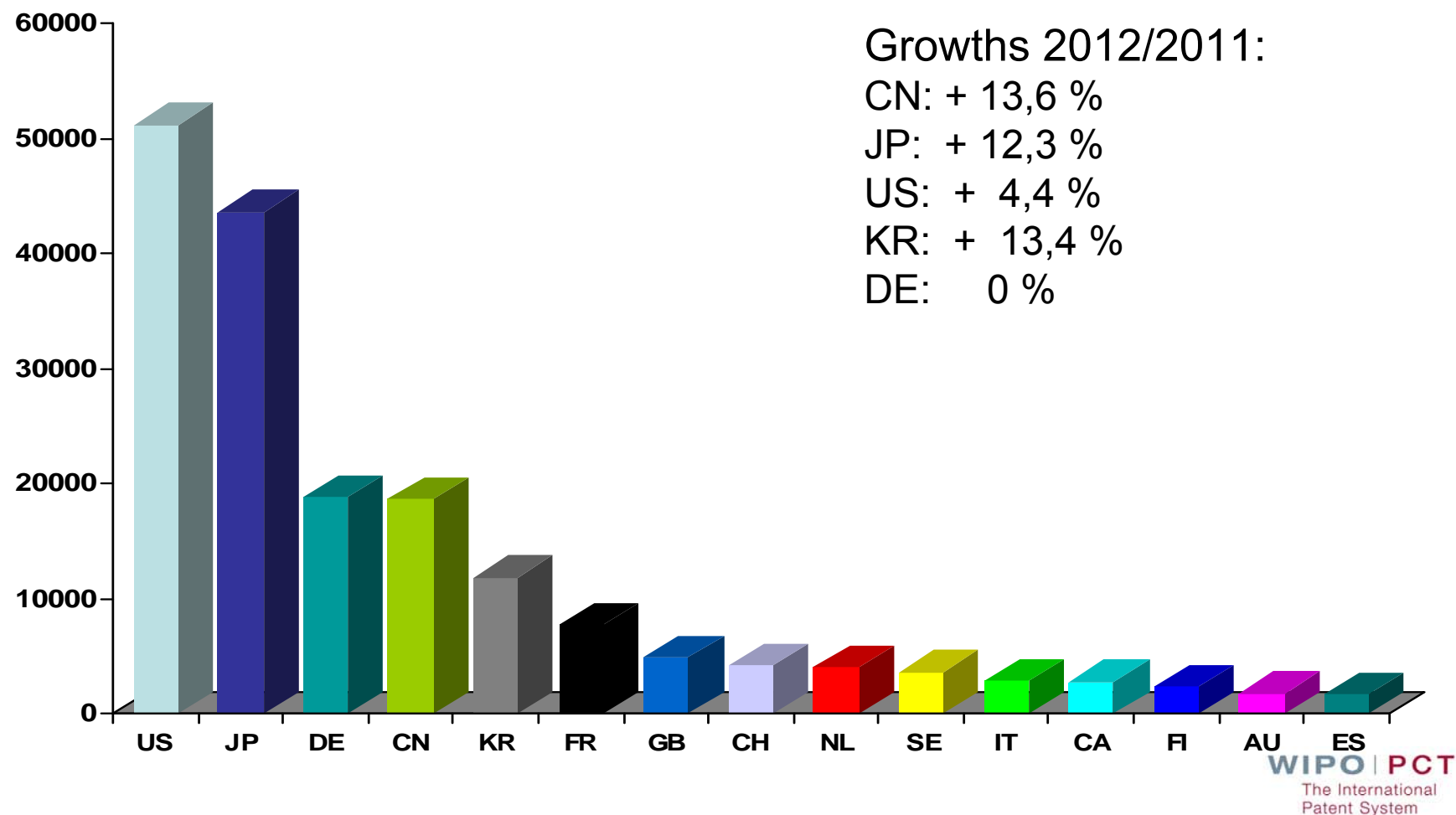
The PCT today (2)

- 147 Contracting States + 4 Regional Patent Organizations
- 10 publication languages
- 116 Receiving Offices
- 18 International Searching Authorities and IPEA
- 123 Designated / Elected Offices
- Indicators for 2012 year:
 - 194'400 applications
 - 507'000 national phase entries
 - more than 45'000 applicants
 - 120 countries in which PCT applications are filed
 - 25 languages in which PCT applications are filed

PCT filings

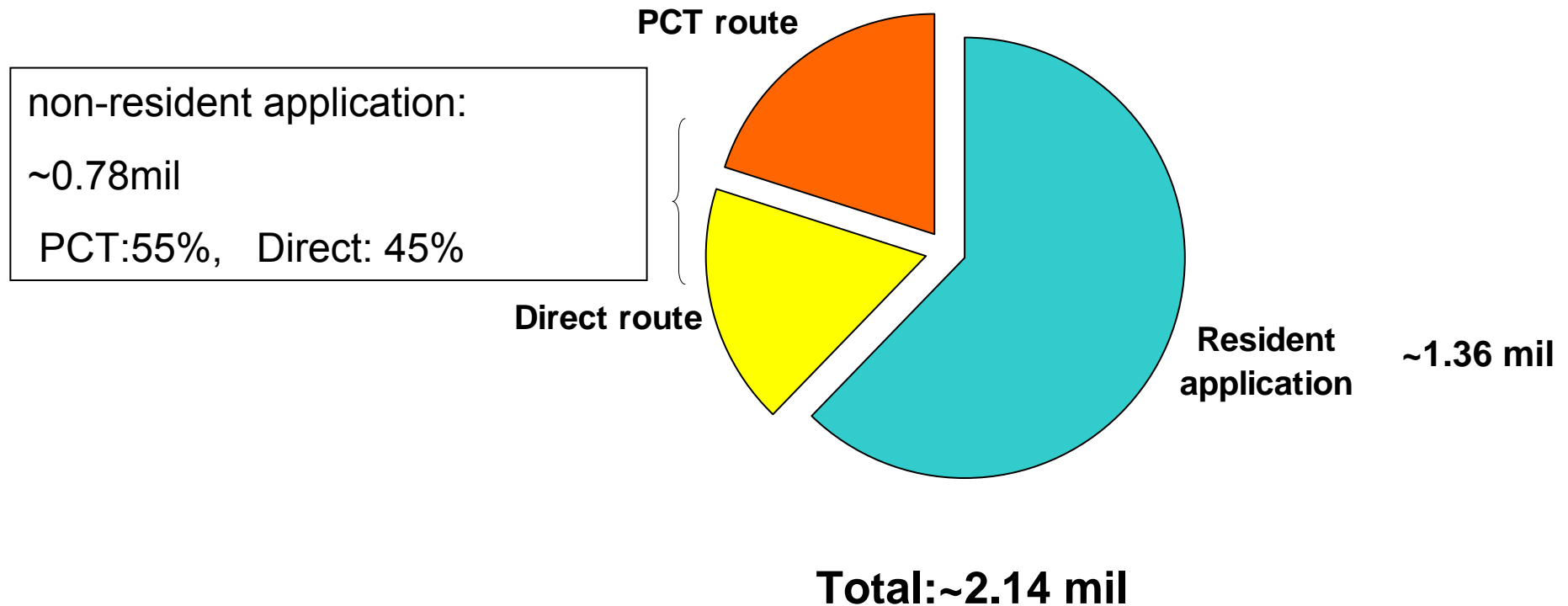


PCT applications in 2012 by country of origin

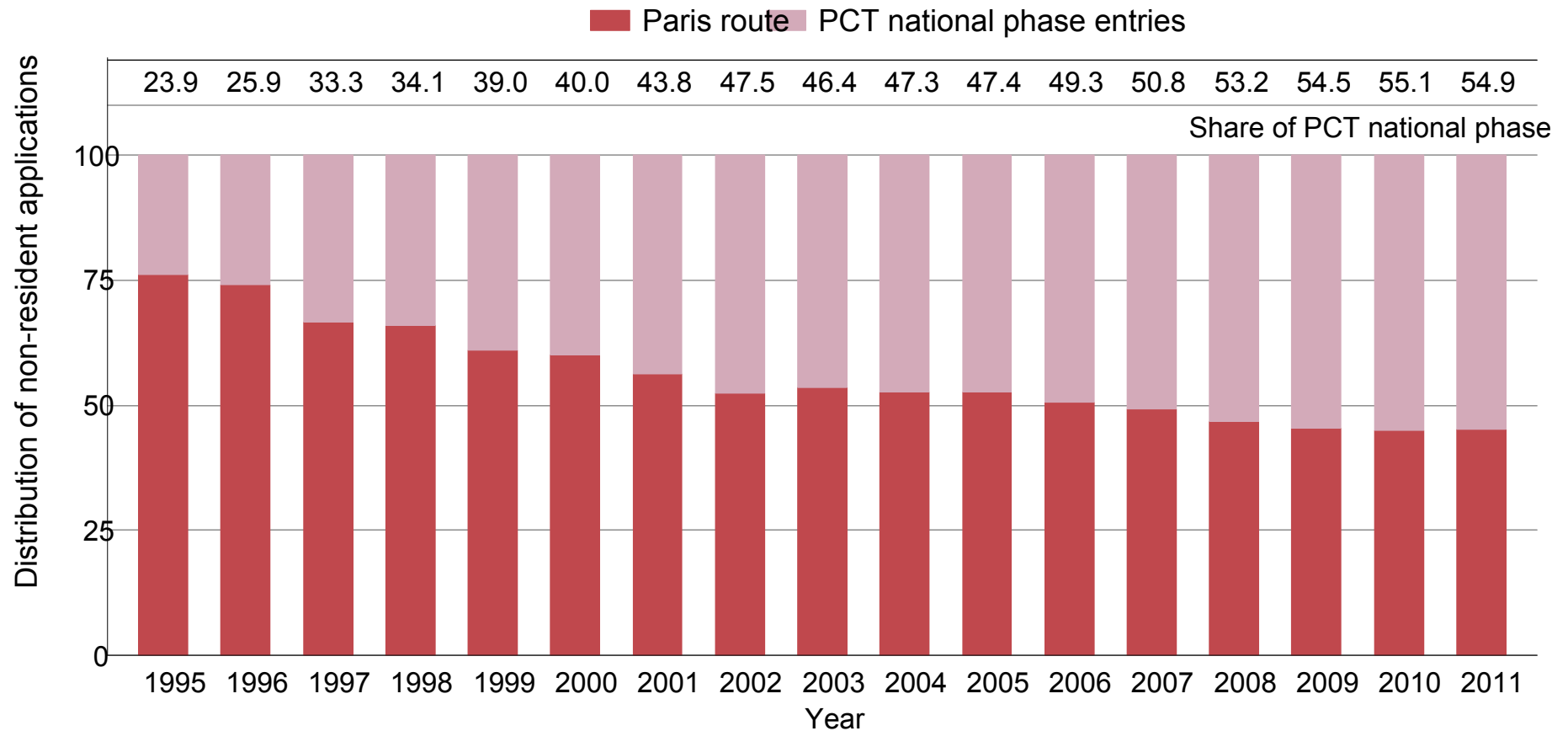


Global patent activities

Global patent application composition (2011)

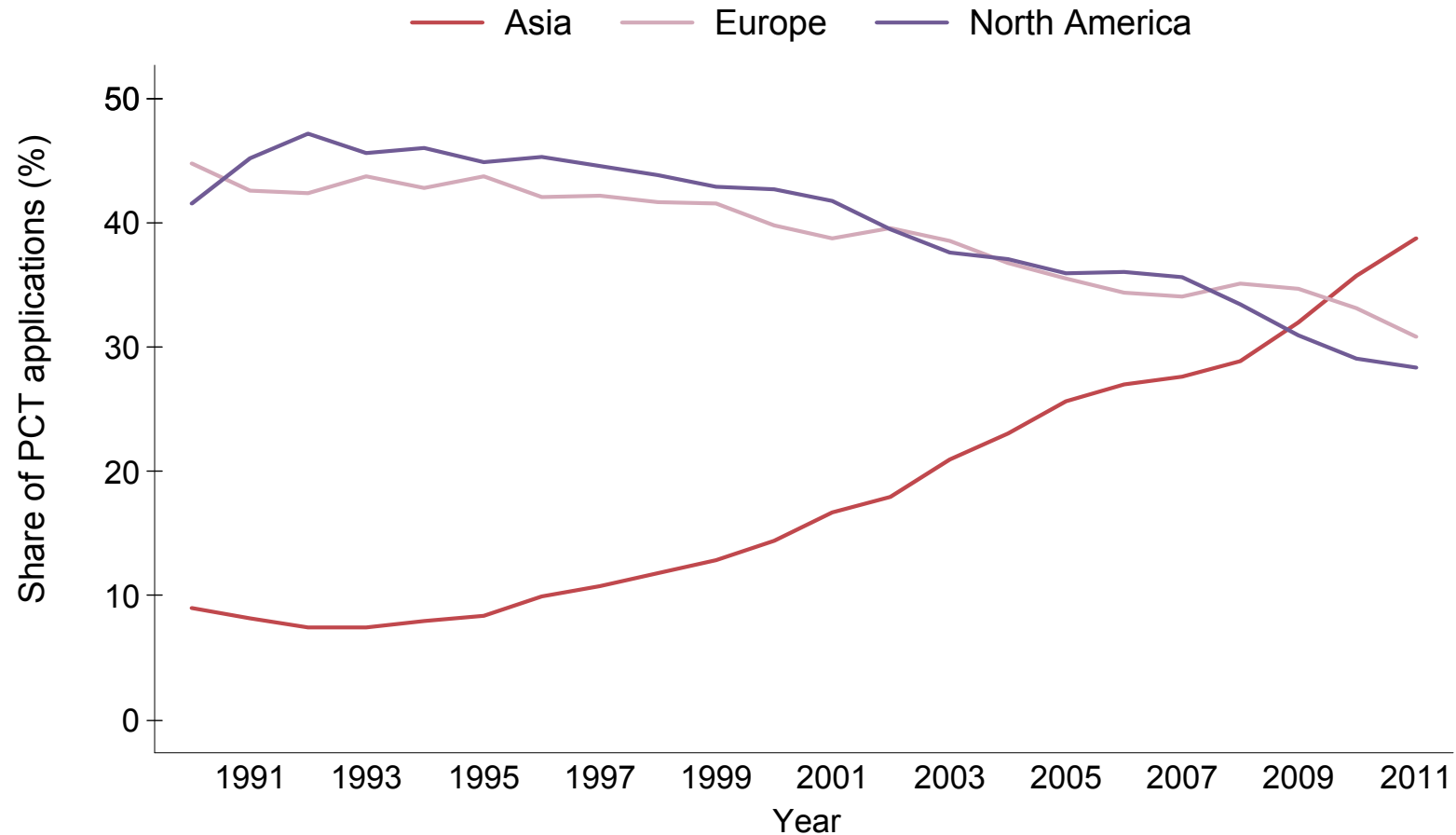


Trend of PCT national phase entries (NPEs)



Source: WIPO IP Facts and Figures 2011

PCT applications filed by geographical region

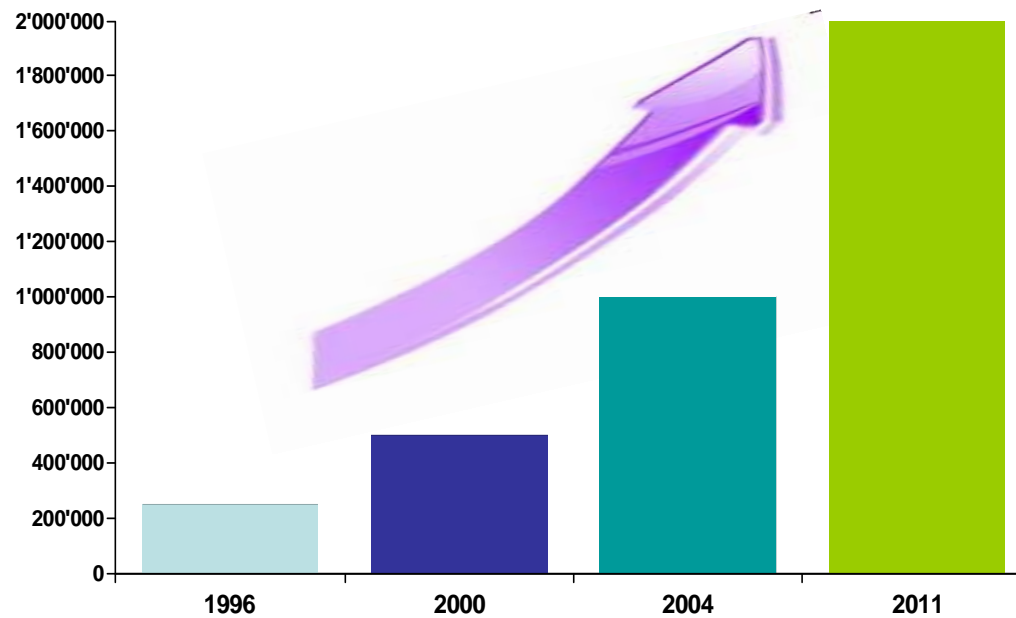


PCT applications filed in 2011 are WIPO estimates
Source: WIPO Statistics Database, March 2012

2 millionth PCT application

- Qualcomm files landmark application (April 2011)

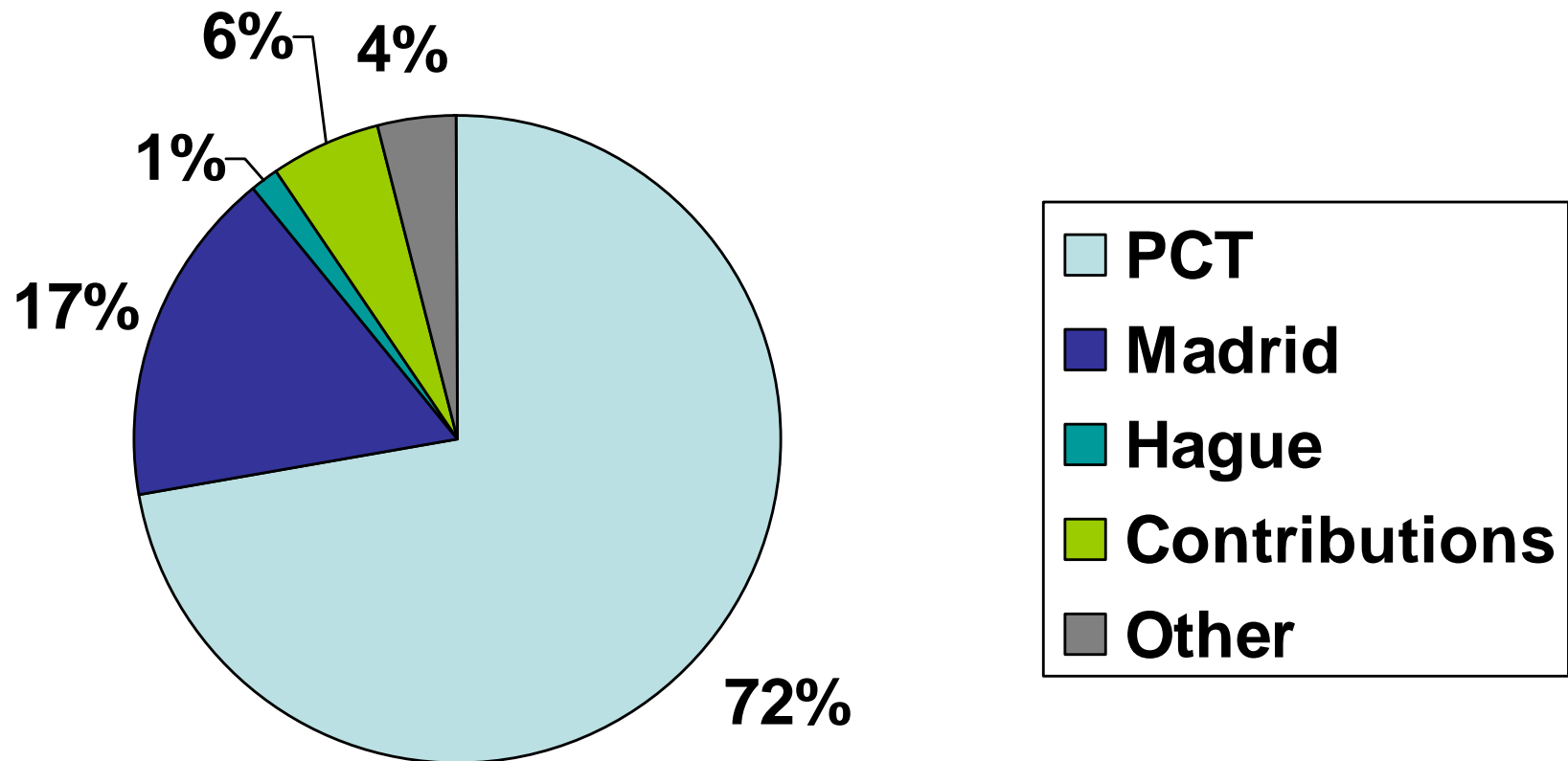
http://www.wipo.int/pressroom/en/articles/2011/article_0013.html



Top PCT Applicants 2012

1. ZTE - CN (3906)
2. Panasonic - JP (2951)
3. Sharp - JP (2001)
4. Huawei - CN (1801)
5. Bosch - DE (1652)
6. Toyota - JP (1652)
7. Qualcomm - US (1305)
8. Siemens - DE (1272)
9. Philips - NL (1230)
10. Ericsson - SE (1197)
11. LG Electronics - KR (1094)
12. Mitsubishi Electric - JP (1042)
13. NEC - JP (999)
14. Fujifilm - JP (891)
15. HITACHI - JP (745)
16. Samsung Electronics - KR (683)
17. Fujitsu – JP (671)
18. Nokia - FI (670)
19. BASF - DE (644)
20. Intel - US (640)

PCT contribution to WIPO Budget 2010/2011



System of Patent Cooperation Treaty

- Legislation
- Authorities under PCT
- PCT-related infrastructure:
 - e-PCT
 - private file inspection
 - for Receiving Offices
 - IT tools, services and support
 - Patentscope
 - PCT-EDI, PADOS, PCT-SAFE, PCT-ROAD
 - PCT information Resources

PCT legislation

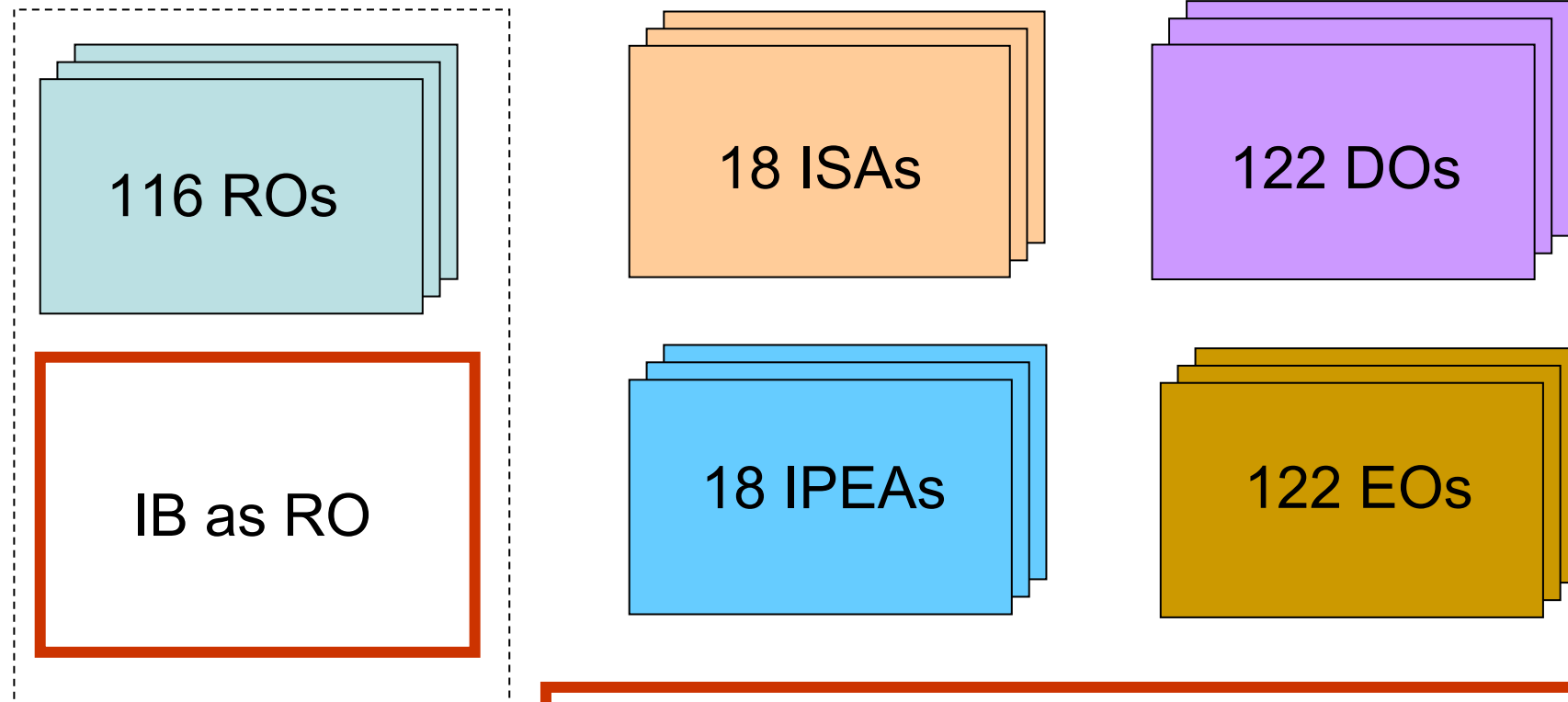
- Paris Convention
- Patent Cooperation Treaty
- PCT Regulations
- PCT Administrative Instruction
- National legislations
- Receiving Office Guidelines
- International Search and Preliminary Examination Guidelines
- Agreements between International Bureau of WIPO and ISAs/IPEAs
- WIPO Standards
- Strasbourg Agreement (International Patent Classification)
- Budapest Treaty

PCT Authorities and administrating bodies

- International Authorities (Receiving Offices, International Searching Authorities, International Preliminary Examining Authorities, International Bureau)
- National Patent Offices in its capacity as designated/elected Offices
- Executive bodies administrating PCT system (International Bureau, Committees, Working groups, MIA...)

PCT International Authorities System

IB as administrating and coordinating Authority



IB as the Authority having responsibility related to all PCT applications

PCT Information Resources

- PCT Web site
- PCT Applicant's Guide
- Learning courses
- Manuals, background reading materials, etc.
- PCT promotion activities (seminars, workshops, etc.)
- Seminar documents
- PCT Helpdesk
- Databases (WIPO LEX, PCT Case Law Database и др.)

PCT Web site (<http://www.wipo.int/pct/en/>)

About the PCT

- [Information Service](#)
- [PCT in the News](#)
- [About the Patent Cooperation Treaty](#)
- [Protecting your Inventions Abroad: Frequently Asked Questions about the Patent Cooperation Treaty \(PCT\)](#) [PDF]
- [PCT Yearly Review](#)
- [PCT Two Million](#)
- [Gallery of PCT Notable Inventions and Inventors](#)
- [Collection of PCT User Strategies](#)
- [PCT User Survey](#)
- [PCT Case Studies](#)

Legal Information

- [Treaty, Regulations and Administrative Instructions](#)
- [Guidelines for Authorities and Offices](#)
- [Amendments to the Regulations \(July 1, 2012\)](#) [PPT] [Archives]
- [Directives for New Equivalent Amounts of Certain PCT Fees](#)
- [FAQs](#)
- [PCT Glossary](#)
- [PCT Case Law Database](#)
- [Legal Text Index \(July 1, 2010\)](#) [PDF] [Archives]
- [History of the PCT Regulations](#) [PDF]
- [Washington Diplomatic Conference on the PCT](#)

- [Reservations and Incompatibilities](#)
- [Types of Protection](#) [PDF]
- [Time Limits for Entering National/Regional Phase](#)
- [Waivers: Powers of Attorney](#)
- [Access to IPER under Rule 94.1\(c\)](#)
- [Regional Patents via the PCT](#)
- [States Party to PCT/Paris/WTO](#) [PDF]
- [Restoration of the Right of Priority](#)

- [PCT Contracting States](#)
- [ISA and IPEA Agreements](#)

Filing

- [ePCT](#)
- [PCT e-Services](#)
- [PCT-Patent Prosecution Highway Pilot \(PCT-PPH\)](#)
- [Common Application Format](#)
- [Direct Filing with the IB](#)
- [Fees & Warning](#)
- [PCT Applicant's Guide](#)
- [Forms](#)
- [PCT Newsletter](#) New
- [IPO Closed Dates](#)
- [PCT Time Limit Calculator](#)

PCT Offices

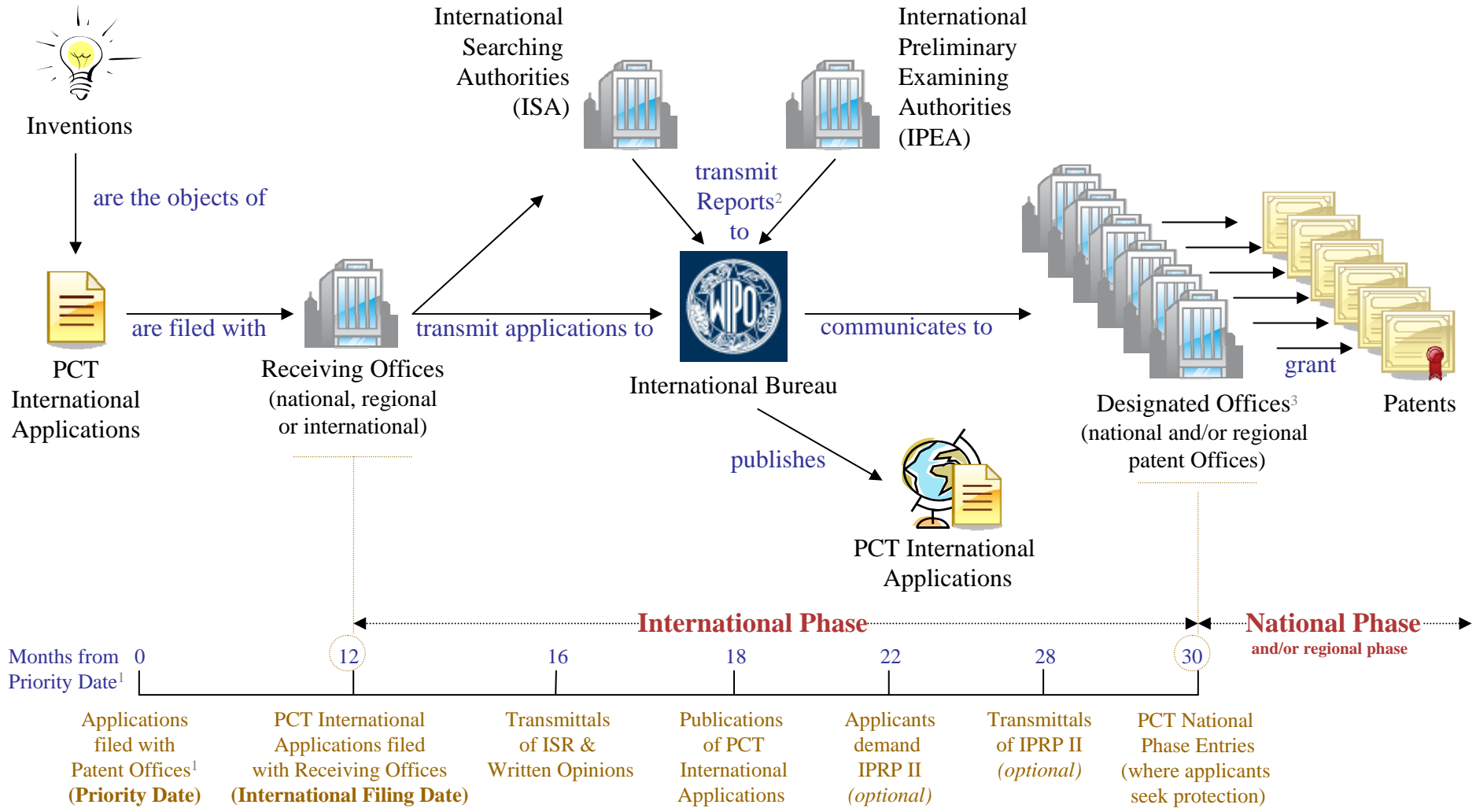
- [ePCT for Offices](#)
- [Quality Reports by International Authorities](#)
- [PCT Office Feedback Survey 2011](#)
- [Forms for Offices](#)
- [Data Services for Offices](#)
- [Minimum Documentation: Patents](#) [PDF]
and [Non-Patent Literature](#) [PDF]
- [Information Concerning Emergency Preparedness Plans](#)
- [Patent Applications Management Software \(PCT-ROAD\)](#)
- [PCT Circulars](#)

Patent Data

- [PATENTSCOPE Search Service](#)
- [Official Notices \(PCT Gazette\) Collection](#)

Meetings, Training and Documents

- [PCT Distance Learning Course](#)
- [Seminars](#)
- [PCT Webinars](#)
- [PCT Assembly Reports](#)
- [Meetings and Documents](#)
- [PCT Presentations](#)
- [PCT Working Group](#)

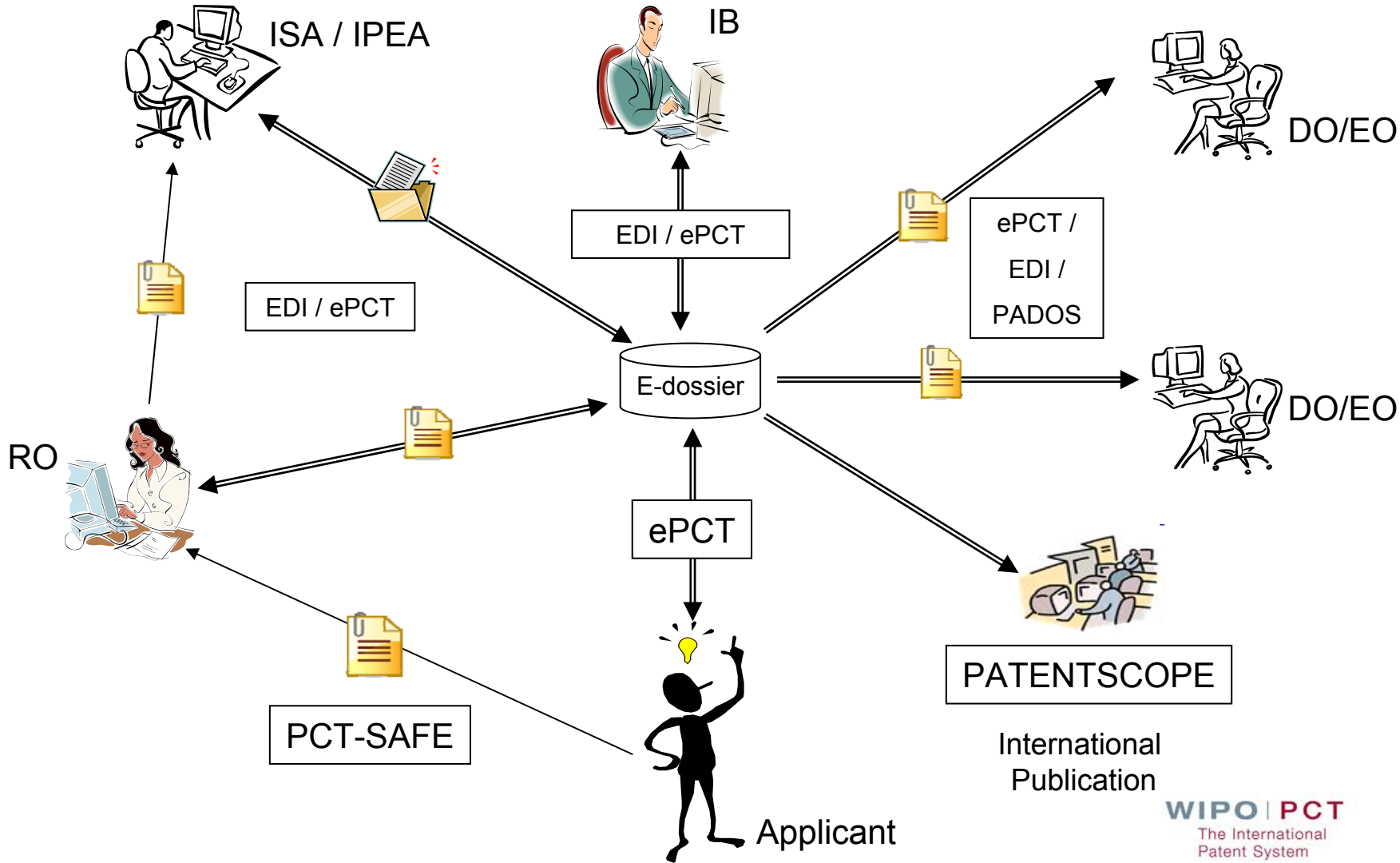


¹ Generally, applicants first file a national or regional patent application with their patent Office, and within 12 months from priority date, file a PCT international application at a receiving Office.
² ISAs transmit International Search Reports (ISRs) & the Written Opinions / IPEAs transmit International Preliminary Reports on Patentability II (IPRP II).
³ Called Elected Offices for Applicants having filed a demand for IPRP II.

Source: World Intellectual Property Organization (WIPO)



IT PCT environment



PCT-related IT tools and services (1)

■ For applicants:

- e-Filing (PCT-SAFE, ePCT)
- post-filing online upload of PCT documents (ePCT)
- full private file inspection (ePCT)
- PCT fees e-payment
- e-mail communications with Authorities
- PCT information resources
- PCT Infoline
- consulting/advisory support
- learning projects (distance learning courses, webinars, seminars...)

PCT-related IT tools and services (2)

- For PCT Authorities and Offices:
 - ❑ PCT-ROAD
 - ❑ server software to receipt PCT-SAFE filings
 - ❑ document exchange in electronic forms (PCT-EDI)
 - ❑ application file access (ePCT ROs)
 - ❑ documents upon request (PADOS)
 - ❑ Patentscope web-services (international applications in electronic forms)
 - ❑ IP Office automation system (IPAS)
 - ❑ software WIPOScan and digitizing for Offices
 - ❑ digital access service (DAS)
 - ❑ consulting/advisory on IT issues (data exchange formats...)
 - ❑ WIPO CASE database (products sharing)

PCT-related IT tools and services (3)

- Tools and services in the field of patent information dissemination:
 - patent search database Patentscope
 - technology and innovation support centers (TISC *)
 - TISC project is being implemented in more than 15 countries
 - projects *ARDI* and *ASPI*
 - services on carrying out patent searches and examination with the framework of PCT technical cooperation

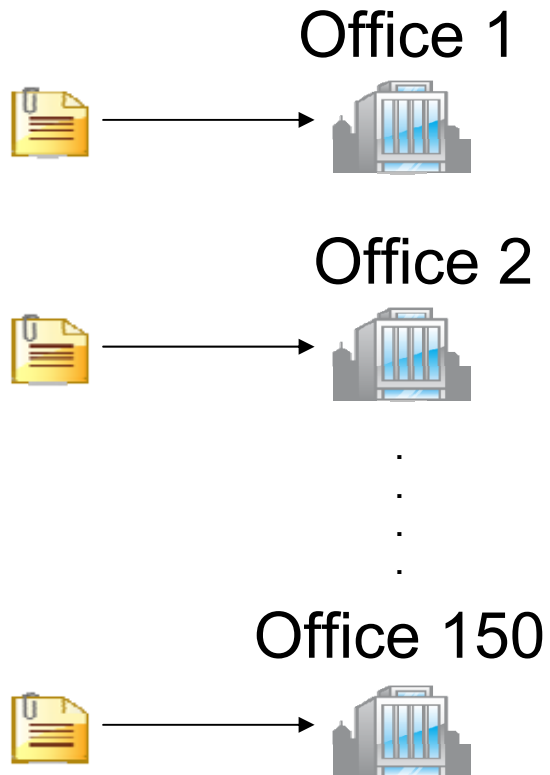
The international application

- 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

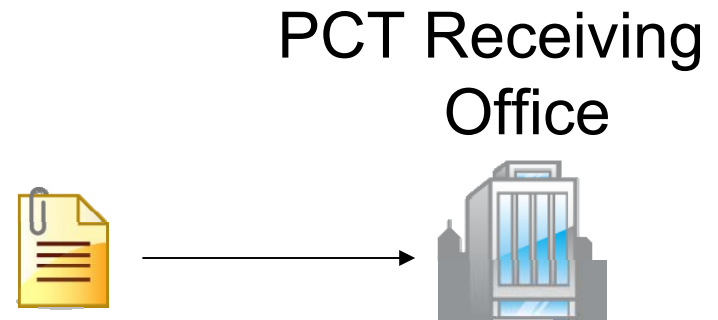
www.wipo.int/pct/en/texts/reservations/res_incomp.html)

PCT route vs direct filing abroad

■ Direct filing



■ PCT filing



Advantages of the PCT: a unique procedure

- One application, in one language, filed with one Office, replaces multiple foreign filings until entry into the national phase
- Permits last minute foreign filing (before expiration of priority year)
- International filing date has the effect of national filing date in all designated Offices
- Uniform formal requirements accepted by all designated Offices
- Greater home control of the prosecution
- Decision on foreign filings can be postponed up to 30 months from the priority date at minimal cost
- Enables assessment of economic value of the invention and the chances of obtaining a patent before entering national phase

Advantages of the PCT: greater flexibility

- Keep options open by making all possible designations for all types of protection
- Various possibilities for withdrawal
- International publication can be prevented or postponed until as late as 15 days before the actual publication date – conditional withdrawal possible
- Further expenses can be avoided simply by no longer prosecuting the application or not entering the national phase
- Amendments made during the international phase have effect in all designated/elected States
- More time for better quality translation for the national phase
- Better planning of the expenditures for the national phase

Advantages of the PCT: further features

- Postponing national filings costs earns interest on capital
- Fee reductions in national phase in certain national Offices
- More straightforward and rapid national patent granting
- Less restrictive unity of invention requirements permit a reduced number of applications in the US
- Provisional protection after publication at 18 months from the priority date (in countries which afford such protection)
- 90% reduction in PCT fees for applicants from certain Contracting States

Your PCT Tool

Patentability analysis

Protects against errors

Harmonized formalities

Global reach

Flexibility

Buys time

Electronic filing



■ More information on PCT:

www.wipo.int/pct

■ Questions:

PCT Information Service

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□ Facsimile: (+41-22) 338 83 39

□ E-mail: pct.infoline@wipo.int

Thank you for your attention