

Overview of the Patent Cooperation Treaty (PCT):



**The worldwide system for simplified filing of multiple
patent applications**



*(administered by the International Bureau of the
World Intellectual Property Organization)*



Three aspects:

- (1) a high-level look at the PCT**
- (2) statistics concerning the PCT**
- (3) organization of PCT Administration
within WIPO**

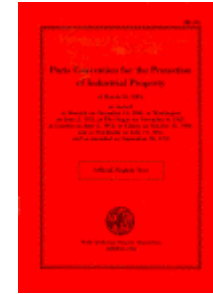


Basic overview of the PCT



Context for the PCT:

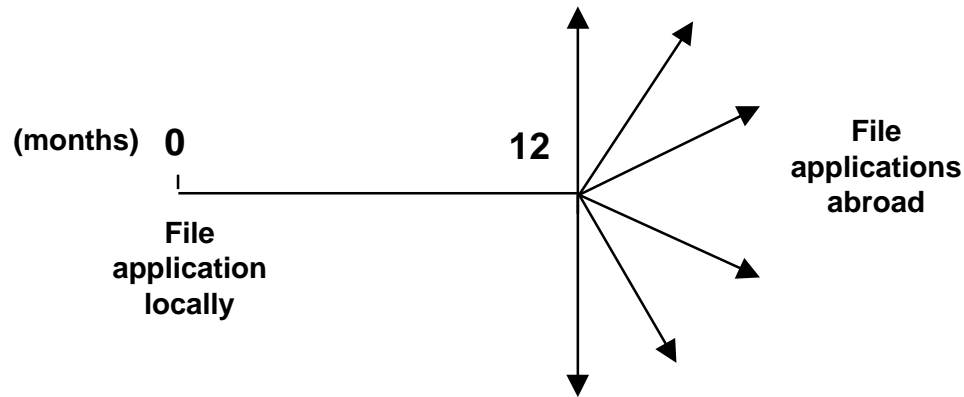
The Paris Convention for the Protection of Industrial Property



- **Article 19 of the Paris Convention provides for member states to make “special agreements for the protection of industrial property” between themselves**
- **The PCT is one such special agreement**



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



Principal objectives of the PCT

- Offer solutions and options for addressing, as much as possible, the limitations of the traditional patent system, especially when patenting is desired in many countries

- In other words:

Simplify (make more efficient and more economical) the procedure for seeking patent protection for:

(1) users of the patent system (applicants and inventors); and

(2) patent Offices

when patents are desired in several countries



The PCT, in brief

- Treaty signed in 1970 in Washington
- June 1978: began operations with 18 States
- Establishes a procedure for the filing of patent applications covering multiple countries by way of “designations”
- There is no “PCT patent”--the decision on granting patents is made exclusively by national or regional Offices in the national phase
- Only for inventions (not for trademarks, nor industrial designs)



So, in general, what does the PCT do?

- If you have an *invention* and the *intention* to protect your invention in several countries, you can, by using the PCT system:
 - evaluate your *chances* of protecting your invention before major costs in foreign countries are incurred
 - keep your *options* open to protect your invention while investigating its commercial *possibilities* abroad
 - obtain *more reliable patents* abroad



General remarks on the PCT system

- The PCT system provides for

- an international phase comprising:

- filing of the international application

- international search

- international publication, and

- international preliminary examination

“Chapter I”

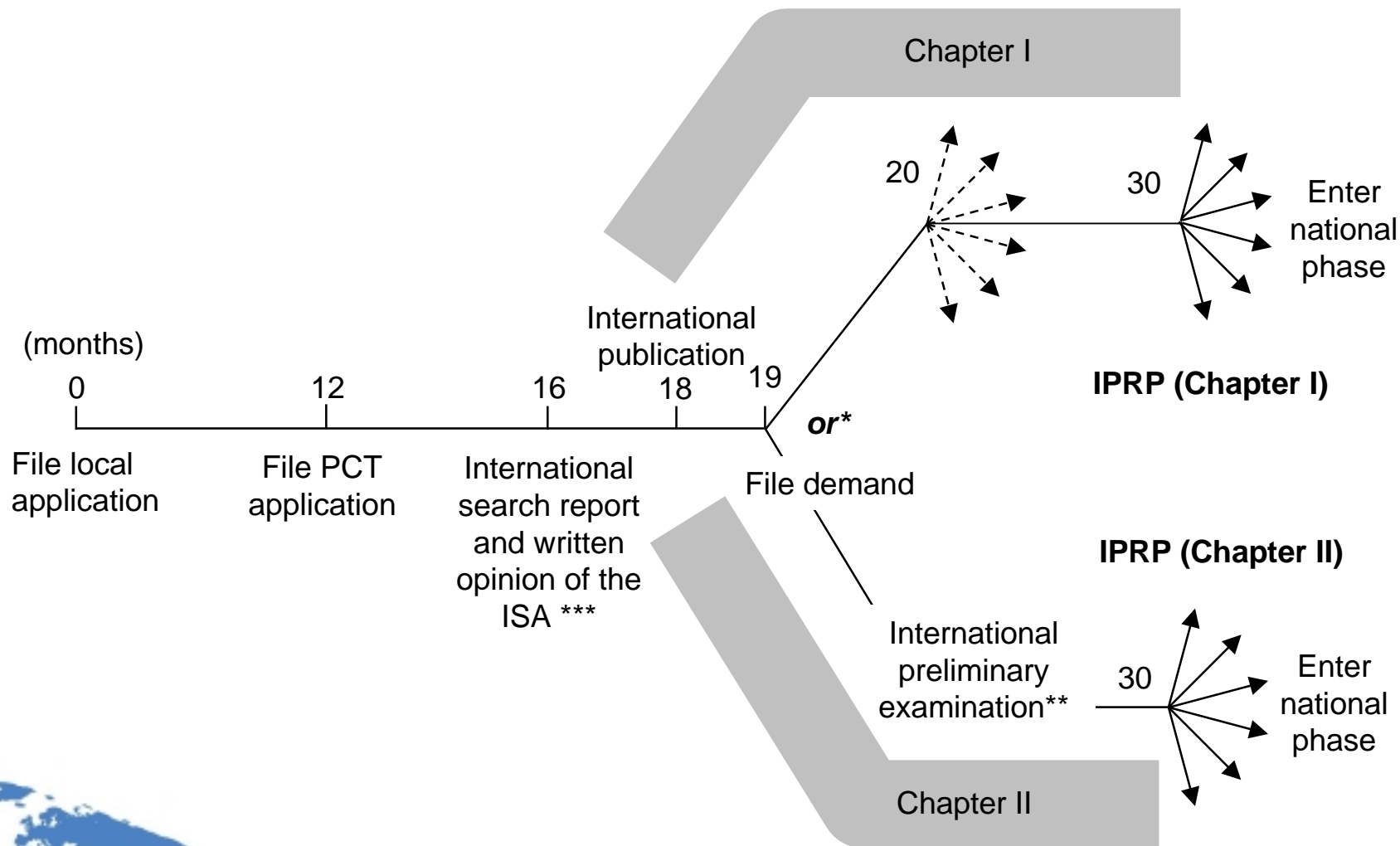
“Chapter II”

- a national/regional phase before designated Offices



The PCT System

(for applications filed on or after January 1, 2004)



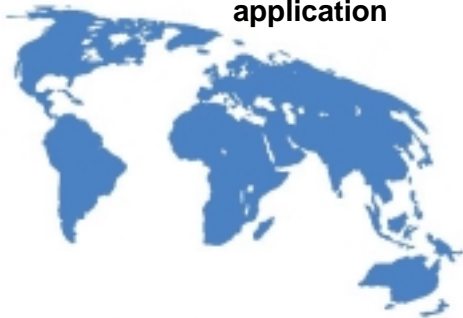
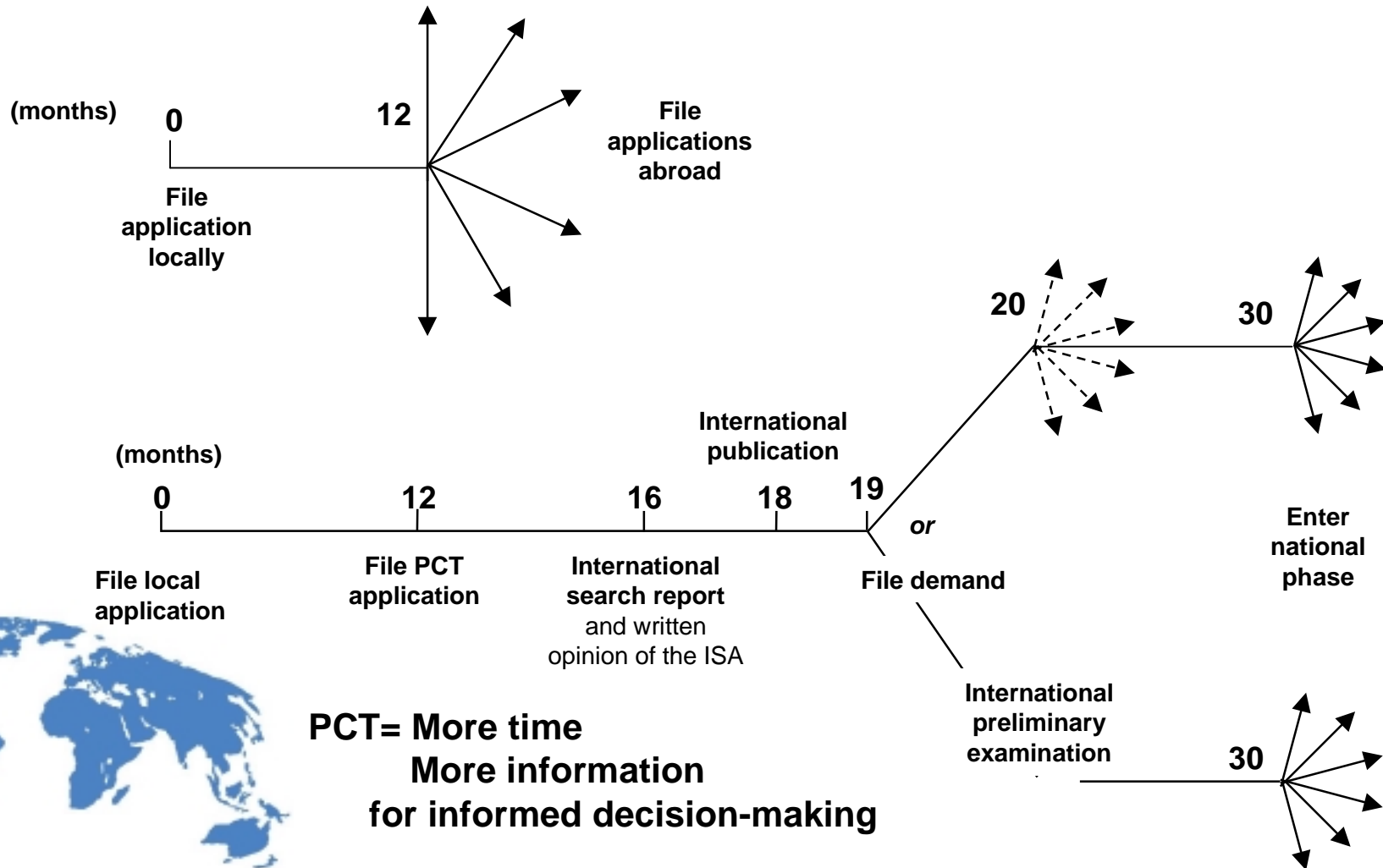
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* For all designated States to which modified Article 22(1) does not yet apply, the applicant must decide whether to file demand by 19 months or enter national phase by 20 months

** If the applicant wants to receive an international preliminary report on patentability (Chapter II), he must file a demand

*** A written opinion of the ISA will only be established for international applications filed on or after January 1, 2004

PCT system vs. Traditional patent system



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 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 conventions in the field of industrial property, such as the Paris Convention.**

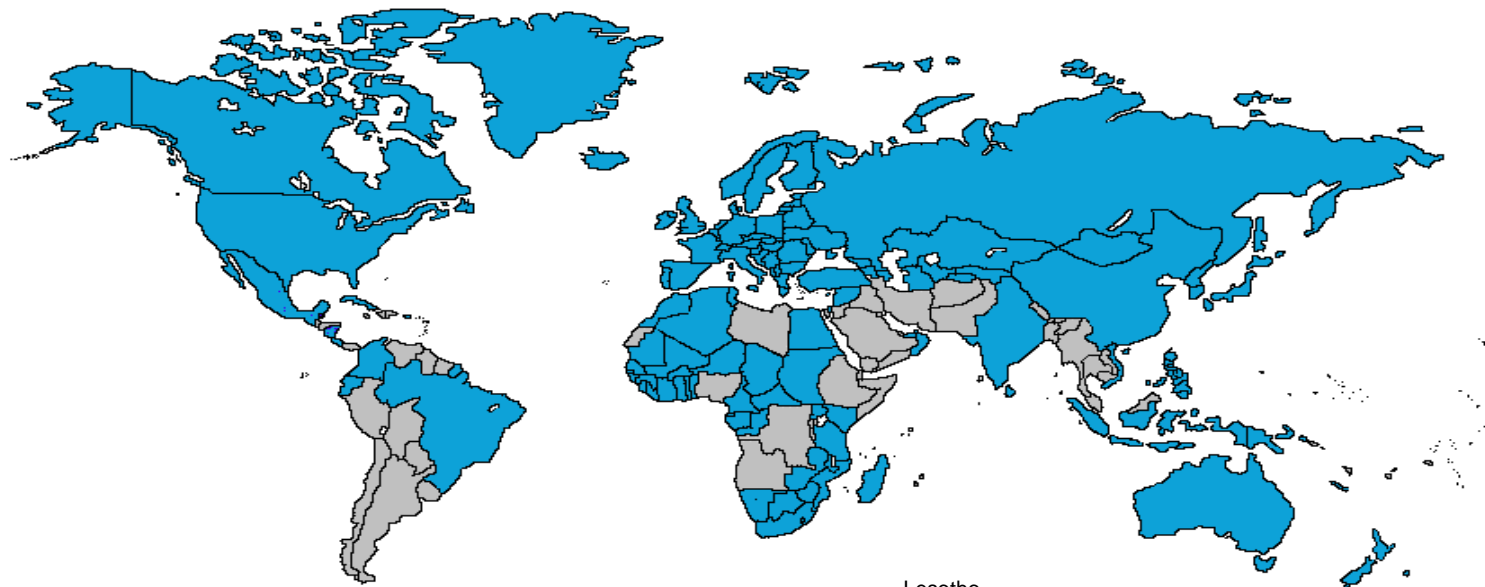


PCT Contracting States



Contracting States

(123 on 1 April 2004)



Albania
Algeria
Antigua and Barbuda
Armenia
Australia
Austria
Azerbaijan
Barbados
Belarus
Belgium
Belize
Benin
Bosnia and Herzegovina
Botswana
Brazil
Bulgaria
Burkina Faso
Cameroon
Canada
Central African Republic

Chad
China
Colombia
Congo
Costa Rica
Côte d'Ivoire
Croatia
Cuba
Cyprus
Czech Republic
Democratic People's
Republic of Korea
Denmark
Dominica
Ecuador
Egypt
Equatorial Guinea
Estonia
Finland
France

Gabon
Gambia
Georgia
Germany
Ghana
Greece
Grenada
Guinea
Guinea- Bissau
Hungary
Iceland
India
Indonesia
Ireland
Israel
Italy
Japan
Kazakhstan
Kenya
Kyrgyzstan
Latvia

Lesotho
Liberia
Liechtenstein
Lithuania
Luxembourg
Madagascar
Malawi
Mali
Mauritania
Mexico
Monaco
Mongolia
Morocco
Mozambique
Namibia
Netherlands
New Zealand
Nicaragua
Niger
Norway
Oman
Papua New Guinea

Philippines
Poland
Portugal
Republic of Korea
Republic of Moldova
Romania
Russian Federation
Saint Lucia
Saint Vincent and
the Grenadines
Senegal
Seychelles
Sierra Leone
Singapore
Slovakia
Slovenia
South Africa
Spain
Sri Lanka
Sudan
Swaziland

Sweden
Switzerland
Syrian Arab Republic
Tajikistan
The former Yugoslav
Republic of Macedonia
Togo
Trinidad and Tobago
Tunisia
Turkey
Turkmenistan
Uganda
Ukraine
Ukraine
United Arab Emirates
United Kingdom
United Republic of Tanzania
United States of America
Uzbekistan
Viet Nam
Yugoslavia
Zambia
Zimbabwe

Who uses the PCT?

The largest users of the PCT in 2003 (by number of applications filed):

- | | |
|--|---|
| 1. Philips Electronics (NL) | 11. Procter & Gamble (US) |
| 2. Siemens (DE) | 12. Thomson Licensing (FR) |
| 3. Matsushita Electric Industrial (JP) | 13. Honeywell (US) |
| 4. Bosch (DE) | 14. Kimberly-Clark (US) |
| 5. Sony (JP) | 15. Mitsubishi (JP) |
| 6. Nokia (FI) | 16. Motorola (US) |
| 7. 3M (US) | 17. Fujitsu (JP) |
| 8. Infineon (DE) | 18. University of California (US) |
| 9. BASF (DE) | 19. Japan Science and Technology Corp. (JP) |
| 10. Intel (US) | 20. Unilever (GB) |



Among PCT applicants, you will also find:
(a few names you might know)

IBM (US)

Hitachi (JP)

British Telecom (GB)

MCI (US)

Sony (JP)

AT&T (US)

Microsoft (US)

Boeing (US)

McDonnell Douglas (US)

Nestle (CH)

Novartis (CH)

Colgate Palmolive (US)

L'Oreal (FR)

Rhone Poulenc (FR)

Hoechst (US y DE)

Glaxo (GB)

Leica (CH)



Other PCT applicants (continued)

Daimler Benz (DE)

Toyota (JP)

Volvo (SE)

Ford (US)

Nissan (JP)

Renault (FR)

Honda (JP)

Kawasaki (JP)

Shell (NL)

Elf (FR)

Salomon (FR)

CNRS (FR)

Harvard College (US)

Columbia University (US)

Yale University (US)



Why are PCT users using the system and what are they paying for?

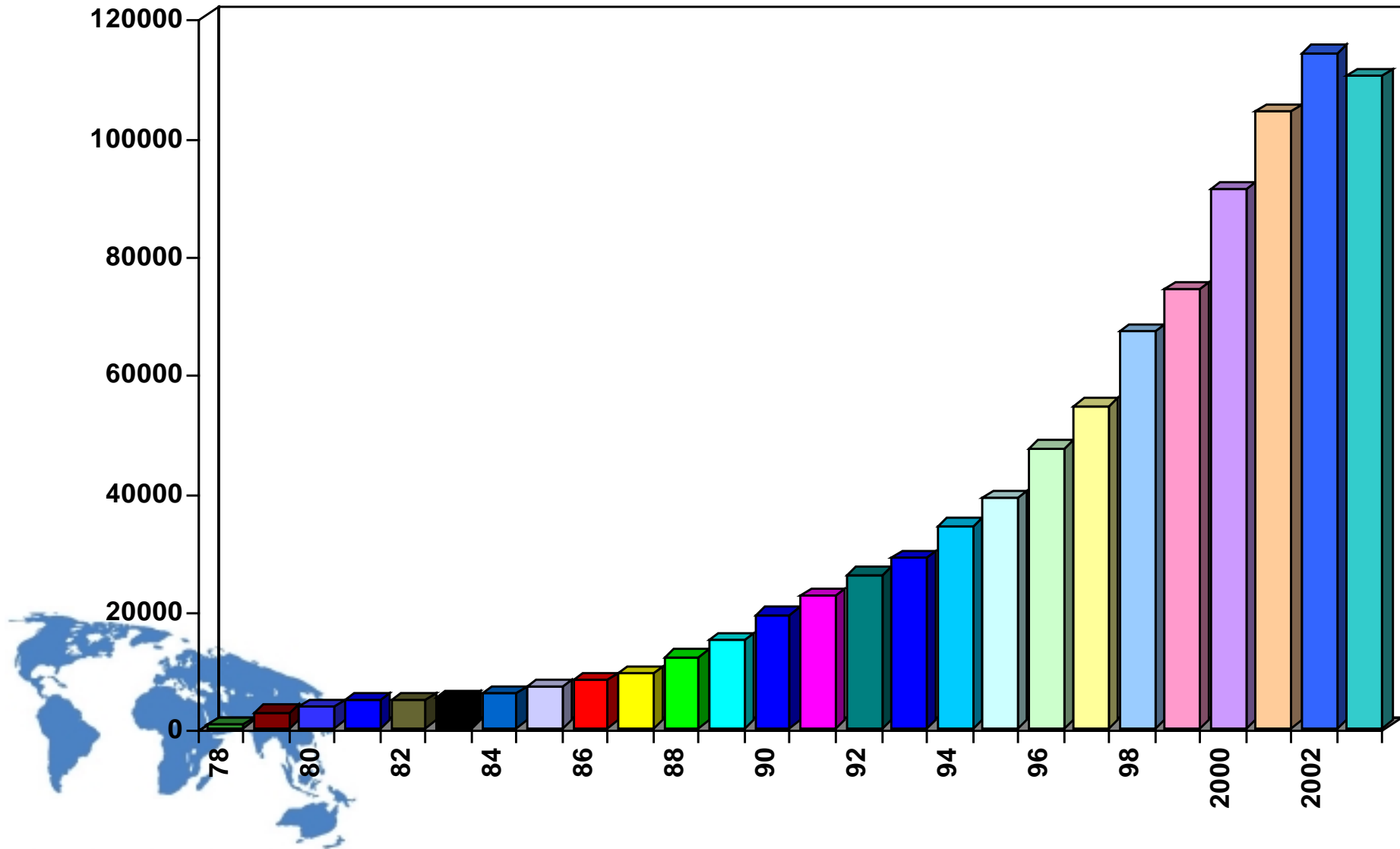
- ***Time***
 - users in most cases get 18 months more than under traditional patent system
- ***Information about their possibilities for patenting in various countries***
 - they have the content of the international search report and written opinion, and the international preliminary report on patentability (IPRP Chapter I or IPRP Chapter II)
- ***Keeping their options open*** in many countries
- ***Quality and level of service*** they have come to expect from PCT
 - with a reputation which has been built up over the last 20+ years
- ***Confidentiality and security*** for their applications
- ***Timely, careful handling***



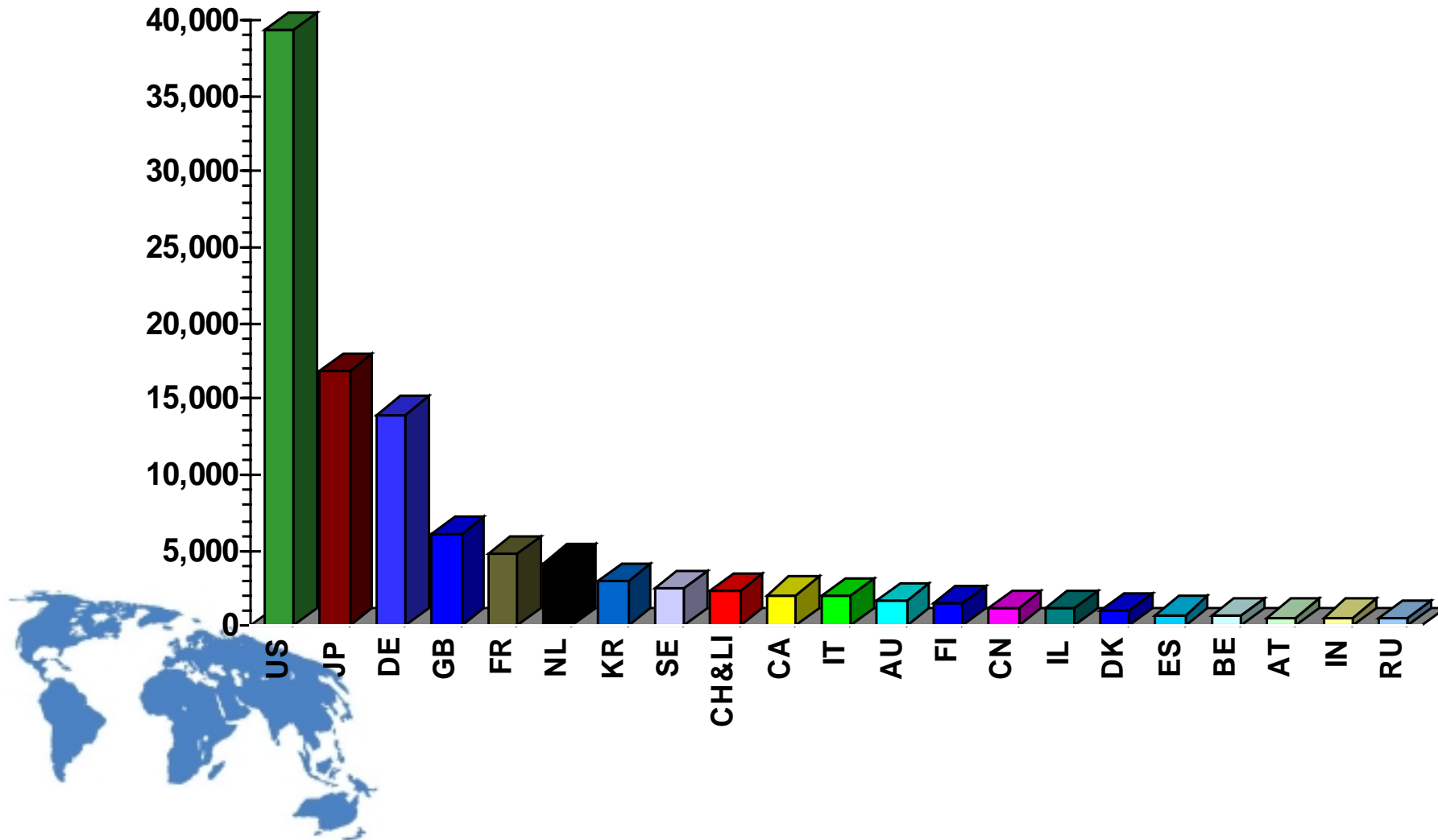
PCT Statistics



Growth in PCT Filings

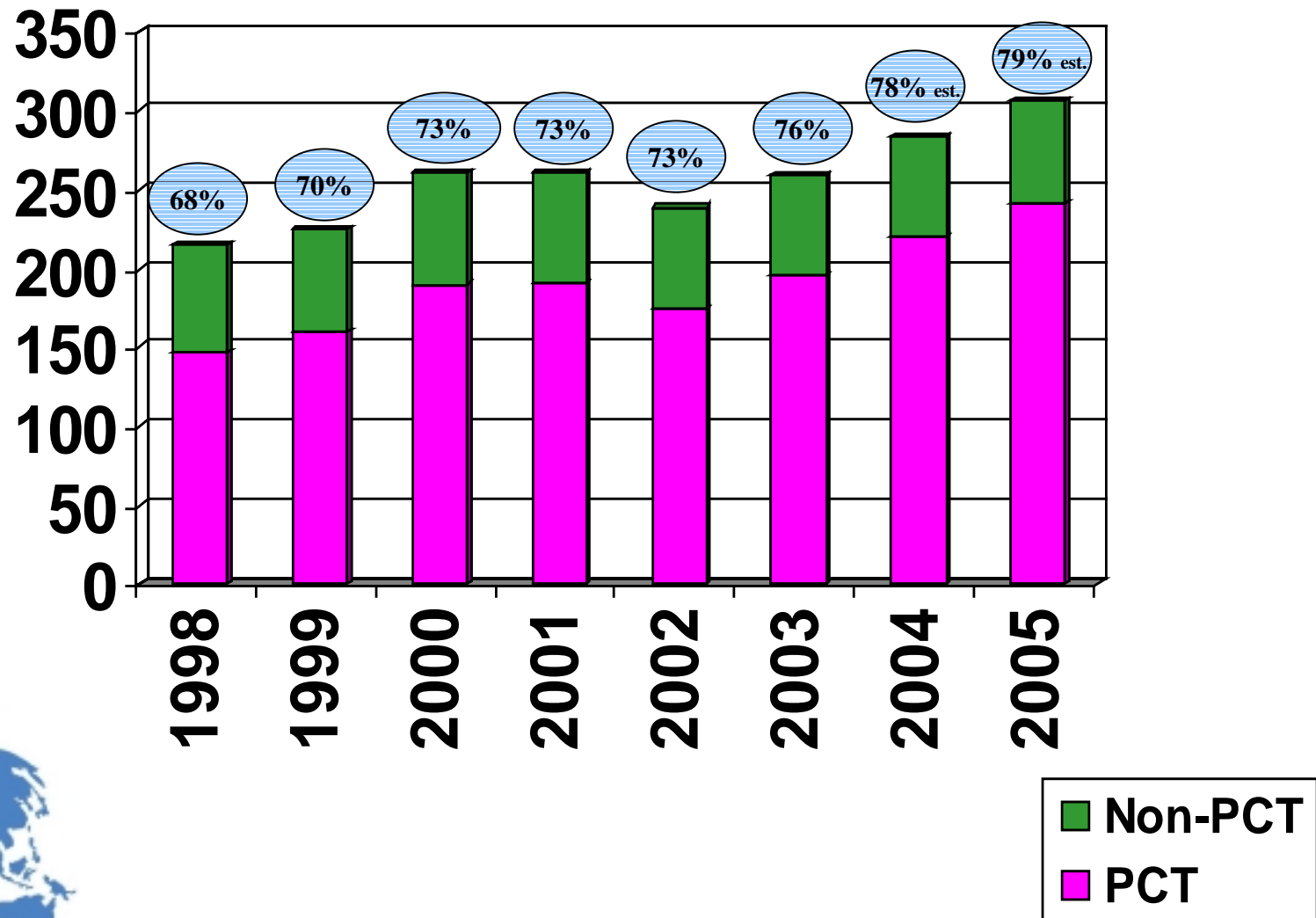


International applications received by country of origin in 2003



PCT Income as % of total WIPO Income

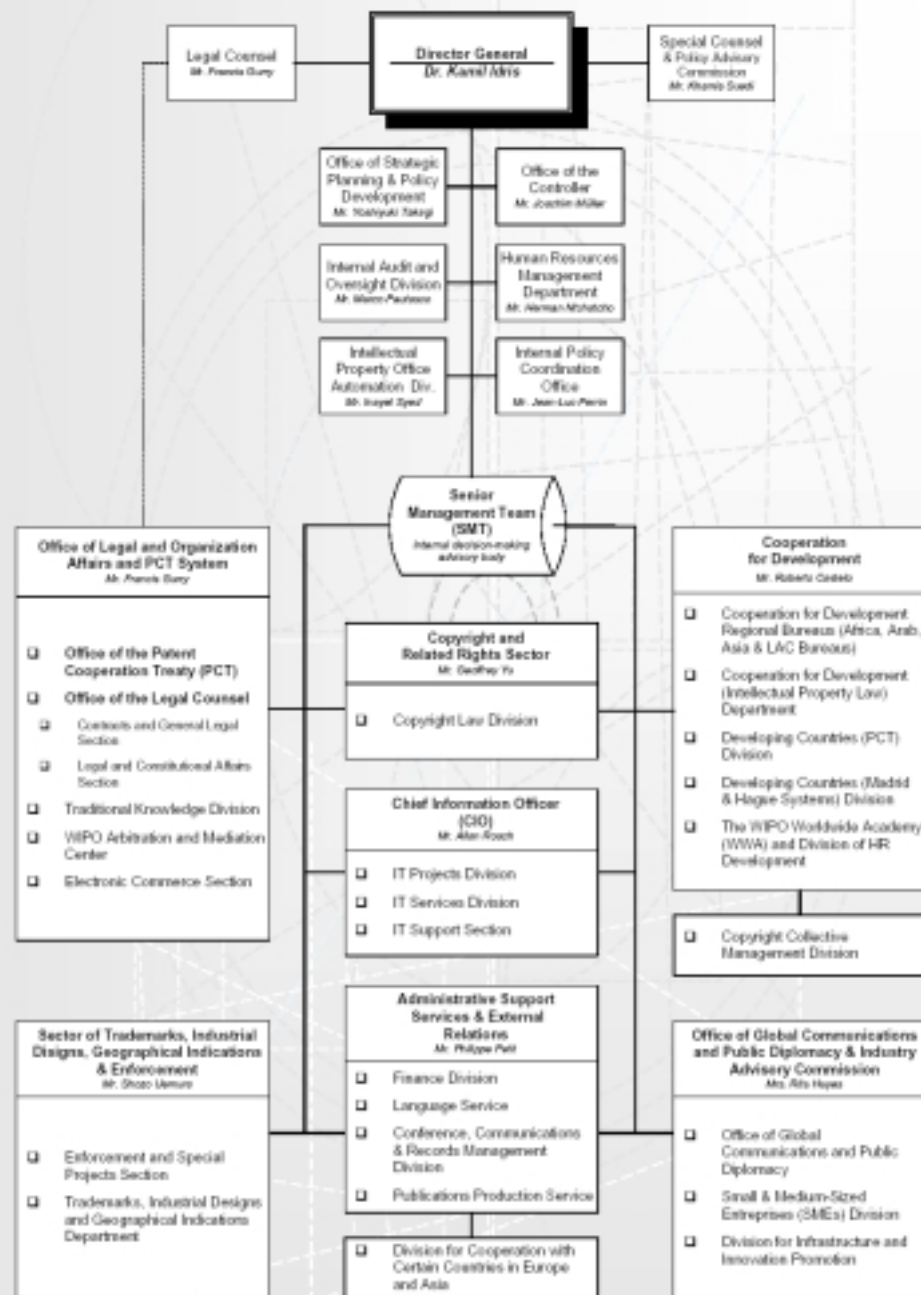
(as per the revised proposals for Program and Budget 2004-2005,
WO/PBC/7/2, p. 181, Table 20)



Organization of PCT Administration within WIPO

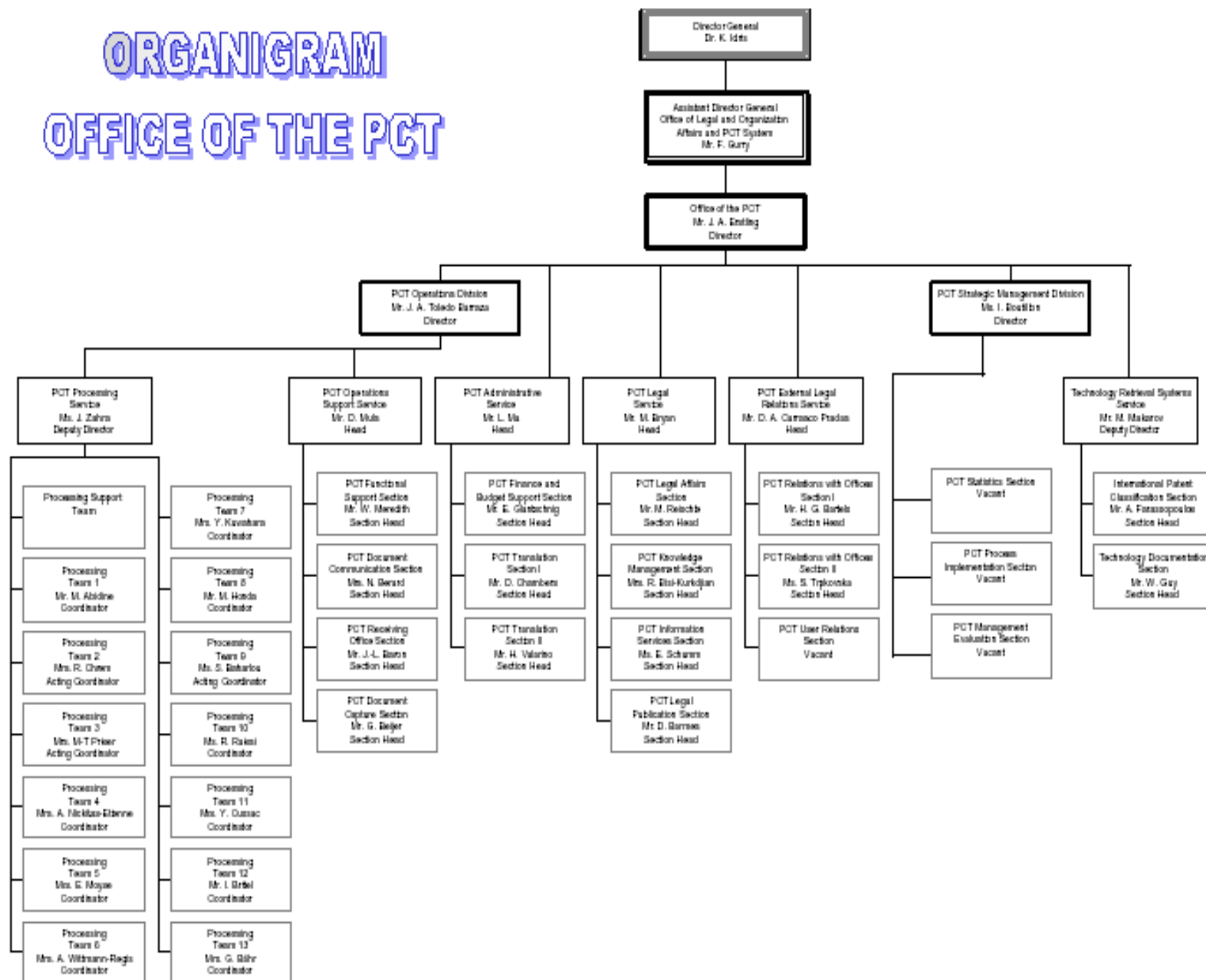


WIPO Structure



ORGANIGRAM

OFFICE OF THE PCT



Questions?

