

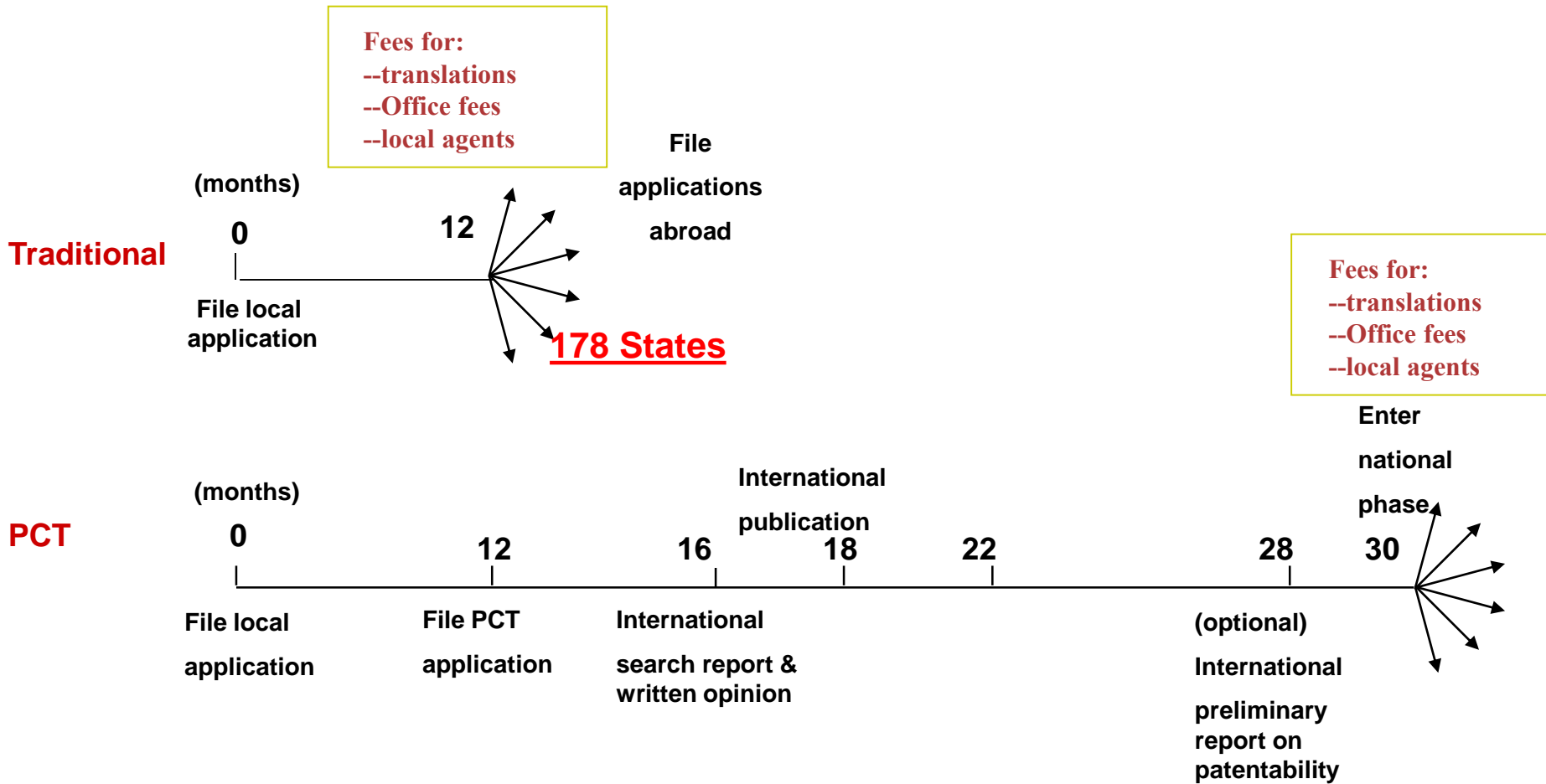


Overview of The Patent Cooperation Treaty(PCT)

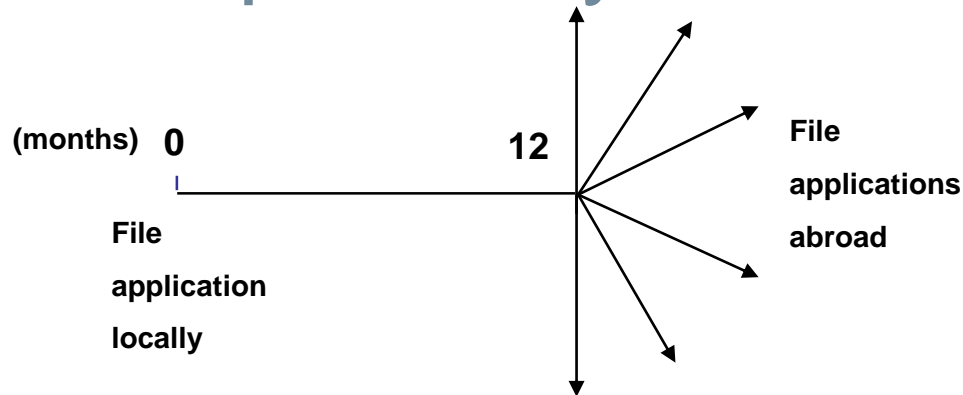


Introduction to the PCT System

Traditional patent system vs. 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

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*:

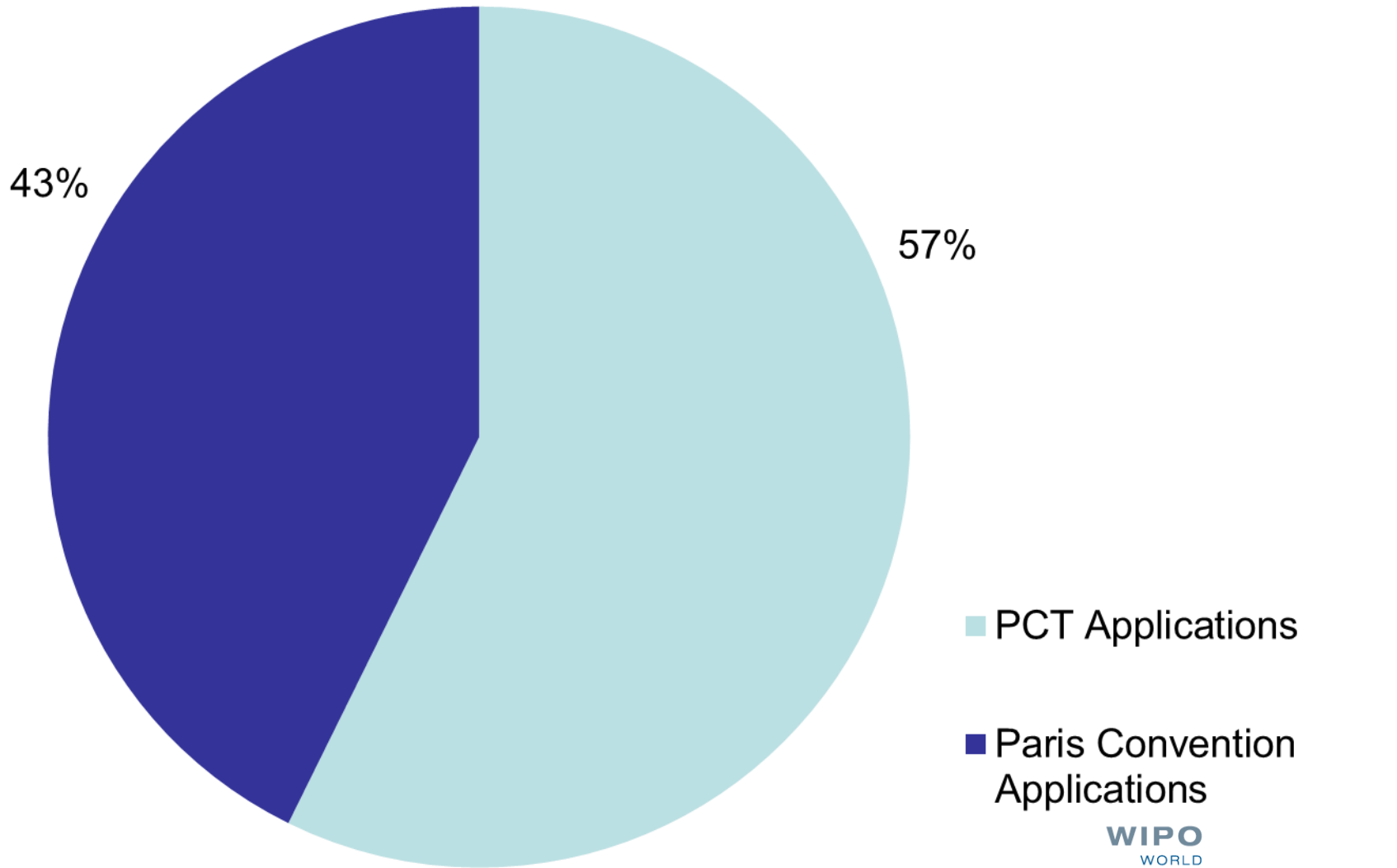
- one set of formality requirements
- international search
- international publication
- international preliminary examination
- international application can be put in order before national phase
- translations and national fees required at 30 months,* and only if applicant wishes to proceed

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

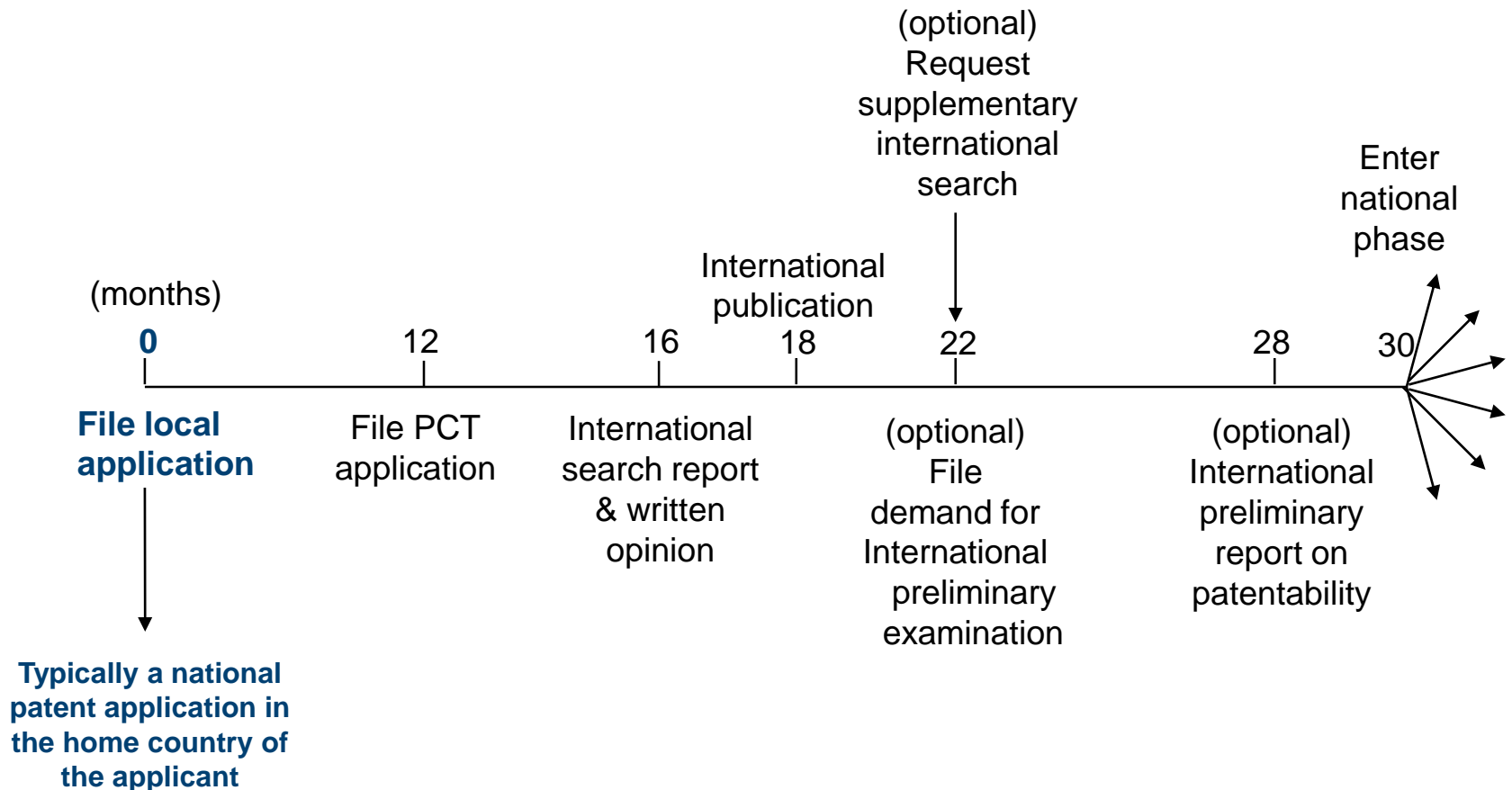
General remarks on the PCT system

- 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

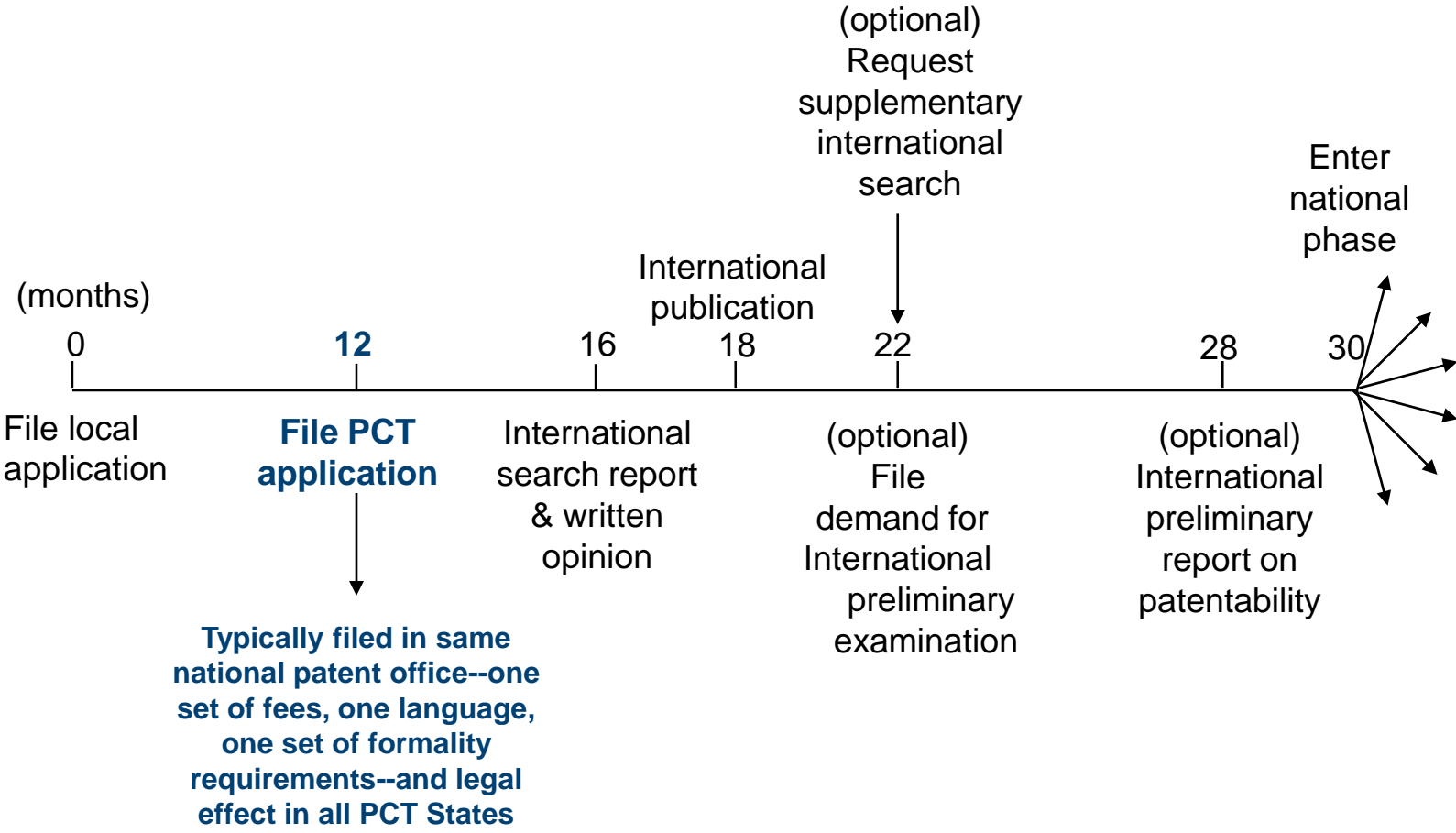
The majority of non-resident patent applications are filed through PCT



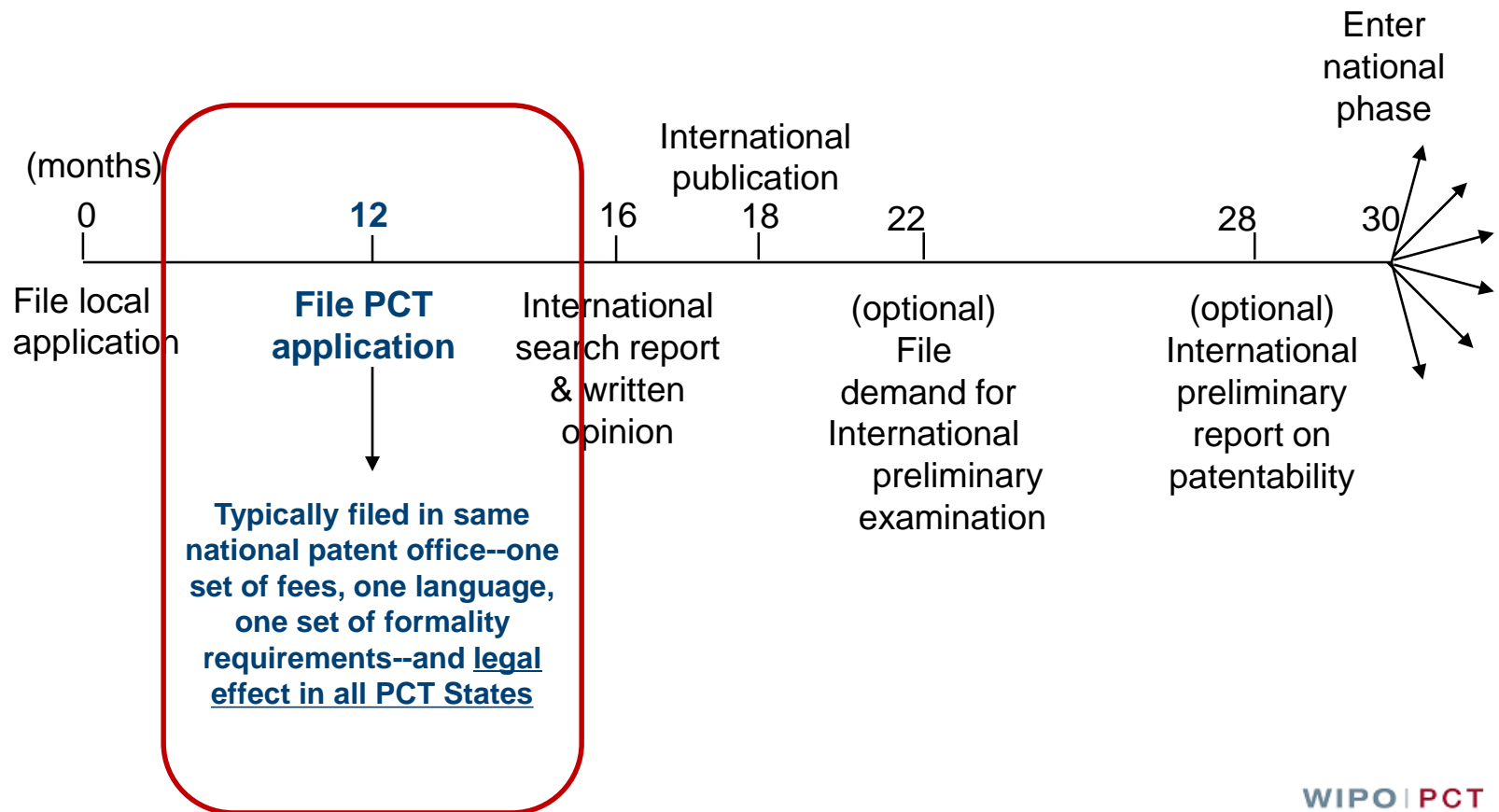
Using the PCT system to seek patent protection



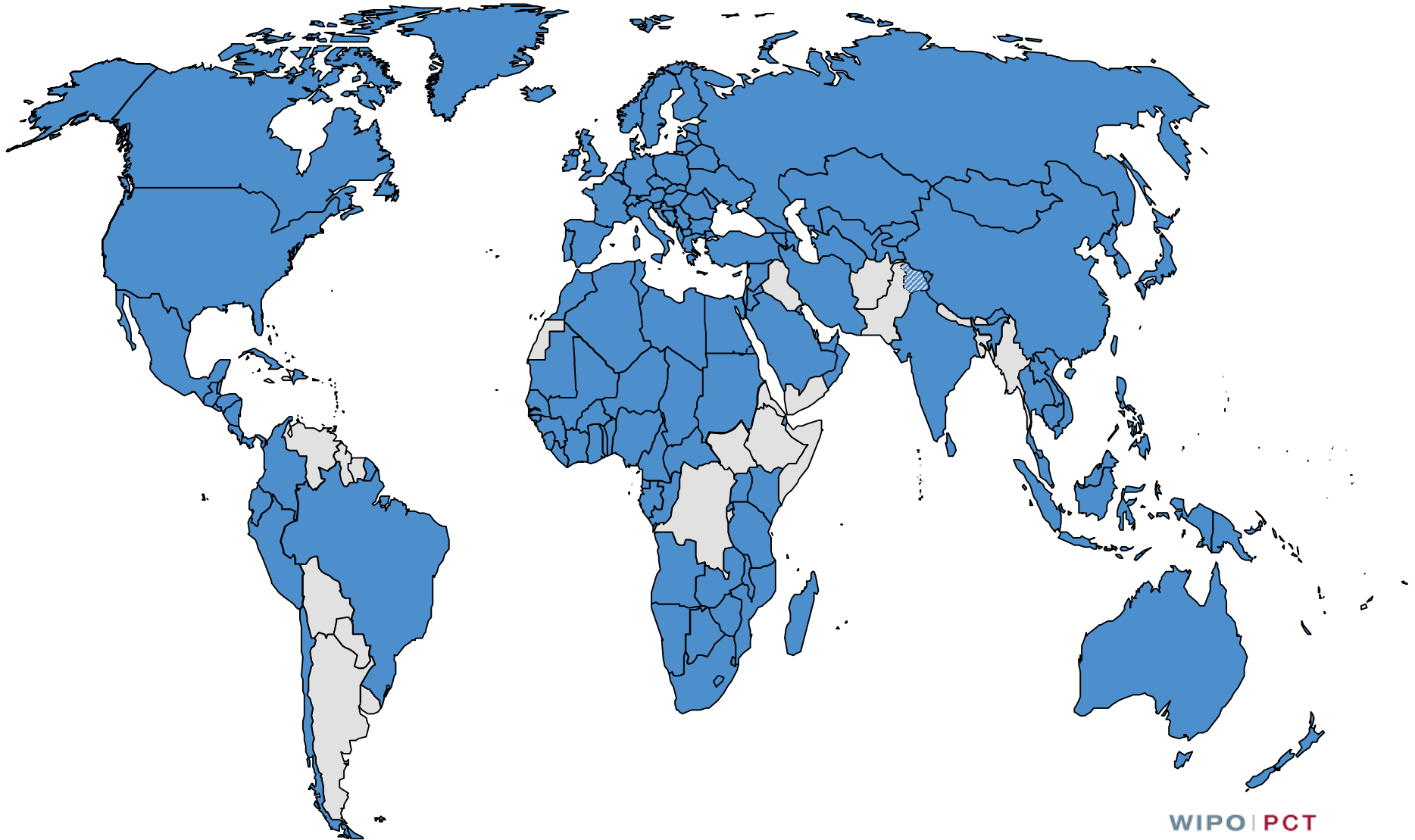
Using the PCT system to seek patent protection



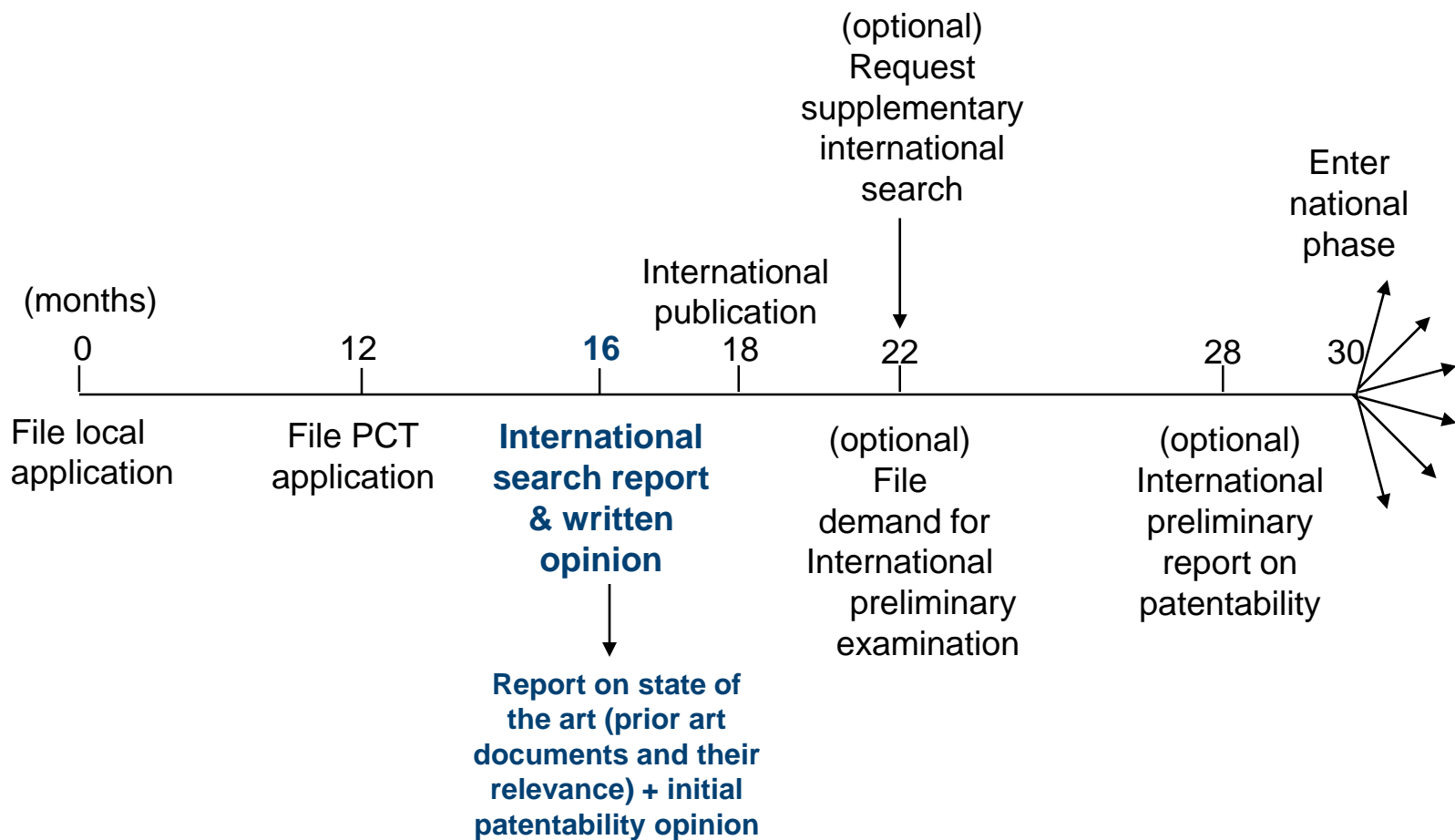
Using the PCT system to seek patent protection



PCT Coverage Today



Using the PCT system to seek patent protection



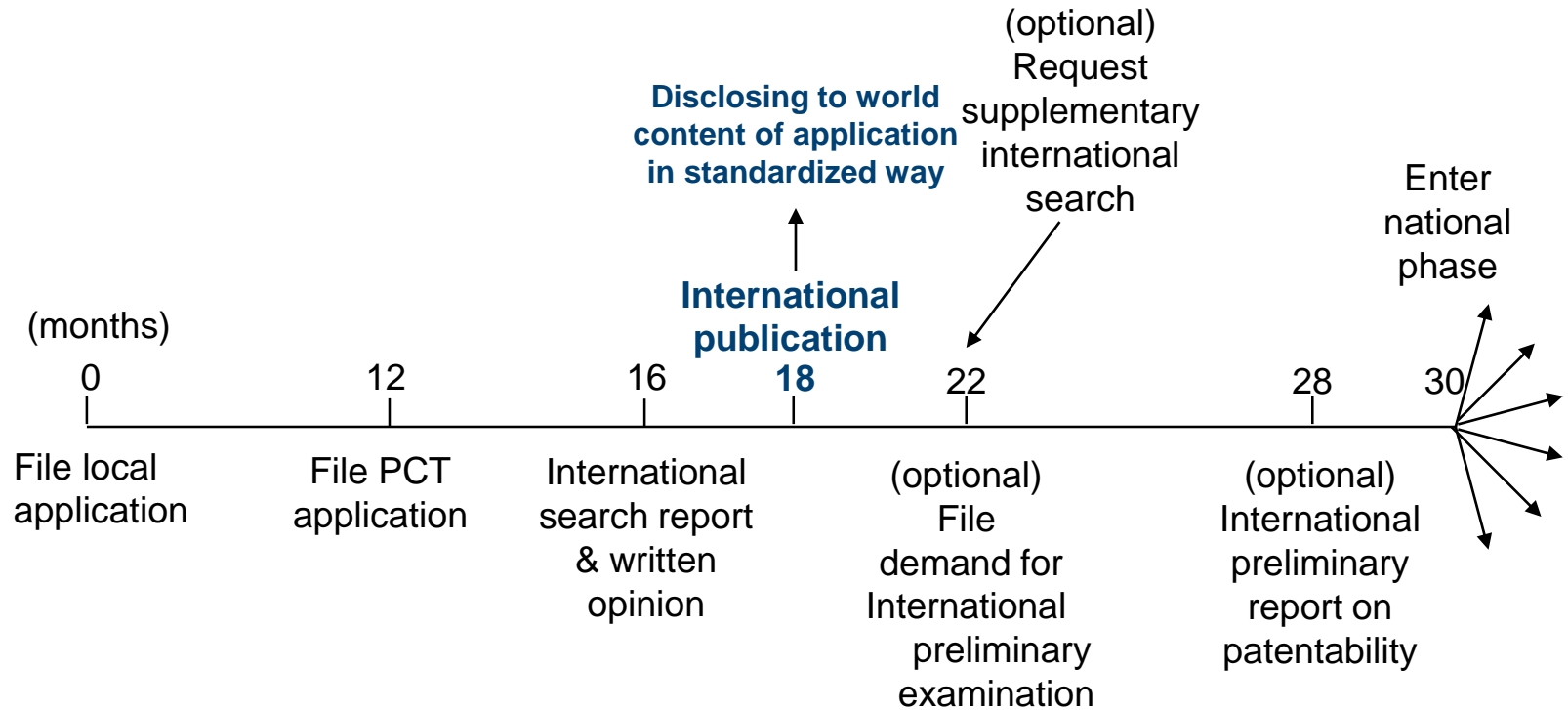
International Searching Authorities (23 in total)

- AT – Austria
- AU – Australia
- BR – Brazil
- CA – Canada
- CL – Chile
- CN – China
- EG – Egypt
- ES – Spain
- FI – Finland
- IL – Israel
- IN – India
- JP – Japan
- KR – Republic of Korea
- PH – Philippines (*not yet operational*)
- RU – Russian Federation
- SE – Sweden
- SG – Singapore
- TR – Turkey
- UA – Ukraine
- US – United States of America
- EP – European Patent Office
- XN – Nordic Patent Institute
(Denmark, Iceland, Norway)
- XV – Visegrad Patent Institute (VPI)
(Czech Republic, Hungary, Poland, Slovakia)

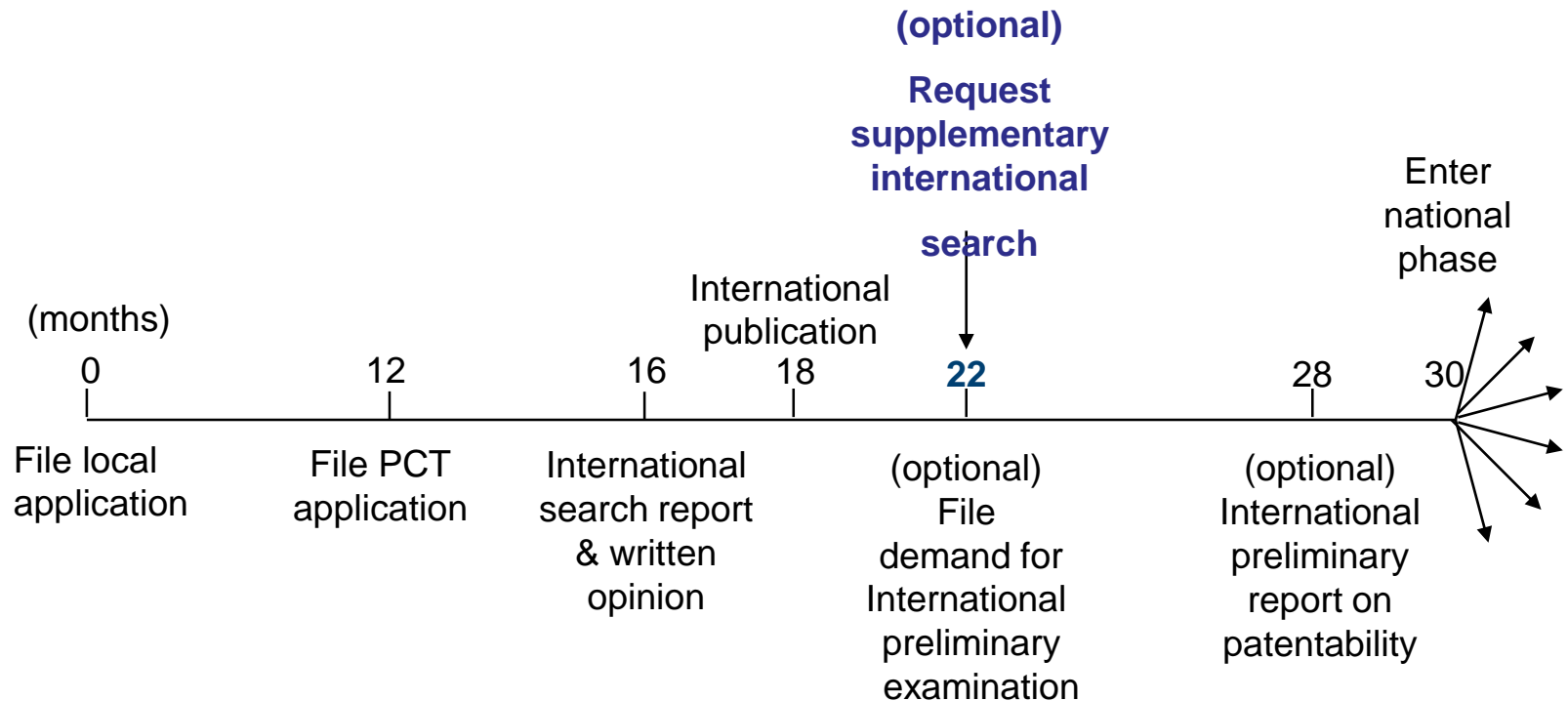
Receiving Office decides on which ISAs is/are competent

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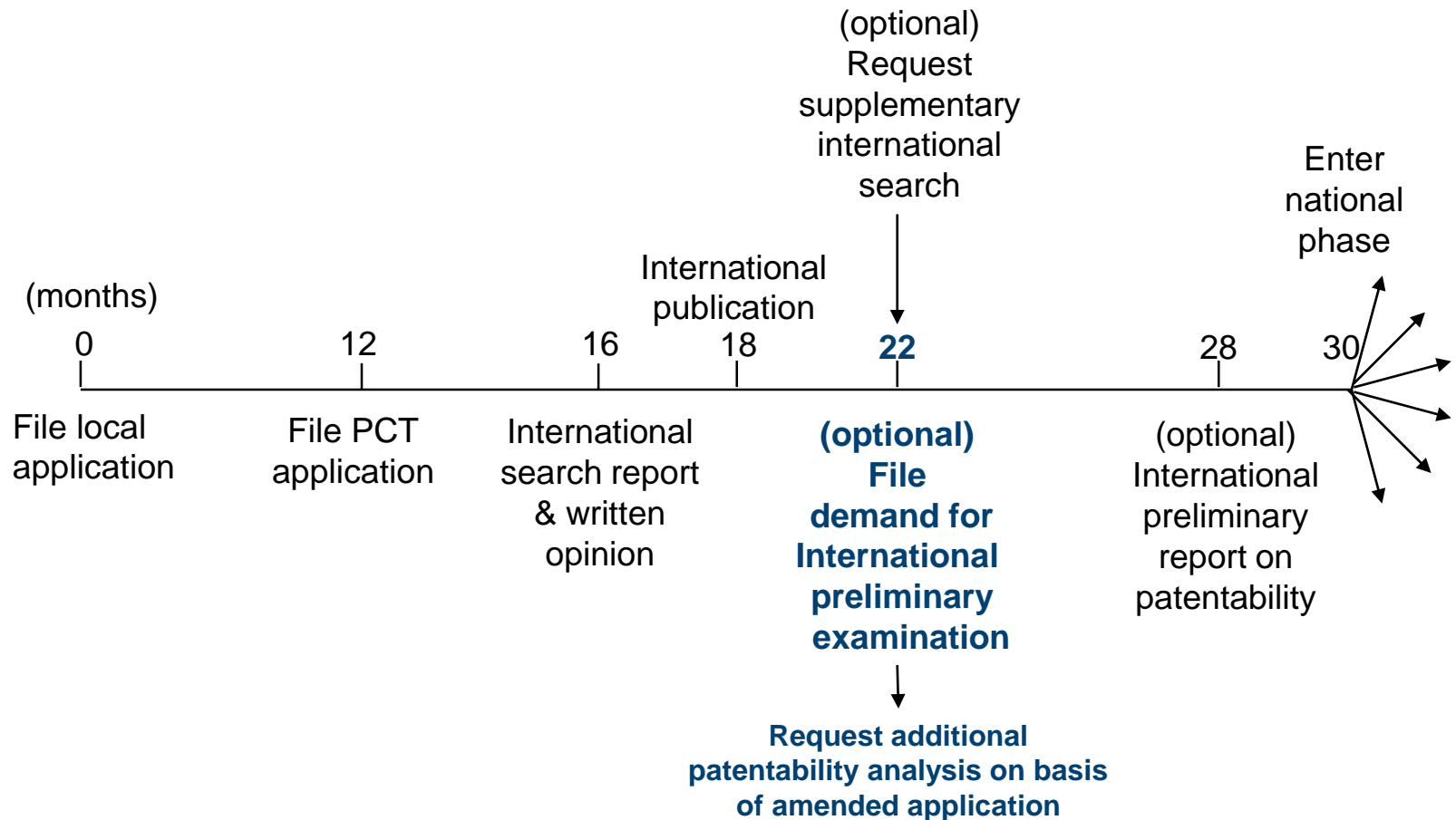
Using the PCT system to seek patent protection



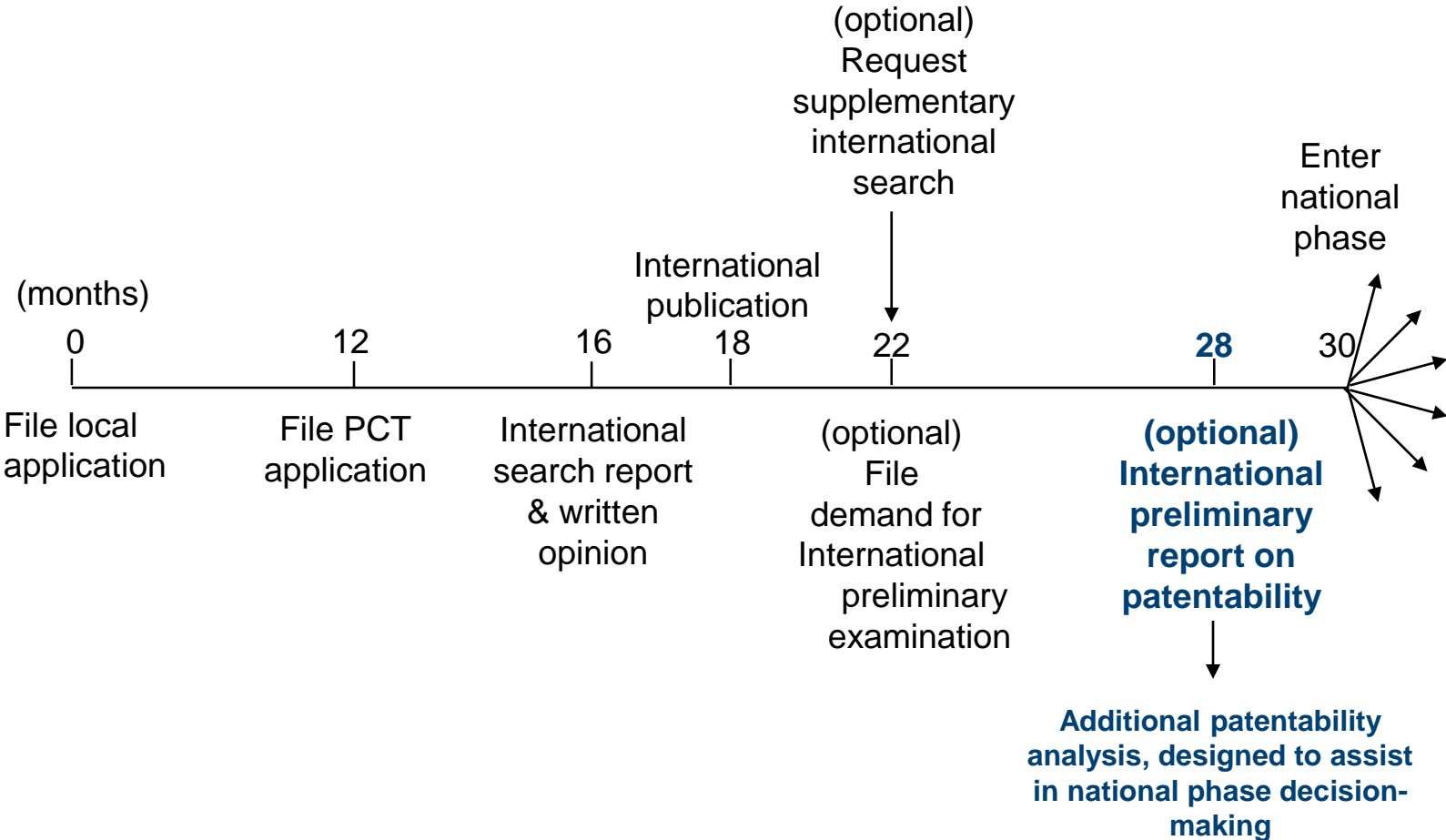
Using the PCT system to seek patent protection



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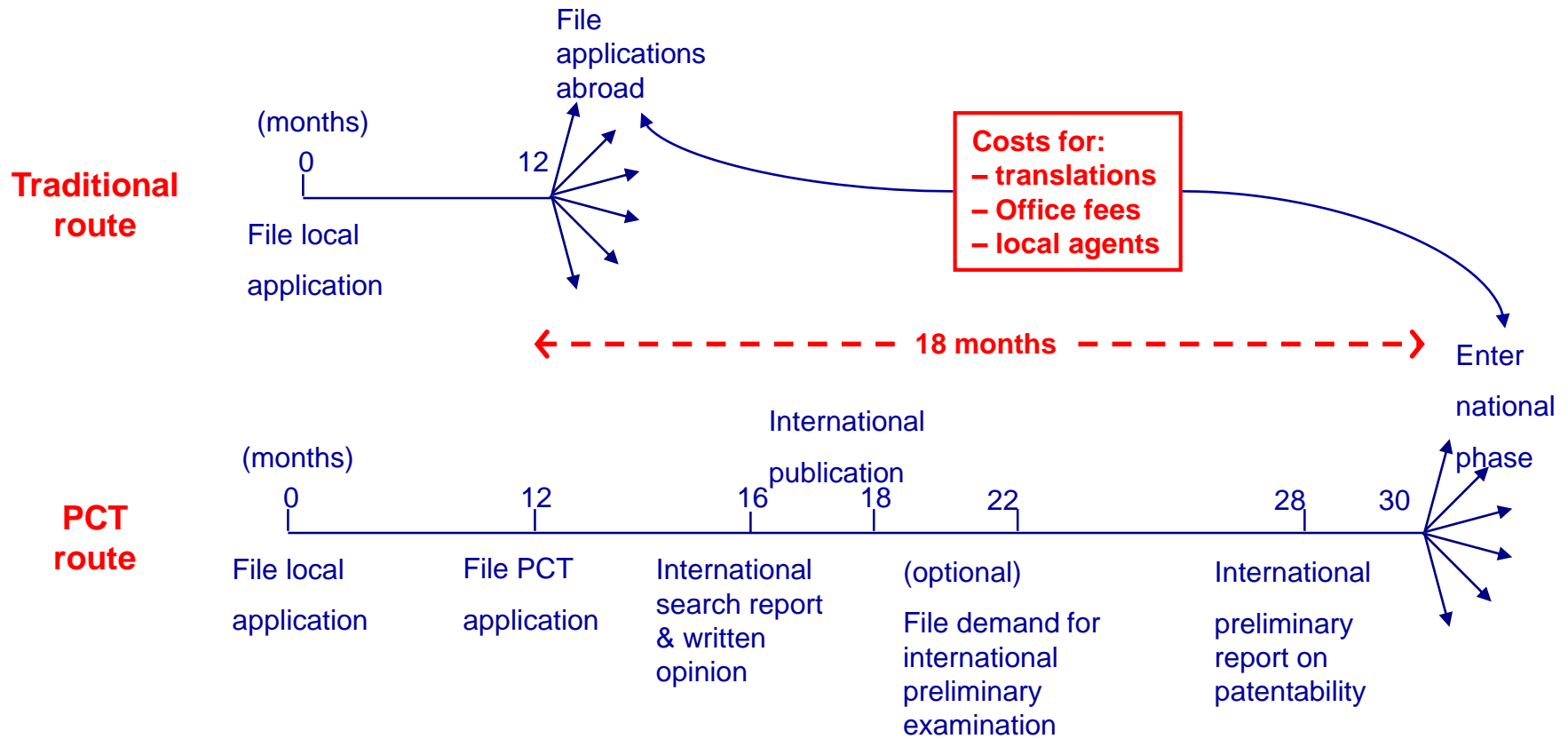
PCT Advantages

Certain PCT Advantages

The PCT brings the world within reach and provides a worldwide system for simplified filing and processing of patent applications-

1. postpones the major costs associated with internationalizing a patent application
2. enables assessment of economic value of the invention and the chances of obtaining a patent before entering national phase, provides a strong basis for patenting decisions
3. harmonizes formal requirements
4. protects applicant from certain inadvertent errors
5. evolves to meet user needs
6. permits secure and easy online filing (with participating Offices), with cost savings
7. offers technical and patent information from WIPO's PATENTSCOPE

Traditional and PCT filing routes



Protection from inadvertent errors

Examples of procedures added to PCT which protect applicants from mistakes they sometimes make:

invited corrections of defects & fee payments

non-competent receiving Office

double formality review

restoration of priority

rectification of obvious mistakes

excuse of national phase entry delay

PCT Meetings-(meeting users' needs)

Meeting of International Authorities—annual (usually first quarter)

PCT Working Group—annual (usually second quarter)

PCT Assembly—September/October

Conferences/seminars/webinars/presentations/training sessions for PCT users

Constant contact with PCT users

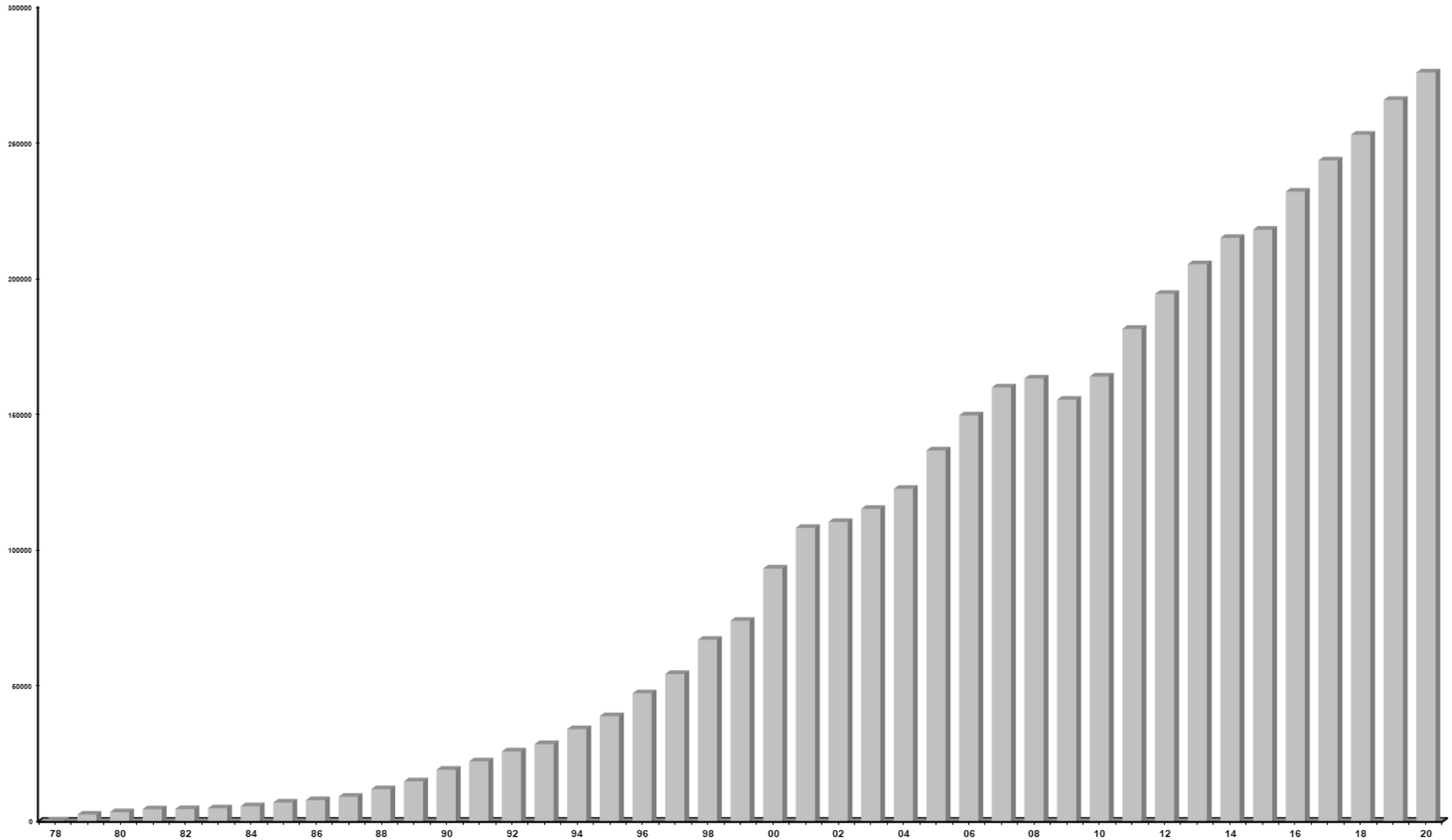
➤ And these all result in ideas and proposals for improving the PCT system legally, procedurally, and practically

More information → better decisions

- Prospects of commercial success

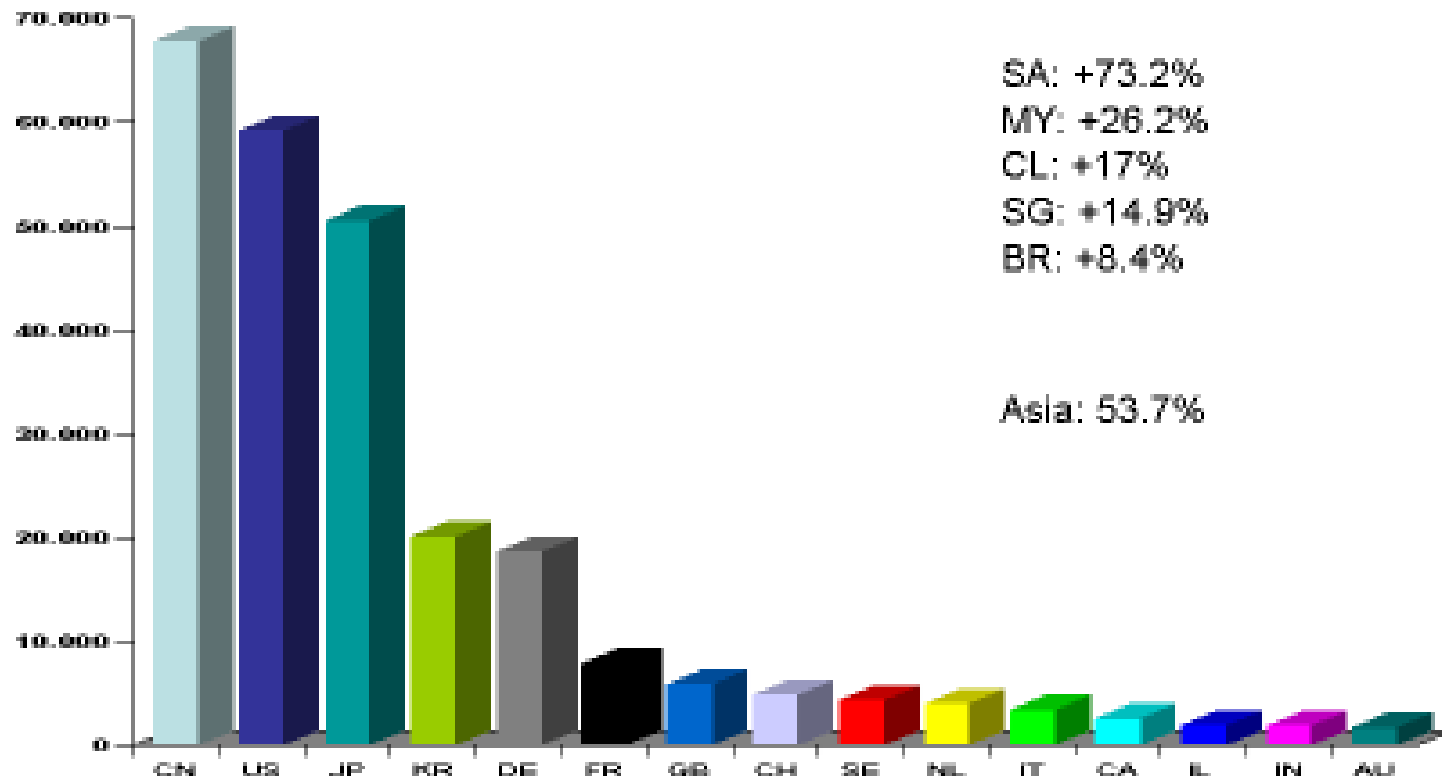
- Should I manufacture, or assign, or license the invention?
- Can I find a partner, or buyer, or licensee?
- Should I enter the national phase in view of:
 - my assessment of the prospects of commercial success?
 - the likelihood of patent grant?
- In which countries should I enter the national phase?

Growth in PCT applications since 1978



2020: 275,900 filed (+4%)

International applications in 2020 by country of origin



- 24.9% originating in China, 21.5% in US, 18.3% in Japan
- 64.7% from the top 3 countries, 78.8% from top 5 countries, 88.7% of filings from top 15 countries



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The International Patent System

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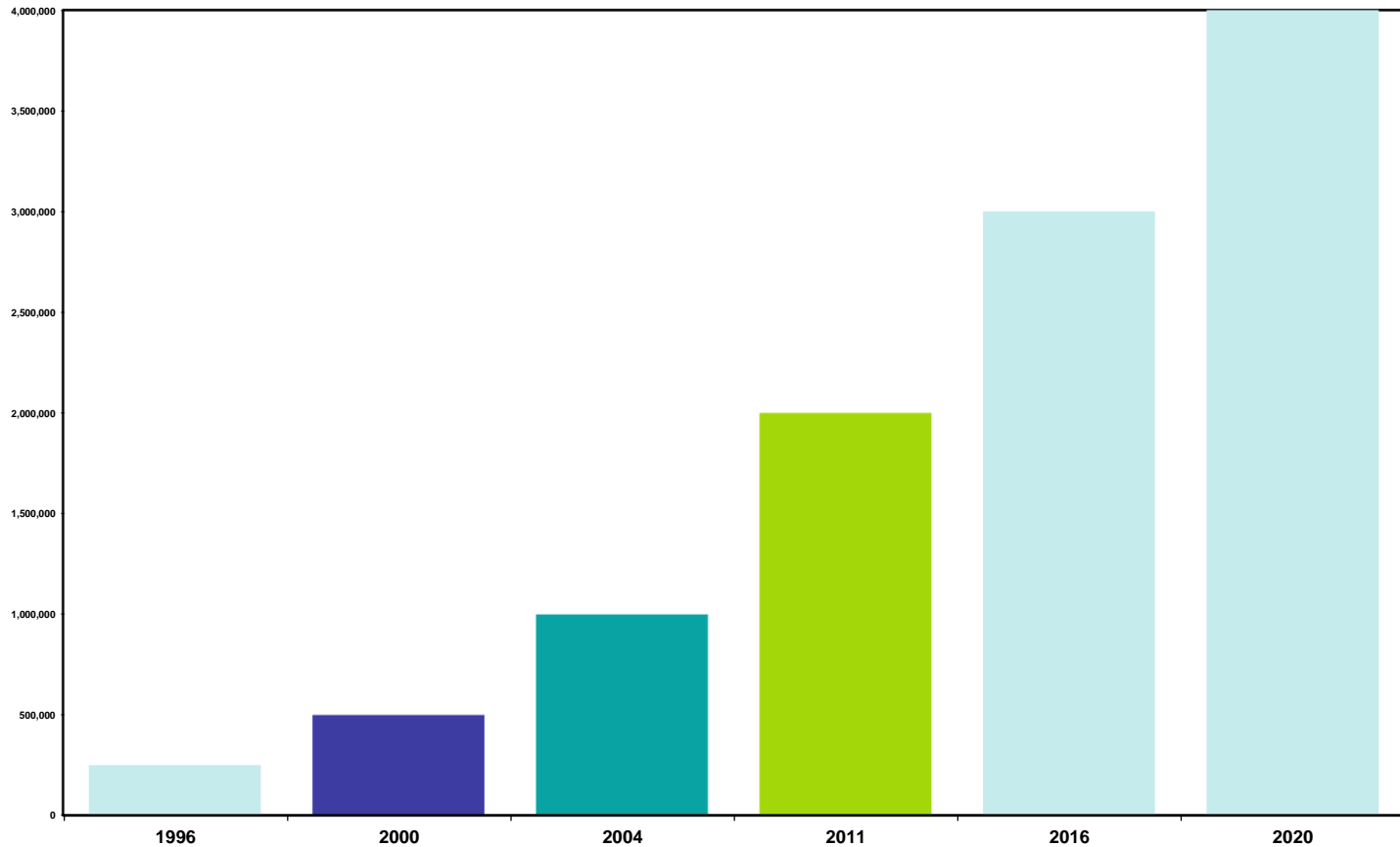
Top PCT applicants in 2020

1. Huawei Technologies—CN (5,464)
2. Samsung—KR (3,093)
3. Mitsubishi Electric—JP (2,810)
4. LG Electronics—KR (2,759) (+67.6%)
5. Qualcomm—US (2,173)
6. Ericsson—SE (1,989)
7. BOE Technology Group—CN (1,892)
8. Guang Dong Oppo Mobile Telecom—CN (1,801)
9. Sony—JP (1,793)
10. Panasonic—JP (1,611)
11. Hewlett-Packard—US (1,595)
12. Microsoft—US (1,529)
13. Bosch—DE (1,375)
14. LG Chem, Ltd.—KR (1,374)
15. Nippon Telegraph & Telephone—JP (1,372)

Top PCT University applicants in 2020

1. University of California (US)
2. Massachusetts Institute of Technology (US)
3. Shenzhen University (CN)
4. Tsinghua University (CN)
5. Zhejiang University (CN)
6. University of Texas (US)
7. Dalian University of Technology (CN)
8. South China University of Technology (CN)
9. Stanford University(US)
10. University of Tokyo (JP)
11. China University of Mining and Technology (CN)
12. Seoul National University (KR)
13. Northeastern (CN)
14. Jiangnan University (CN)
15. Osaka University (JP)

4 million+ PCT applications



- 26 years for 1st million applications
- 7 years for 2nd million
- 5-6 years for 3rd million
- 4 years for 4th million

The PCT... and business

Most businesses worldwide which seek and use patents wish to:

- control costs while preserving options
- make informed business decisions
- use the best tools available when seeking protection

The PCT responds to these objectives

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)

Thank you!



Thank you!

