



MINISTRY OF INDUSTRY, SCIENCE,
TECHNOLOGY AND INNOVATION



Seminar on the Patent Cooperation Treaty (PCT)

**Phnom Penh, Cambodia
May 2, 2024**

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Patents and Technology Sector, World Intellectual Property Organization (WIPO)
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Our Program today

- WIPO: who we are, what we do
- Protecting your invention internationally with the *Patent Cooperation Treaty* (PCT)
 - Why file a PCT application – benefits for innovators?

WIPO – World Intellectual Property Organization

- ❑ **Developing and sustaining a balanced and effective IP ecosystem to promote innovation and creativity – key for better and sustainable future**
- ❑ **Global:** Uniting 193 member states
- ❑ **Diverse:** Employs 1600+ staff from 121 countries
- ❑ **Gender-committed:** Promotes gender equality externally and internally with 54.2% of female staff
- ❑ **Member-states supportive:**
 - ❑ Headquartered in Geneva, Switzerland
 - ❑ 7 external offices



UNITED NATIONS



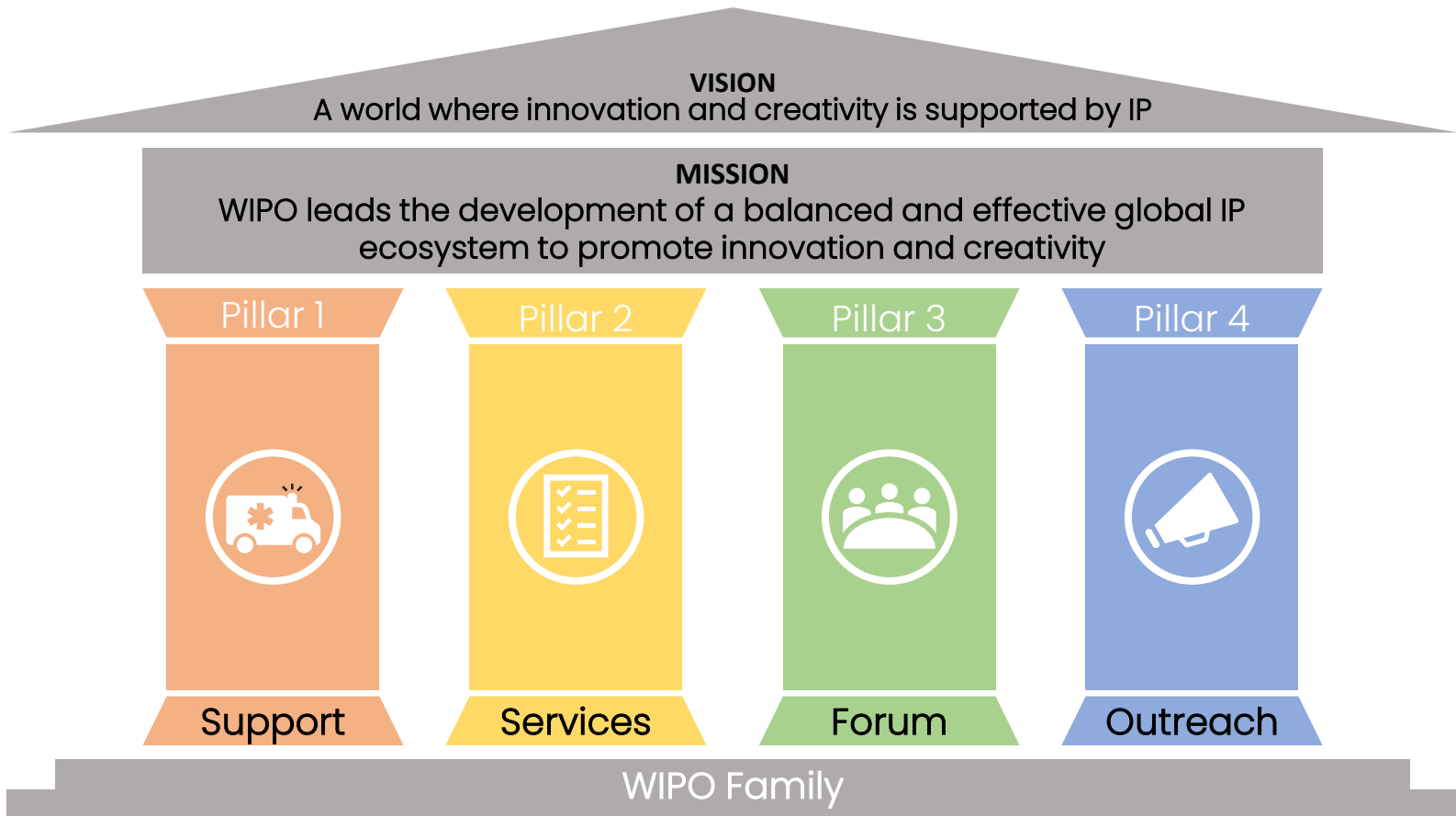
(Photo: iStock photos)



WIPO

WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

INTELLECTUAL PROPERTY
ORGANIZATION



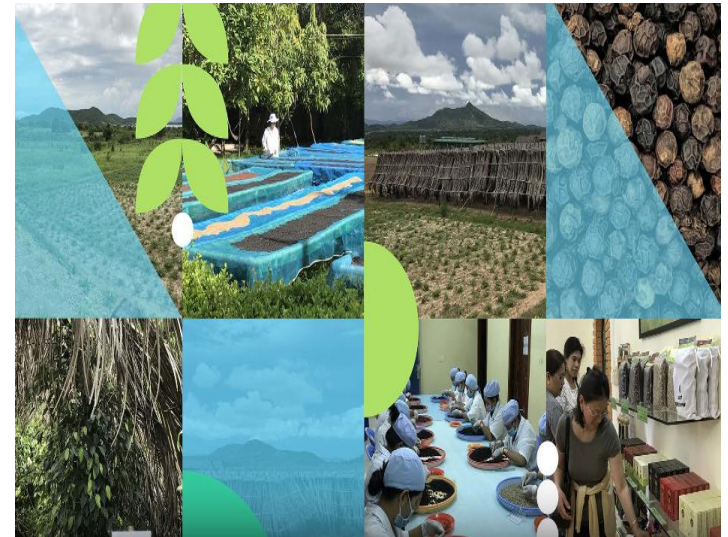
Development of IP in Cambodia

CAMBODIAN PREMIUM AROMATIC RICE MALYS ANGKOR
CAMBODIAN PREMIUM AROMATIC RICE MALYS ANGKOR
 INTERNATIONAL REGISTRATION IN FORCE TRADEMARK - Madrid (WIPO)

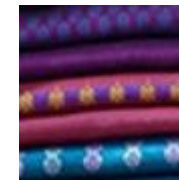
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111 Registration number 1447576	220 Application date May 29, 2018	540 Reproduction of the mark
551 Kind of mark Collective	151 Registration date May 29, 2018	
550 Type of mark Figurative	180 Expiry date May 29, 2028	Find similar logos
511 Nice classification - NCL(11-2018) 30, 31		541 Reproduction of the mark where the mark is represented in standard characters CAMBODIAN PREMIUM AROMATIC RICE MALYS ANGKOR

GI registration of Kampot Pepper.



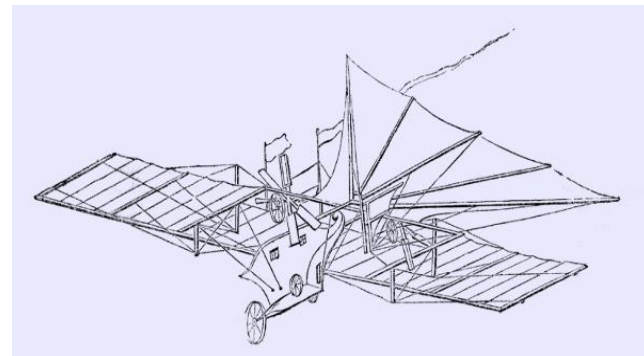
Soeung Khmer, a traditional fabric – registered trademark



Pillar 2 - Services

Patents

search and analysis assistance



PATENTSCOPE WIPO TISCs

- Search more than 116.1 million patent documents & 4.8 million PCT published applications
- ASEAN patent data collections
- WIPO TISCs: **Institute of Technology of Cambodia**

WIPO Translate: instant patent translation

WIPO Translate enables the automated translation of patent documents, scientific articles, and various technical content

The International Patent Classification

Classify patents and utility models according to the different areas of technology to which they relate.

Patent Cooperation Treaty (PCT)

The PCT system: a key WIPO global IP service that fosters cost-effective and time-saving international patent protection

Patents & Innovation

1. KHP/2008/00034 - បាតកំប៉ុងលោហៈ

National Biblio. Data

[PermaLink](#) [Machine translation](#) ▼

Office

Cambodia

Title

[KH] បាតកំប៉ុងលោហៈ

Application Number

P/2008/00034

Application Date

25.07.2008

Publication Number

P/2008/00034

Publication Date

26.12.2016

Publication Kind

A

Abstract

[EN] An improved metallic can has an integral base that defines a standing ring that is more resistant to buckling than conventional designs. It includes a vertically oriented cylindrical sidewall and a unitary end wall having a recessed central portion and a downwardly flanged rim portion that defines the standing ring. The downwardly flanged rim portion preferably includes a first outer convexly curved annular surface that when viewed in vertical cross-section has a first radius of curvature R1, a second, lower convexly curved annular surface that when viewed in vertical cross-section has a second radius of curvature R2, and a third, inner convexly curved annular surface that when viewed in vertical cross-section has a third radius of curvature R3. Advantageously, the first, second and third radii of curvature R1, R2 and R3 are each different from each other.

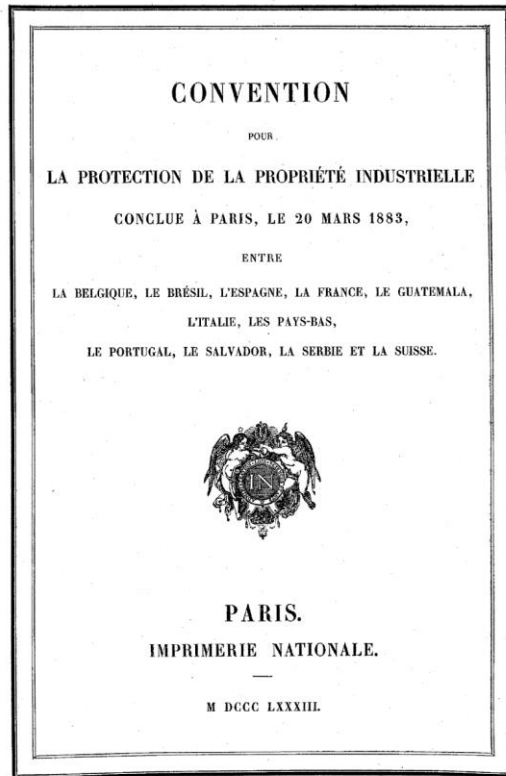
[KH] កំប៉ុងលោហៈដែលត្រូវបានកែលម្អមានបាត ទាំងមូលមានរាងដារង្វង់បញ្ឈរដែល អាចទប់ទល់នឹងភាព បោកខូចបានល្អជាងកំប៉ុងធម្មតា។ រាងបញ្ឈរទាំងស្រុង បកបញ្ឈរចុះក្រោមដែលមានរាងស៊ីឡាំងនិងសំបក ភ្ជាប់ផ្នែកកណ្តាលដែលមានរាងក្រឡាមនិងផ្នែករឹមតែមបញ្ឈរចុះក្រោមរាងមូល។ ផ្នែករឹមតែមបញ្ឈរចុះក្រោមយោង ទៅតាមអ្វីដែលគេចង់បានរួមបញ្ចូលផ្ទៃប៉ោងខាងក្រៅទី១ដែលនៅពេលកាត់បញ្ឈរ មានកាំកំណោងទី១R1និង ផ្ទៃកោងប៉ោងមូលកណ្តាលទី២ដែលនៅពេលមើលកាត់ បញ្ឈរមានកាំកំណោងទី២R2និងផ្ទៃប៉ោងមូលខាង



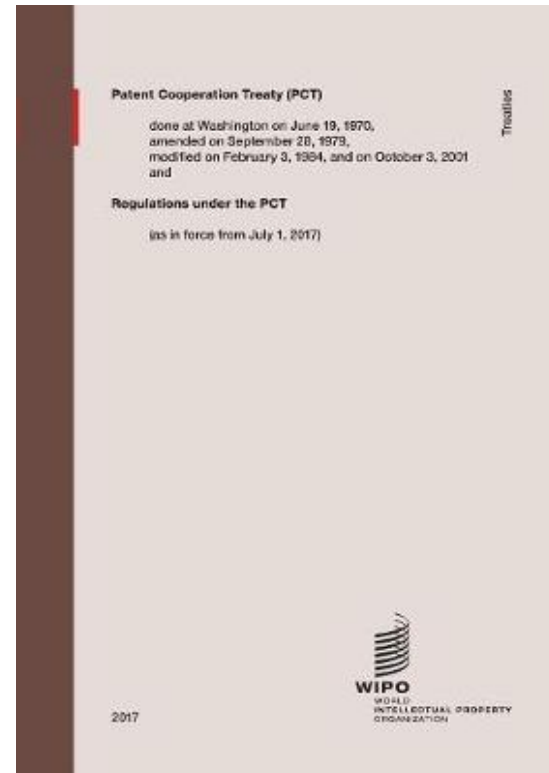
■ Protecting your inventions internationally using the Patent Cooperation Treaty (PCT)

Two routes of global patent protection

Paris Convention



Patent Cooperation Treaty (PCT)



Paris vs. PCT

Paris

- Small number of defined countries
- Limited budget

PCT

- Larger number of countries of potential interest
- Less defined or clear view on countries of potential interest
- Wants to learn about potential patentability before paying internationalization fees
- Wants/needs more time:
 - for technical/commercial development
 - to prepare to pay national fees

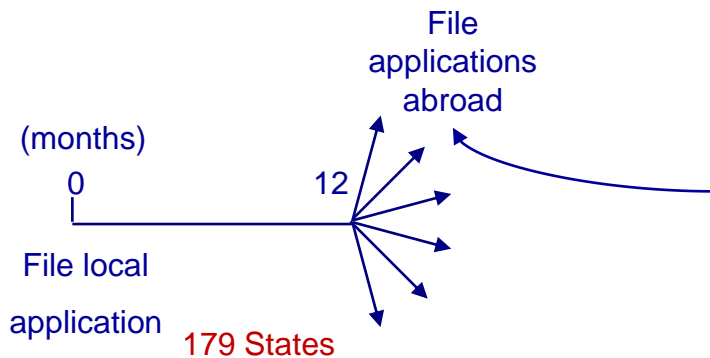
Putting Innovation into Practice

- The PCT is a cost-effective & time-saving, global solution for innovators
 - One international patent application
 - One form
 - One language
 - One office
 - One set of fees

- Has the effect of a regular national filing in each Member State

PCT vs. Paris Convention route

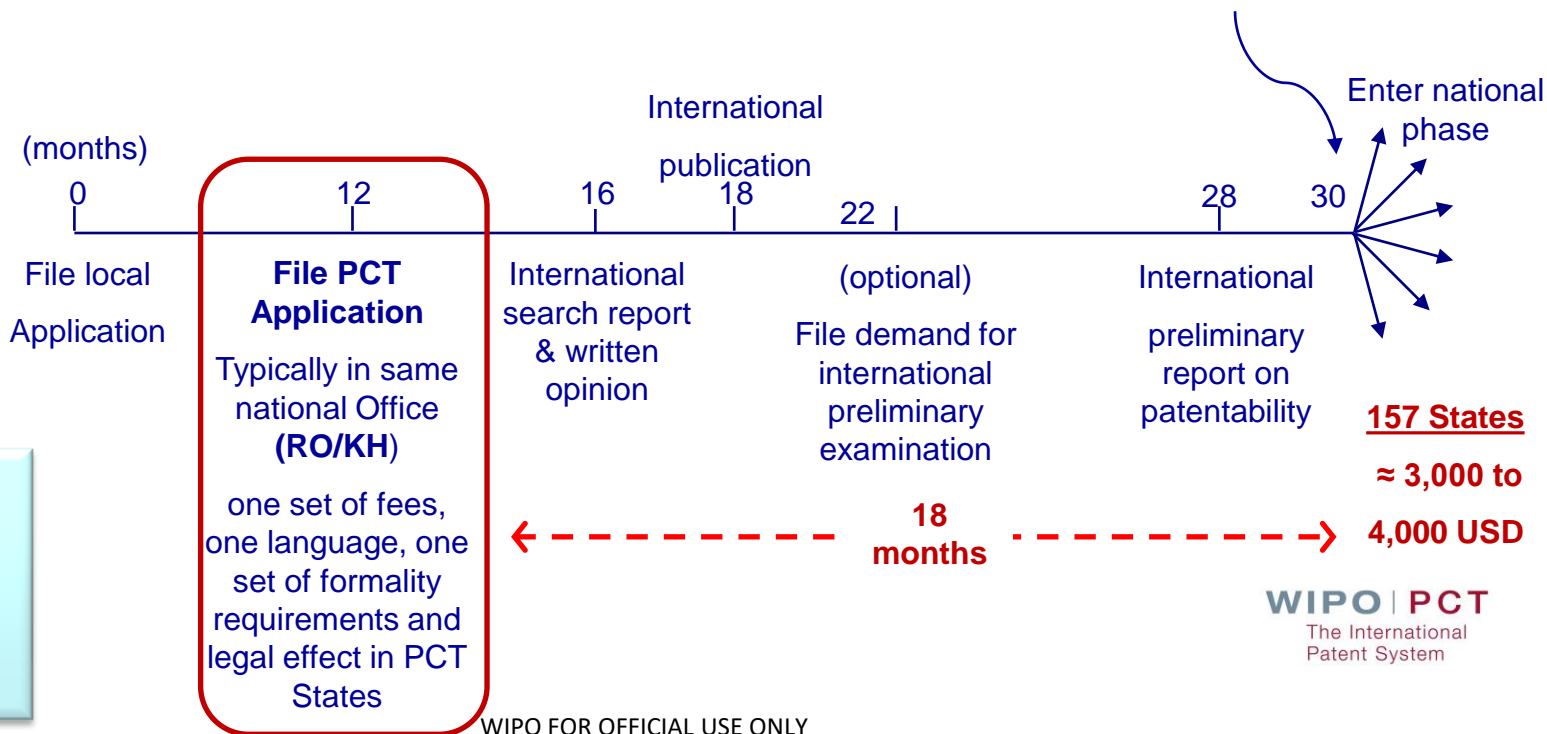
Traditional route



Costs for:

- ❑ translations (≈ 18–36% of total)
- ❑ Patent Office fees (≈33%)
- ❑ local agents (≈ 25-50%)
- ❑ ≈ 5'000 to 20'000 USD

PCT route



•PCT Fees:

- International Filing
- Search
- Transmittal

Benefits of the PCT:

- **International reach: One** application has effect in 157 PCT Member States
- **Postponement of costs: 18** extra months before you have to pay for local filings
- **Information gathering: 18** extra months to receive **substantive feedback** on your patent application and to do market research and testing

International Searching Authorities (25 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
- RU – Russian Federation
- SA – *Saudi Arabia*
- SE – Sweden
- SG – Singapore
- TR – Turkey
- UA – Ukraine
- US – United States of America
- EA – Eurasian Patent Organization (AM, AZ, BY, KZ, KG, RU, TJ, TM) as of 1.7.22
- 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

Example: PCT International Search Report

C. DOCUMENTS CONSIDERED TO BE RELEVANT		
Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	JP 50-14535 B (NCR CORPORATION) 28 May 1975 (28.05.75), column 4, lines 3 to 27	7-9, 11
X	GB 392415 A (JONES) 18 May 1933 (18.05.33) Fig. 1 page 3, lines 5-7 Fig. 5, support 36	1-3
Y		4, 10
A		11-12
X	GB 2174500 A (STC) 5 November 1986 (05.11.86) page 1, lines 5-15, 22-34, 46-80; Fig. 1	1-3
Y		4
A	US 4322752 A (BIXTY) 30 March 1982 (30.03.82) claim 1	1
A	GREEN, J.P. Integrated Circuit and Electronic Compass, IBM Technical Disclosure Bulletin, October 1975, Vol. 17, No. 6, pages 1344 and 1345	1-5

Symbols indicating which aspect of patentability the document cited is relevant to (for example, novelty, inventive step, etc.)

Documents relevant to whether or not your invention may be patentable

The claim numbers in your application to which the document is relevant

Example: PCT Written opinion of the International Searching Authority

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY		International application No.
Box No. V	Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement	
1. Statement		
Novelty (N)	Claims <u>Claim(s) 3-15</u> YES Claims <u>Claim(s) 16</u> NO	
Inventive step (IS)	Claims <u>Claim(s) 8, 10-12</u> YES Claims <u>Claim(s) 3-7, 9, 14-16</u> NO	
Industrial applicability (IA)	Claims <u>Claim(s) 3-16</u> YES Claims _____ NO	
2. Citations and explanations:		
INDEPENDENT CLAIM 3		
Document US-A-5 332 238, which is considered to represent the most relevant state of the art, discloses (cf. relevant passages indicated in the ISR) a device from which the subject-matter of		
INDEPENDENT CLAIM 3		
US-A-5 332 238, which is considered to represent the most relevant state of the art		

Reasoning supporting the assessment

Patentability assessment of claims

PCT Testimonial: Inventor

- Professor Shuji Nakamura—co-winner of the 2014 Nobel Prize for Physics for his work on blue LED technology—is quoted in a December 2014 *WIPO Magazine* article:

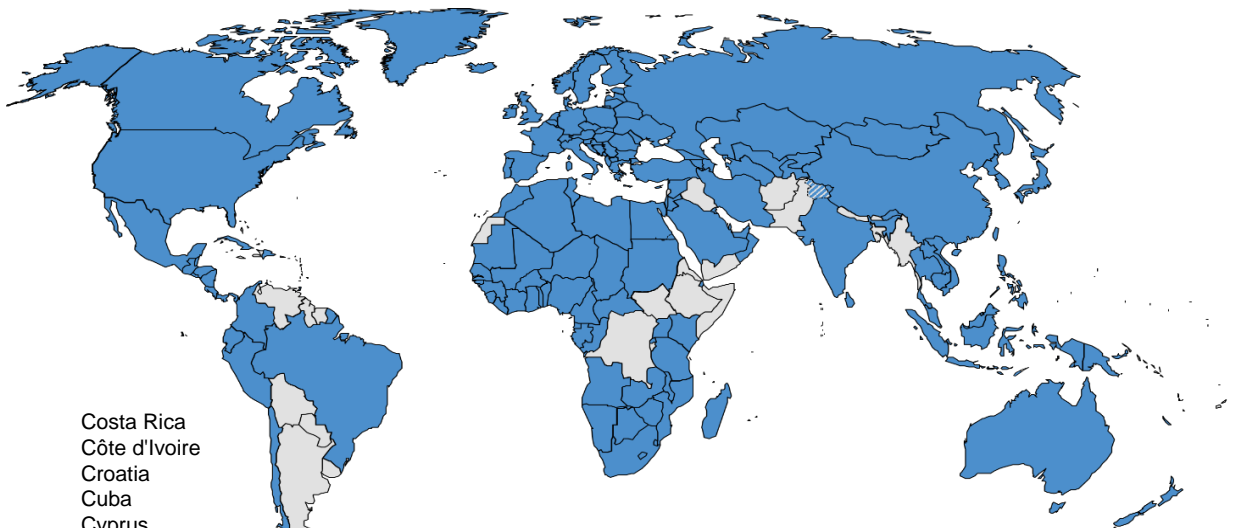


“... The PCT is critical for these early stage technologies because it gives us the opportunity to protect our patents globally while allowing the market and the technology to mature further before determining which countries might be most valuable to commercial partners.”

157 PCT States

•Recent accessions:

- Mauritius
- Cabo Verde
- Iraq
- Jamaica



Albania
Algeria
Angola
Antigua and Barbuda
Armenia
Australia
Austria
Azerbaijan
Bahrain
Barbados
Belarus
Belgium
Belize
Benin
Bosnia and Herzegovina
Botswana
Brazil
Brunei Darussalam
Bulgaria
Burkina Faso
Cambodia
Cameroon
Canada
Cabo Verde (6 Jul 2022)
Central African Republic
Chad
Chile
China
Colombia
Comoros
Congo

Costa Rica
Côte d'Ivoire
Croatia
Cuba
Cyprus
Czech Republic
Democratic People's Republic of Korea
Denmark
Djibouti
Dominica
Dominican Republic
Ecuador
Egypt
El Salvador
Equatorial Guinea
Estonia
Finland
France
Gabon
Gambia
Georgia
Germany
Ghana
Greece
Grenada
Guatemala
Guinea

Guinea-Bissau
Honduras
Hungary
Iceland
India
Indonesia
Iran (Islamic Republic of)
Iraq (30 Apr 2022)
Ireland
Israel
Italy
Jamaica (10 Feb 2022)
Japan
Jordan
Kazakhstan
Kenya
Kuwait
Kyrgyzstan
Lao People's Dem Rep.
Latvia
Lesotho
Liberia
Libya
Liechtenstein
Lithuania
Luxembourg
Madagascar

Malawi
Malaysia
Mali
Malta
Mauritania
Mauritius (15 Mar 2023)
Mexico
Monaco
Mongolia
Montenegro
Morocco
Mozambique
Namibia
Netherlands
New Zealand
Nicaragua
Niger
Nigeria
Norway
Oman
Panama
Papua New Guinea
Peru
Philippines

Poland
Portugal
Qatar
Republic of Korea
Republic of Moldova
Romania
Rwanda
Russian Federation
Saint Lucia
Saint Vincent and the Grenadines
Samoa (2 Jan 2020)
San Marino
Sao Tomé e Príncipe
Saudi Arabia
Senegal
Serbia
Seychelles
Sierra Leone
Singapore
Slovakia
Slovenia
South Africa
Spain
Sri Lanka
Sudan
Swaziland

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

WIPO | PCT
The International Patent System

UN Member States not yet in PCT

Afghanistan

Andorra

Argentina

Bahamas

Bangladesh

Bhutan

Bolivia

Burundi

Democratic Republic of
Congo

Eritrea

Ethiopia

Fiji

Guyana

Haiti

Kiribati

Lebanon

Maldives

Marshall Islands

Micronesia

Myanmar

Nauru

Nepal

Pakistan

Palau

Paraguay

Solomon Islands

Somalia

South Sudan

Suriname

Timor-Leste

Tonga

Tuvalu

Uruguay

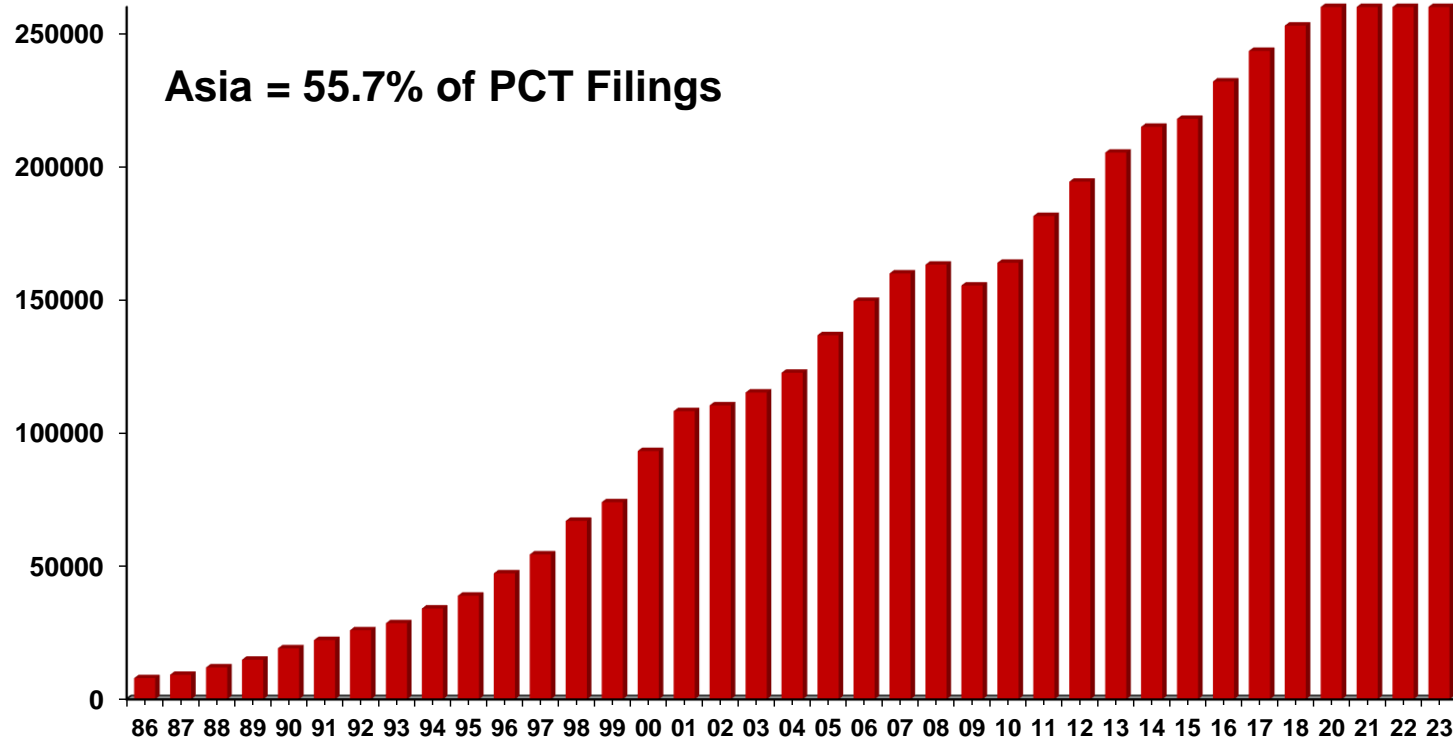
Vanuatu

Venezuela

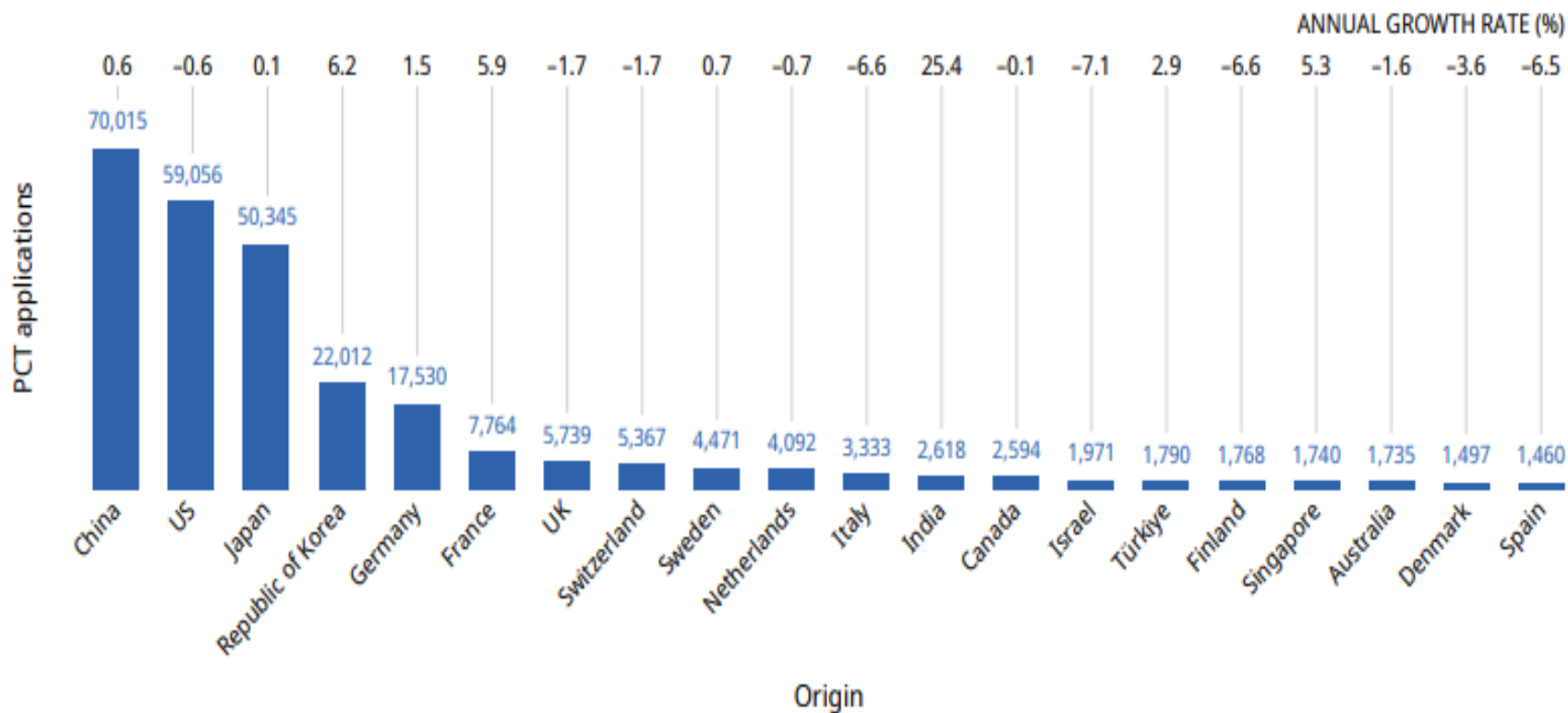
Yemen

(36)

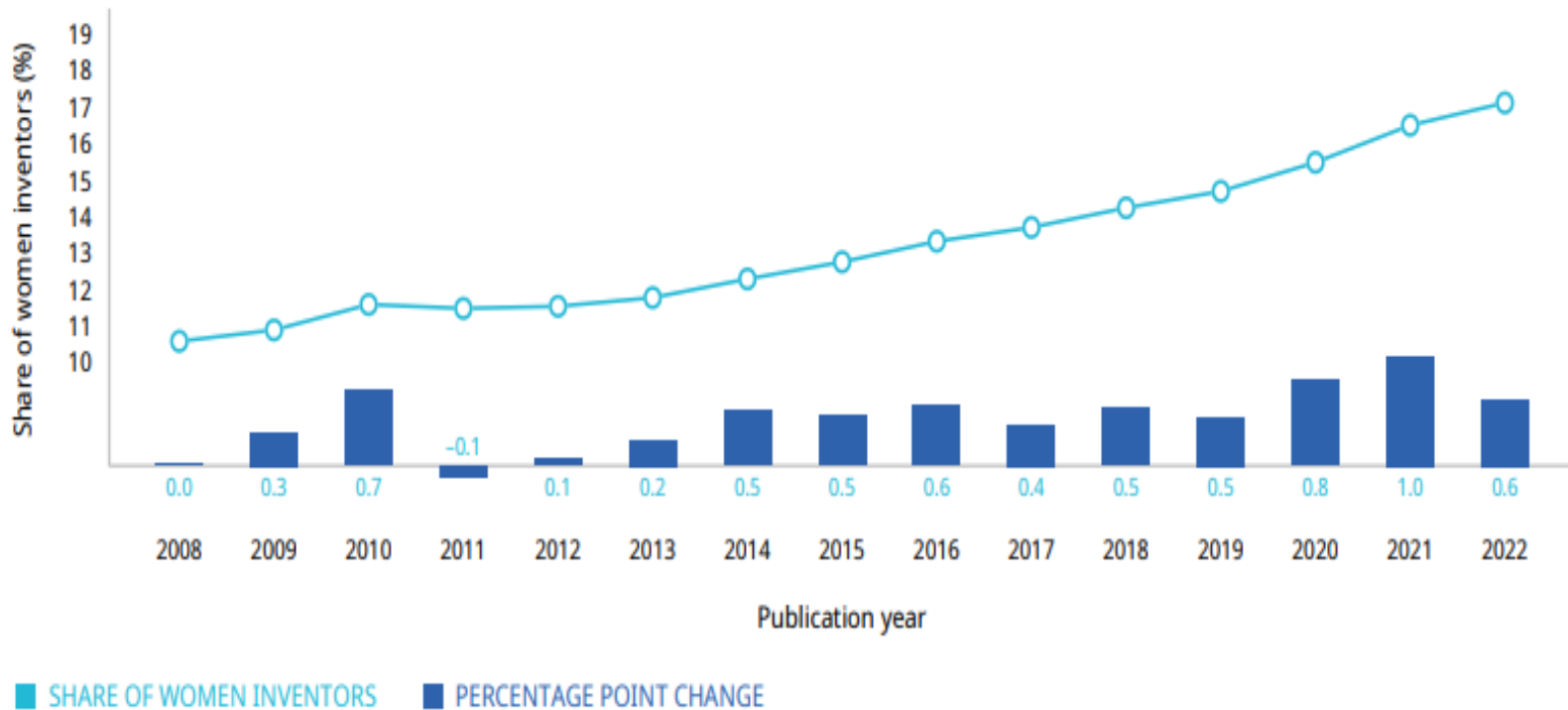
PCT application filings 2023: 272,600 (-1.8%)



PCT Applications for the Top 20 Origins in 2022

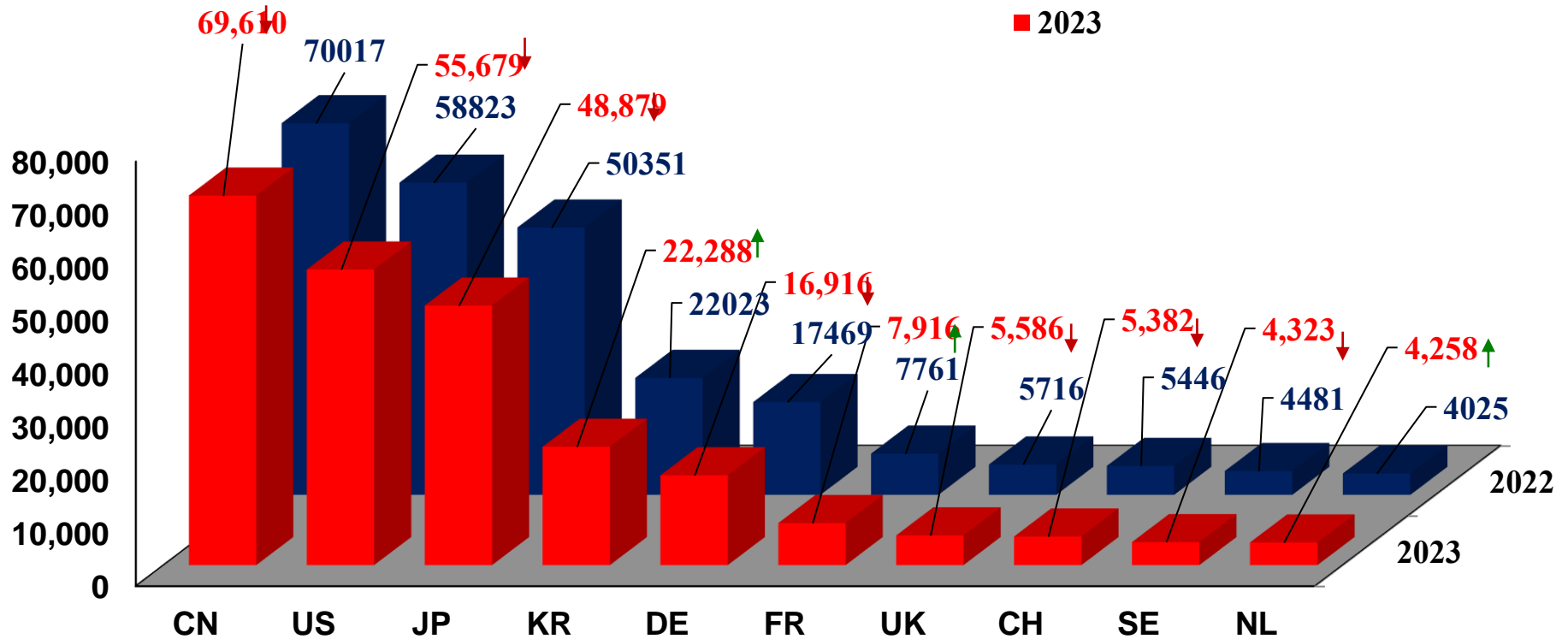


PCT Applications by Gender



- In 2022, the share of women listed as inventors grew to 17.1% (provisionally 17.7% in 2023).
- About 96% of all PCT applications listed at least one man as inventor, and around 35% listed at least one woman as inventor in 2022.

PCT Filings by Country of Origin (2023)



PCT applications 2023 by technology field

Technical Field	2021	2022	2023	Share (%)	Growth (%)
I Electrical engineering					
1 Electrical machinery, apparatus, energy	18,230	19,361	21,059	7.9	8.8
2 Audio-visual technology	10,839	10,157	9,502	3.6	-6.4
3 Telecommunications	6,376	6,429	6,299	2.4	-2.0
4 Digital communication	23,609	25,666	25,124	9.4	-2.1
5 Basic communication processes	1,647	1,698	1,696	0.6	-0.1
6 Computer technology	26,109	28,233	27,276	10.2	-3.4
7 IT methods for management	5,298	5,374	5,041	1.9	-6.2
8 Semiconductors	8,346	8,914	9,415	3.5	5.6
II Instruments					
9 Optics	7,920	7,399	7,122	2.7	-3.7
10 Measurement	12,158	12,648	11,827	4.4	-6.5
11 Analysis of biological materials	2,154	2,250	1,987	0.7	-11.7
12 Control	5,181	5,254	4,534	1.7	-13.7
13 Medical technology	18,553	19,020	17,868	6.7	-6.1
III Chemistry					
14 Organic fine chemistry	6,155	6,496	6,381	2.4	-1.8
15 Biotechnology	8,747	9,336	9,690	3.6	3.8
16 Pharmaceuticals	12,160	12,561	12,425	4.7	-1.1
17 Macromolecular chemistry, polymers	4,479	4,655	4,543	1.7	-2.4
18 Food chemistry	2,469	2,579	2,519	0.9	-2.3
19 Basic materials chemistry	5,484	5,552	5,369	2.0	-3.3
20 Materials, metallurgy	4,314	4,636	4,864	1.8	4.9
21 Surface technology, coating	3,834	3,981	4,005	1.5	0.6
22 Micro-structural and nano-technology	440	424	388	0.1	-8.5
23 Chemical engineering	5,231	5,508	5,174	1.9	-6.1
24 Environmental technology	2,771	2,841	2,706	1.0	-4.8
IV Mechanical engineering					

Top PCT applicants in 2023 (number of published applications)

2023 overall position in PCT ranking	Position changed in overall PCT ranking	Applicant's Name	Origin	2022	2023
1	0	Huawei Technologies Co., Ltd.	China	7,689	6,494
2	0	Samsung Electronics Co., Ltd.	Republic of Korea	4,387	3,924
3	0	Qualcomm Incorporated	US	3,855	3,410
4	0	Mitsubishi Electric Corporation	Japan	2,320	2,152
5	2	BOE Technology Group Co.,Ltd	China	1,884	1,988
6	3	LG Electronics Inc.	Republic of Korea	1,793	1,887
7	-2	Telefonaktiebolaget LM Ericsson (Publ)	Sweden	2,158	1,863
8	84	Contemporary Amperex Technology Co., Limited	China	266	1,799
9	-3	Guang Dong Oppo Mobile Telecommunications Corp., Ltd	China	1,963	1,766
10	-3	Nippon Telegraph and Telephone Corporation	Japan	1,884	1,760
11	2	ZTE Corporation	China	1,479	1,738
12	-2	Panasonic Intellectual Property Management Co., Ltd.	Japan	1,776	1,722
13	-2	Vivo Mobile Communication Co., Ltd.	China	1,515	1,631
14	7	Beijing Xiaomi Mobile Software Co., Ltd.	China	913	1,603
15	-1	NEC Corporation	Japan	1,428	1,592
16	-4	Sony Group Corporation	Japan	1,513	1,433
17	0	LG Energy Solution, Ltd.	Republic of Korea	1,186	1,423
18	-2	Microsoft Technology Licensing, LLC	US	1,271	1,350
19	-4	Robert Bosch Corporation	Germany	1,290	1,307
20	-1	Murata Manufacturing Co., Ltd.	Japan	1,043	1,051

Top PCT University applicants in 2023

2023 overall position in PCT ranking	Position changed in overall PCT ranking	Applicant's Name	Origin	2022	2023
41	0	University of California	US	552	531
69	4	Suzhou University	China	303	332
120	23	Board of Regents of The University of Texas System	US	187	217
125	36	Tsinghua University	China	174	209
154	-30	Leland Stanford Junior University	US	217	180
159	17	Massachusetts Institute of Technology	US	161	170
162	15	Seoul National University	Republic of Korea	160	168
203	-26	Johns Hopkins University	US	160	141
207	3	National University of Singapore	Singapore	138	139
225	84	Osaka University	Japan	95	132
227	-33	Korea University	Republic of Korea	147	131
230	18	University of Tokyo	Japan	118	128
232	-4	Jiangsu University	China	125	127
247	116	Tohoku University	Japan	82	120
247	48	Southeast University	China	99	120
256	17	South China University of Technology	China	110	117
260	15	University of Michigan	US	109	115
265	-75	Hanyang University	Republic of Korea	149	112

PCT Information and Training

- 29 video segments on PCT topics, available on **WIPO's Youtube channel** and WIPO's PCT webpage
- **PCT distance learning course** available in 10 PCT publication languages, and an advanced DL course under preparation
- **PCT Webinars/Seminars**

PCT Webinars

Webinars are used by WIPO to deliver PCT information, training and updates to a remote audience using the Internet.

Please send an e-mail to pct.training@wipo.int if your firm, company or organization is interested in attending a webinar on a particular PCT topic.

Upcoming PCT webinar events

- **Everything you need to know about ePCT webinar series: ePCT, filing an international application with RO/IB**
June 2nd, 2021
Time: 9:00 to 10:30 AM (CEST)
[Registration](#)
- **Everything you need to know about ePCT webinar series: ePCT, filing an international application with RO/IB**
June 3rd, 2021
Time: 4:00 to 5:30 PM (CEST)
[Registration](#)



- See PCT seminar calendar (<http://www.wipo.int/pct/en/seminar/seminar.pdf>)
- Monthly PCT Newsletter (<http://www.wipo.int/pct/en/newslett/>)

Thank you!

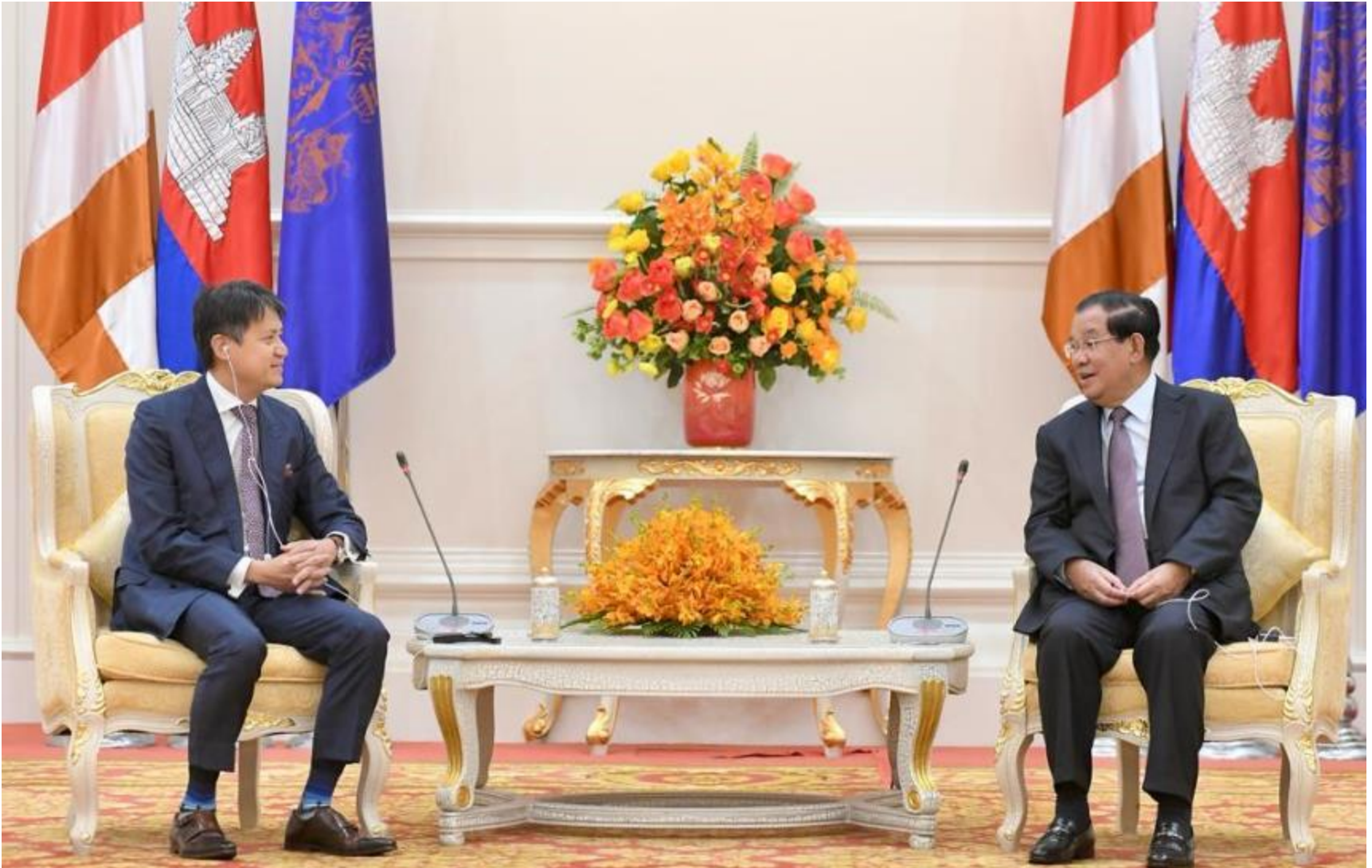


Photo: Office of the former Prime Minister of the Kingdom of Cambodia. This work is licensed under a [Creative Commons Attribution 4.0 International License](https://creativecommons.org/licenses/by/4.0/).

The International
Patent System

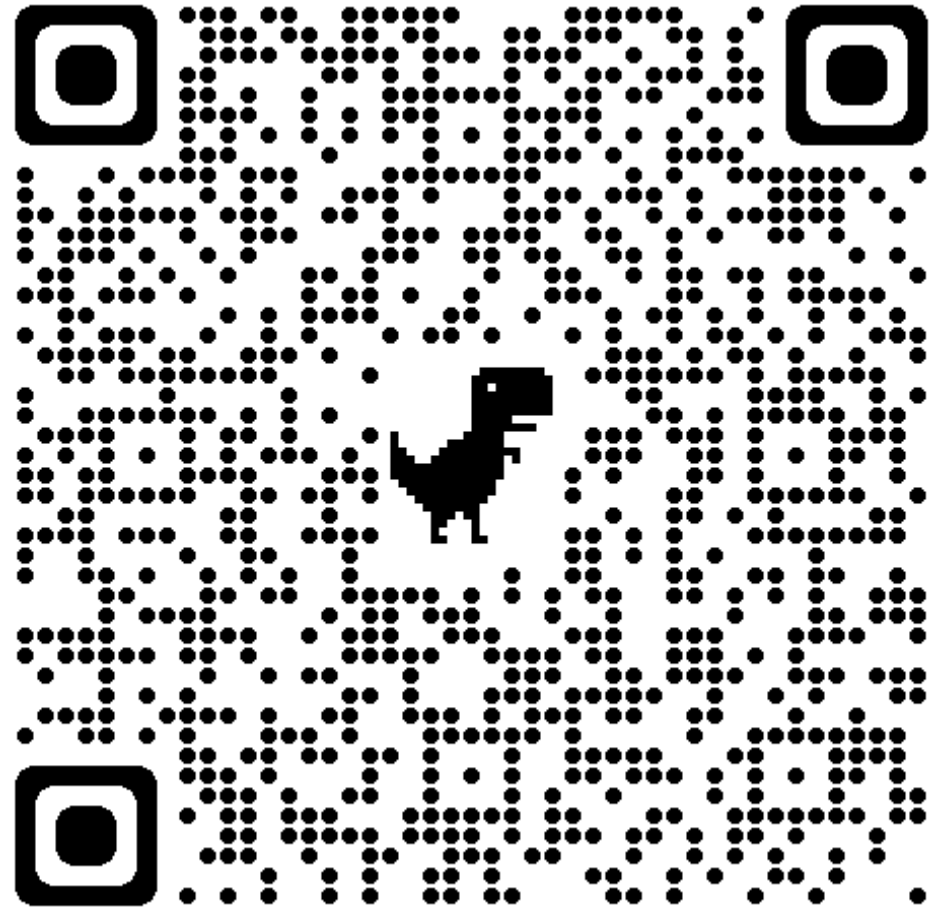
WIPO | PCT

www.wipo.int/pct

Ms. Anjali Aeri, Counsellor
PCT International Cooperation
Division, PCT Legal and International
Affairs Department, WIPO

Thank you!

Questions or Feedback?
pcticd@wipo.int





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*)

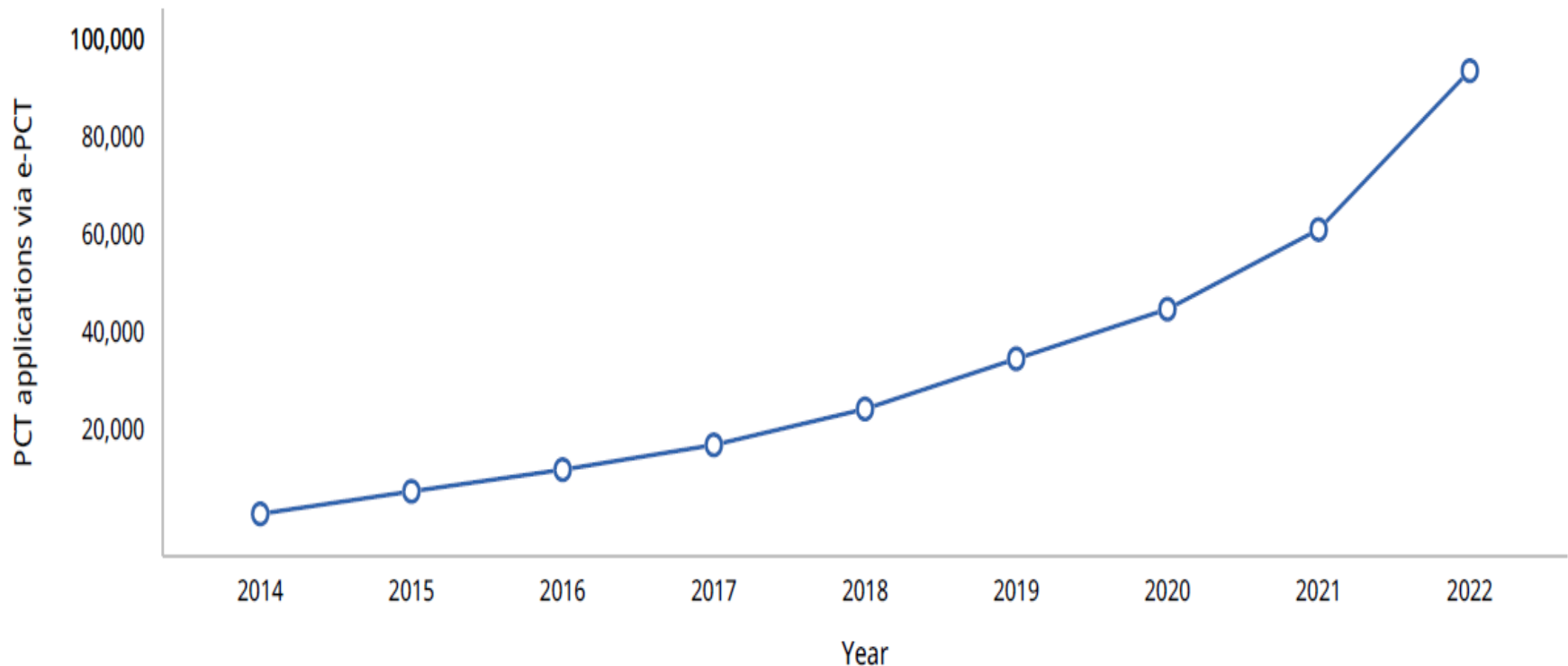
Elements which may accompany the international application

- 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
 - Other filing means provided by the receiving Office

Number of Applications filed using ePCT



- Nearly 93.5K PCT applications were filed by applicants using ePCT in 2022, 53.5% more than in 2021.
- About a third of all PCT applications filed globally in 2022 were filed using ePCT.

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)

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)

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, 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



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 \(PCT\)](#).

The PCT Information Service can be contacted as follows:

- Telephone: +41 22 338 83 38
- 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](#)

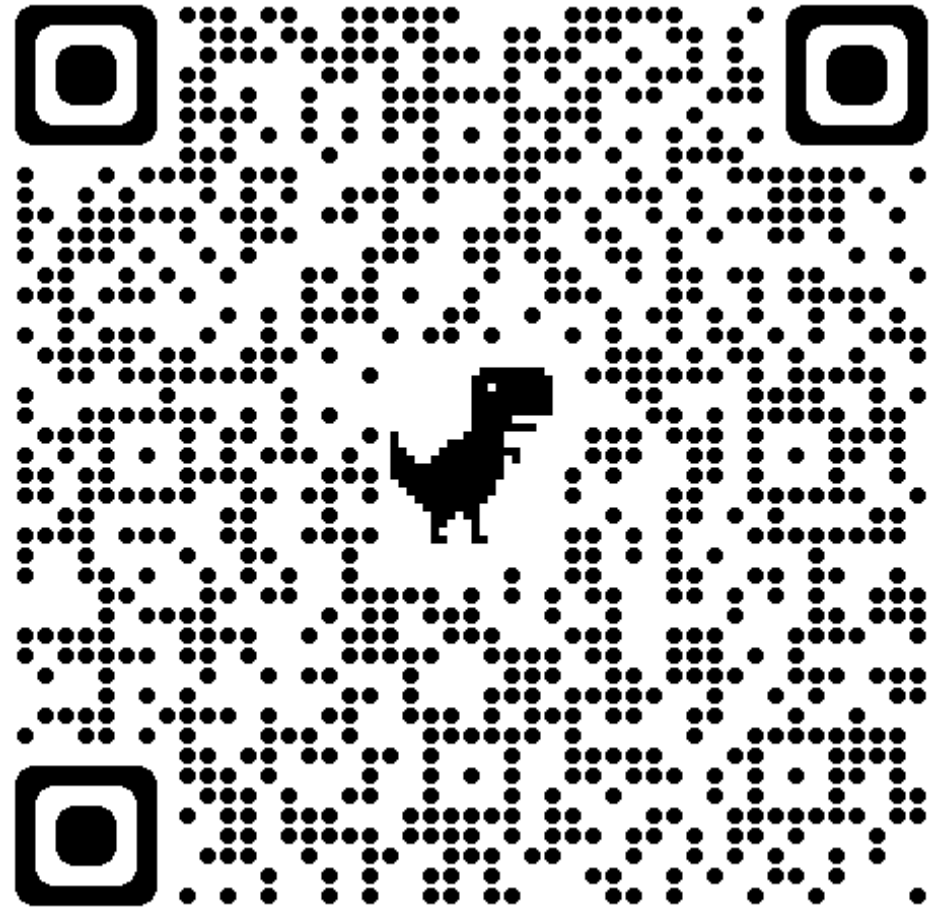
WIPO | PCT

www.wipo.int/pct

Ms. Anjali Aeri, Counsellor
PCT International Cooperation
Division, PCT Legal and International
Affairs Department, WIPO

Thank you!

Questions or Feedback?
pcticd@wipo.int





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))

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

■ 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)

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)

ROs/ISAs for KH applicant

- Competent **RO**: RO/KH or/ RO/IB
 - Language in which international applications may be filed: English or Khmer
- Competent **ISAs** (5 choices)
 - ISA/CN*, ISA/EP*, ISA/JP*, ISA/KR, ISA/SG*
- Competent **IPEAs** (8 choices), but...

**The Office is competent only if the international search is or has been carried out by that Office.*

Fees payable to RO/KH

KH - ANNEX C - RECEIVING OFFICE

Fees payable to the receiving Office:

Transmittal fee:

420,000 KHR

International filing fee:

1,562 USD

This fee is reduced by 90% if certain conditions apply (refer to Annex C(IB)).

Fee per sheet in excess of 30:

18 USD

Search fee:

Refer to

Annex D(CN)

Annex D(EP)

Annex D(JP)

Annex D(KR)

Annex D(SG)

Fee for priority document (PCT Rule 17.1(b)):

Please refer to the Office

Fee for requesting restoration of the right of priority (PCT Rule 26bis.3(d)):

Please refer to the 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 an RO could not incorporate a correct element or part (Rule 20.5) because that Office has submitted a notice of incompatibility (Rule 20.8(a-bis))
 - 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

Preparing to file (1)

■ Decision-making process

- Leave enough time before end of priority period
- Have a clear decision-making structure in place
- Paris or PCT?
- Avoid last-day and even more so last-minute filings

■ State-of-the-art docketing system in place

- Second pair of eyes review

■ Review need for any foreign filing licenses

Preparing to file (2)

■ Choice of RO?

- What choices are available?
- Advantages/disadvantages in using RO/IB
- Right to file with RO of choice

■ Know your RO & check the *PCT Applicant's Guide*: KH

- filing methods available
- payment methods –
- closing dates – see local and PCT website
- languages accepted

File at RO/KH or RO/IB?

RO/KH	RO/IB
Languages accepted: English, Khmer	All languages
Choice of ISA/IPEA: ISA/CN, ISA/EP, ISA/JP, ISA/KR, ISA/SG	<i>Depends on the nationality of the applicants, if more than one. Any International Searching Authority(ies) which would have been competent if the international application had been filed with any other receiving Office of, or acting for, the PCT Contracting State of which the applicant (or, if there is more than one applicant, at least one of the applicants) is a national or resident</i>
E-filing?	ePCT-Filing or EPO Online Filing
Accepts requests for Restoration of the right of Priority - Yes	Yes, the Office applies both the “unintentional” and the “due care” criteria to such requests



Thank you

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PCT International Cooperation Division
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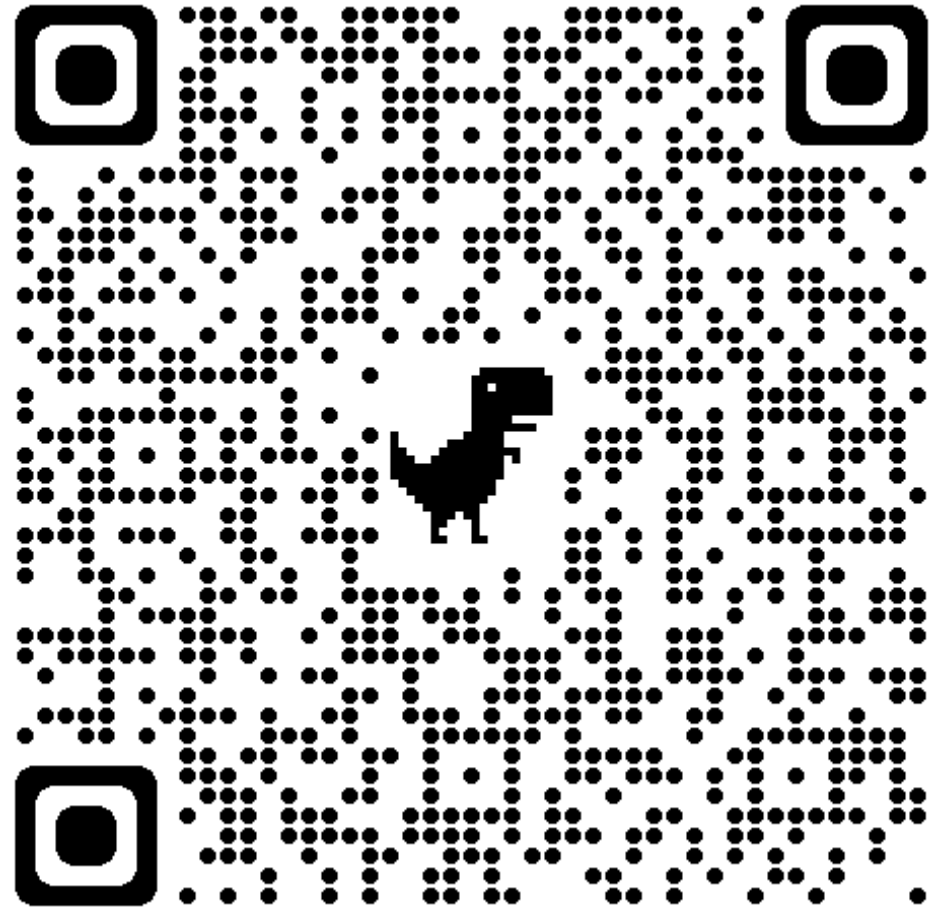
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Ms. Anjali Aeri, Counsellor
PCT International Cooperation
Division, PCT Legal and International
Affairs Department, WIPO

Thank you!

Questions or Feedback?
pcticd@wipo.int





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

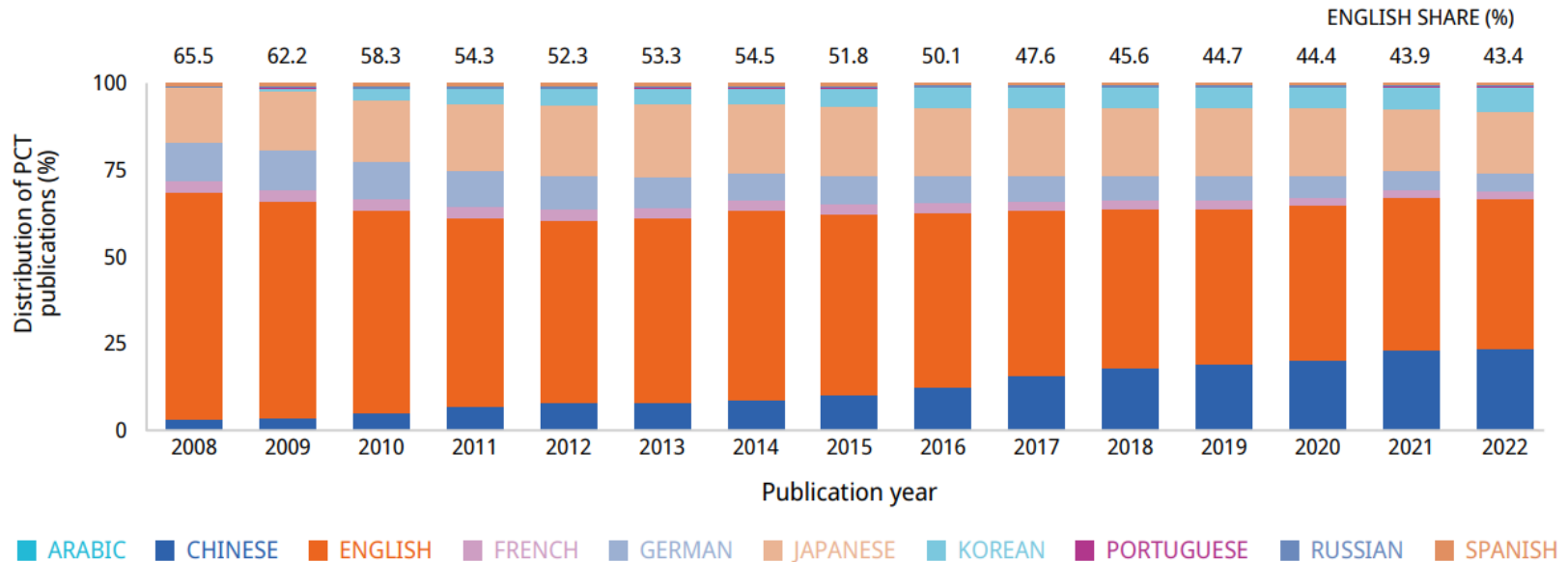
title, abstract and search report always (also) in English

■ Contents of published international application

always:

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

PCT Applications by Publication Language



- Share of PCT publications in English declined (42.5% in 2023 provisionally).
- Other percentages (2023 provisionally): 24.3% Chinese, 17.8% Japanese, 7.2% Korean, 5.3% German, 2.0% French, 0.5% Spanish, 0.3% Russian, 0.2% Portuguese, 0.01% Arabic.

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, 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, 21 January 2021*, technical preparations are completed on *Wednesday, 6 January 2021*

Consequently, any document that reaches the International Bureau on *Tuesday, 5 January 2021*, 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



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 ?

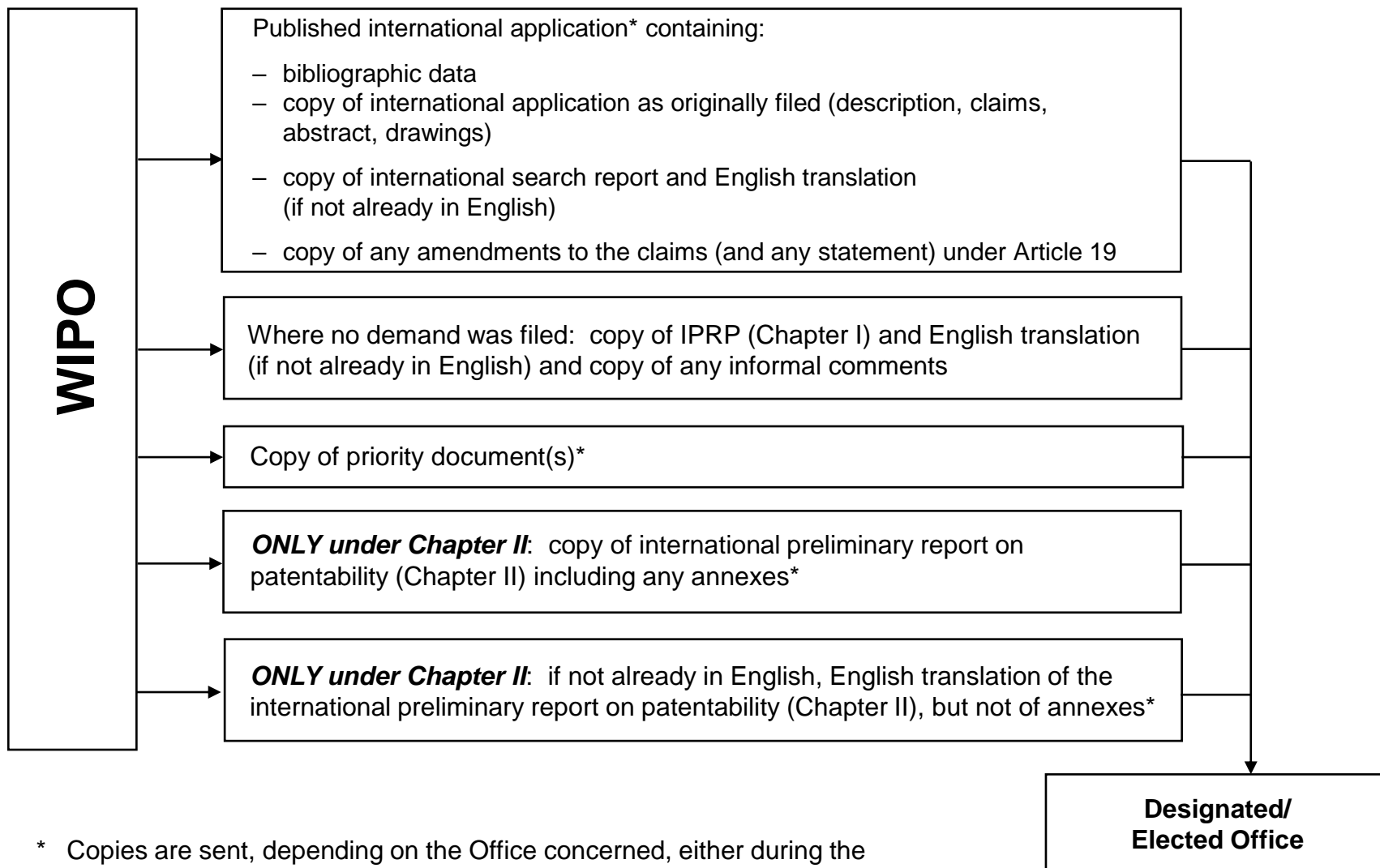
- early entry ?

■ Where (choice limited to designated/elected Offices)

- which national Offices
- which regional Offices

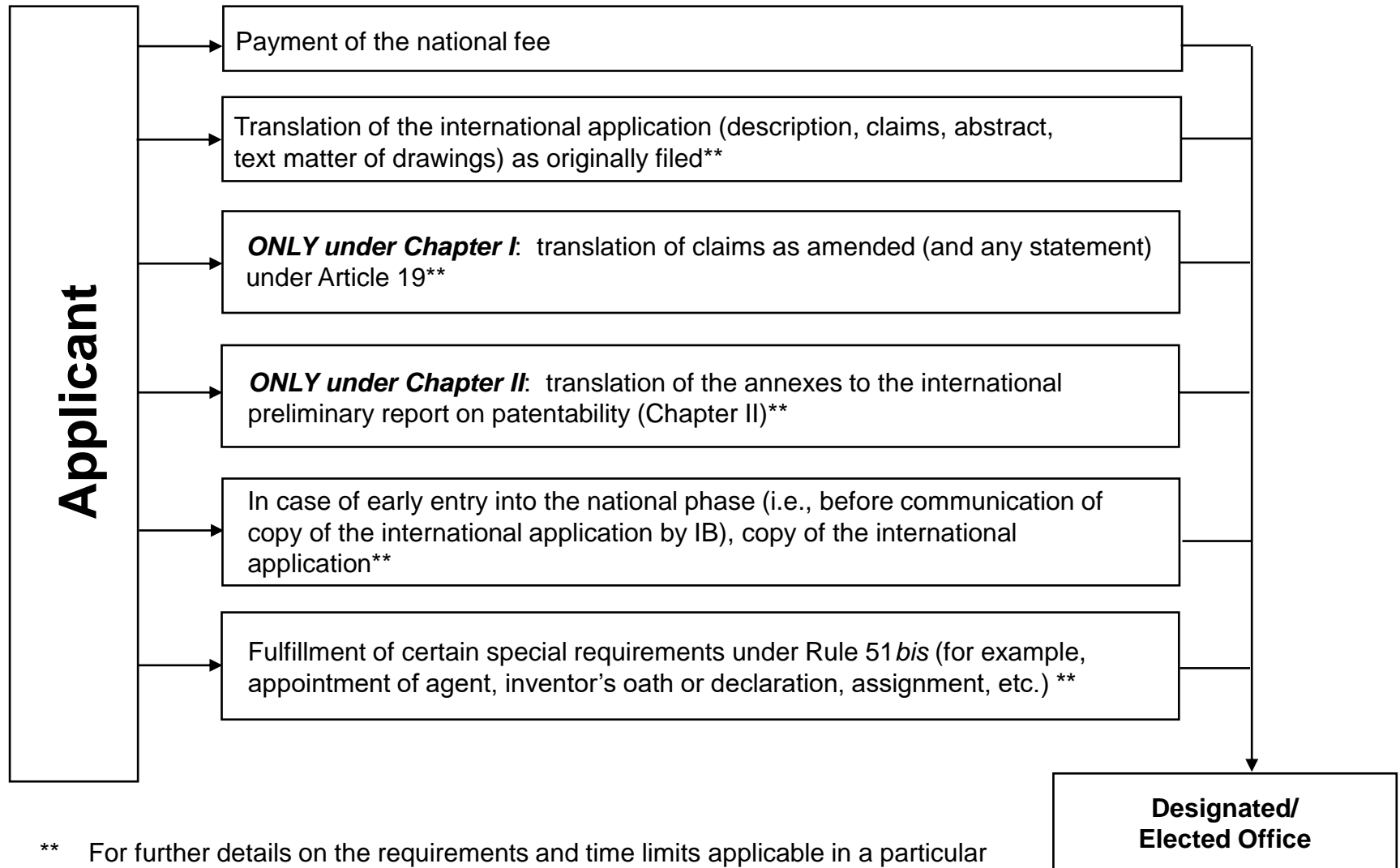
* LU and TZ continue to apply a 20-month time limit

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

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 (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

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

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*)



Where to Get Help

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

PCT Infoline

Telephone

+41 22 338 83 38

e-mail

pct.infoline@wipo.int

RO/IB

Telephone

+41 22 338 92 22

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

Time Zone: Geneva, CH: (Monday to Friday 09:00–18:00 CET)



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 \(PCT\)](#).

The PCT Information Service can be contacted as follows:

- Telephone: +41 22 338 83 38
- 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](#)



GENEVA JAN 16, 2020 3:03 PM CET

SEARCH FOR CONTACT DETAILS OF THE TEAM IN CHARGE OF YOUR PCT APPLICATION

International Application Number *

US2017051003

e.g. EP1712, IB201712, AU2017123456.

Reset

Search

PCT Information and Training

- 29 video segments on PCT topics, available on **WIPO's Youtube channel** and WIPO's PCT webpage
- **PCT distance learning course** available in 10 PCT publication languages, and an advanced DL course under preparation
- **PCT Webinars/Seminars**

PCT Webinars

Webinars are used by WIPO to deliver PCT information, training and updates to a remote audience using the Internet.

Please send an e-mail to pct.training@wipo.int if your firm, company or organization is interested in attending a webinar on a particular PCT topic.

Upcoming PCT webinar events

- **Everything you need to know about ePCT webinar series: ePCT, filing an international application with RO/IB**
June 2nd, 2021
Time: 9:00 to 10:30 AM (CEST)
[Registration](#)
- **Everything you need to know about ePCT webinar series: ePCT, filing an international application with RO/IB**
June 3rd, 2021
Time: 4:00 to 5:30 PM (CEST)
[Registration](#)

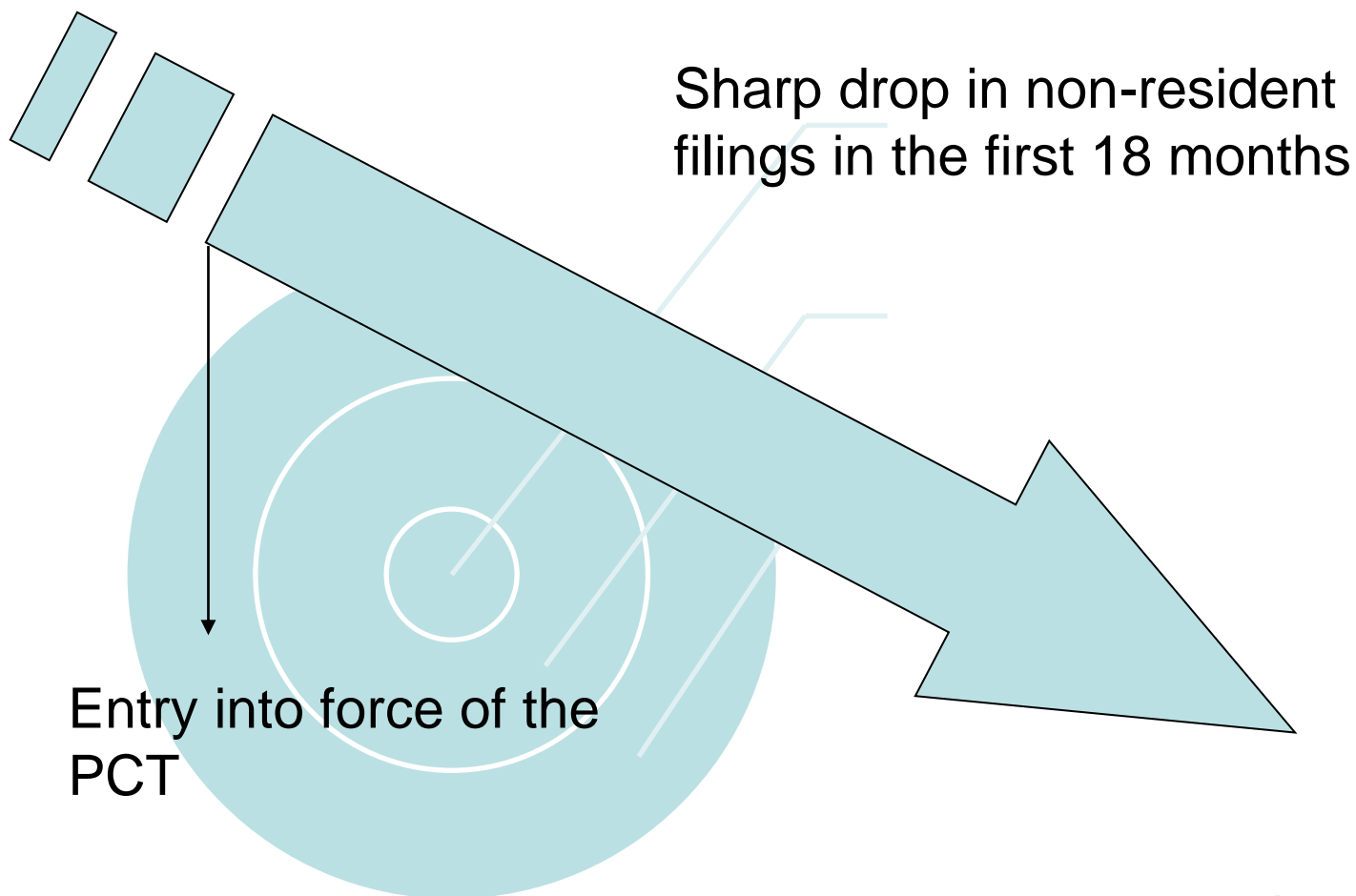


- See PCT seminar calendar (<http://www.wipo.int/pct/en/seminar/seminar.pdf>)
- Monthly PCT Newsletter (<http://www.wipo.int/pct/en/newslett/>)



Impact of Accession to PCT on Patent Filings

Experiences of countries joining the PCT (1)

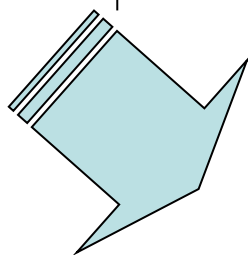


Sharp drop in non-resident filings in the first 18 months

Entry into force of the PCT

Experiences of countries joining the PCT (2)

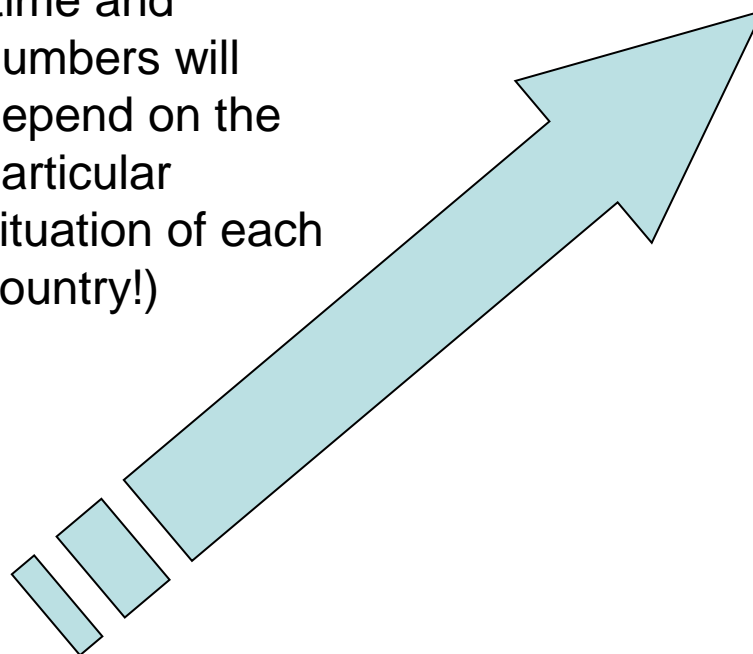
Entry into force of the
PCT



18 months period



Recovery in non-
resident filings
(time and
numbers will
depend on the
particular
situation of each
country!)



In the year of accession.....

- The number of patent applications filed by foreign applicants falls precipitously (average $\pm 75\%$) for a limited period of 18 months (“transition phase”)
- It reflects that most non-resident applicants take advantage of the (at least) extra 18 months offered by the PCT system

After the transition phase...

- As an average, it takes $\pm 4-5$ years for offices to receive more applications than in the year preceding their accession

Why?

- Some applicants choose not to proceed with the national phase (PCT “filtering effect”)
($\pm 25-30\%$ of PCT applications do not enter into the national phase)

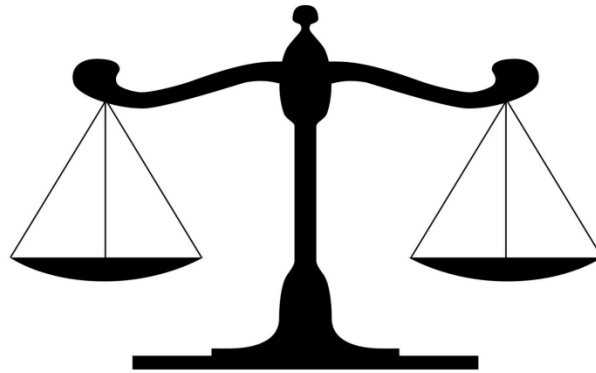
In practice....

“PCT filtering effects”

- Information provided by the ISR

+ New information on the commercial potential of the invention becomes available

+ Commercial strategies




•Over time the PCT “filtering effect” is outweighed by the continuous growth in worldwide PCT applications

•Increase attractiveness of the PCT system

•Economic environment

In Summary....

- The PCT system increases transparency of national/regional patent systems
- The number of non-resident applications will decrease and later on increase
- The use of “Paris direct route” (still valid) to file applications abroad decreases in favour of the “PCT route”



Benefits for Applicants Resulting from Using the PCT

Benefits from using 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

Benefits from using 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

Benefits from using 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**

Why Use the PCT?

- “Internationalization” of a single PCT application providing near global geographical coverage
- Time delay (additional time for decision making)
- Cost deferral
- Patentability assessment

Cost Deferral

- Seeking patents in foreign countries requires a significant capital investment
- The PCT provides for the deferral of main initial costs associated with internationalization:
 - Cost of translations
 - Local patent agent fees
 - Local patent Office fees

Patentability Assessment

- Strong basis for patenting decisions
- Valuable information that is of assistance in making patenting decisions
- The International Search Report (ISR) and the written opinion of the International Searching Authority
- International Preliminary Report on Patentability (IPRP (Ch.II)) of the International Preliminary Examining Authority (optional)

Other PCT Advantages

- Amendment possibilities under the Chapter II procedure prior to entry into the national phase
 - Description
 - Claims
 - Drawings
- Electronic filing of PCT applications at reduced expense
- Centralized management of your PCT application in ePCT

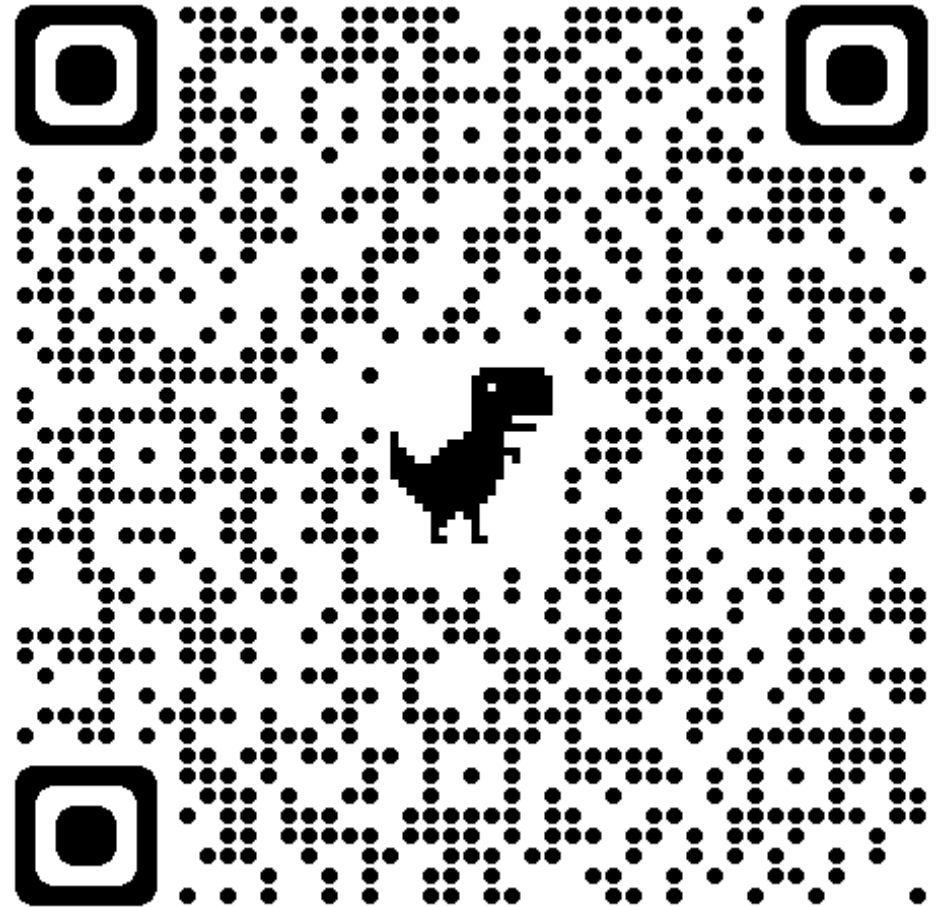
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Ms. Anjali Aeri, Counsellor
PCT International Cooperation
Division, PCT Legal and International
Affairs Department, WIPO

Thank you!

Questions or Feedback?
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