

WIPO - Circular C. PCT 1196, 16.11.2009 - Questionnaire - Future Development of the PCT

epi acknowledges the efforts of WIPO to investigate the existing problems and challenges as well as future needs of applicants regarding the PCT and to identify the means to address them. In support of said efforts, we would like to contribute with the following comments:

- a. PCT products which become available during the international phase should be reliable so that the applicants may have a clear picture of the prospects of their application before bearing the cost of entering in the national/regional phases.

International Search Reports

- b. Search Reports (SR) should be provided well before the applicants are required to take the following step, i.e. the filing of the request for a supplementary search and preliminary examination.
- c. It is in the interest of third parties that SRs be available together with the A1 document so that they can form an opinion as to their freedom to operate.
- d. The quality of SRs depends of the ISA. The SR should in the first place conform to a general standard, e.g. the standards (EQMS, PQS) drafted by the EPO Working Party for Quality.

- e. The search must be performed in all minimum PCT documentation. A SR citing only documents from the country of the ISA which performed the search is not complete in most cases.

Written Opinion/Preliminary Examination Report in the International Phase

- f. Written Opinions in the international phase would be used to greater effect in the national phase if they consistently include detailed reasoning and cover all significant defects, not only those related to novelty, inventive step and industrial applicability, but also those relating to lack of clarity and support in the description for the claims.

Accessibility

- g. The application form should be redrafted and simplified so that it is easily comprehensible for any applicant, including individual applicants and SMEs.