PCT s/c

PCT: Legal texts

- Patent Cooperation Treaty
- Regulations under PCT
  - Article 58(1), 58(2), 58(3)
  - Amended every year – enter in force from 1st July
- PCT Administrative Instructions
  - Article 58(4)
  - Rule 89.2(a), 89.2(b)
- …also
PCT: Legal texts

• ...
• PCT International search and preliminary examination guidelines (ISPE)
  • established by the IB of WIPO after consultation with the ISA’s and IPEA’s under the PCT
  • The Guidelines give instructions as to the practice to be followed by IA’s during the international search and examination procedures.

PCT: Procedure of revision

• Director General
• Receiving Offices
• International Searching and Preliminary Examination Authorities
• Meeting of International Authorities is held usually every year, in February

• PCT Working Group
• PCT Working group is held usually every year, in May-June
  • epi represented as users by PCT s/c

• PCT Assembly
• PCT Assembly is held usually every year, in September-October
  • epi represented by the President
11th session of PCT WG / June 2018

- Long list of items in the agenda 21 items
  - PCT/WG/11/2

- Some are more relevant to RO, IAs, DO, EO

- Particular relevant for applicants
  - PCT Statistics
  - PCT User Survey
  - Third Party Observations
  - PCT Online services
  - Systems to Assist National Phase Entry
  - Information Concerning National Phase Entry
  - Future Development of the PCT System

- Fee Reductions for Certain Applicants from Certain Countries, Notably Developing and Least Developed Countries
- Incorporation by Reference of Missing Elements or Parts
- Earlier Start of PCT Chapter II
- PCT Collaborative Search and Examination Pilot
- PCT Sequence Listing Standard
<table>
<thead>
<tr>
<th>Year</th>
<th>Applications</th>
<th>Growth</th>
</tr>
</thead>
<tbody>
<tr>
<td>2016</td>
<td>232,912</td>
<td>7.3%</td>
</tr>
<tr>
<td>2017</td>
<td>243,500</td>
<td>4.5%</td>
</tr>
<tr>
<td>2018</td>
<td>255,500</td>
<td>4.7%</td>
</tr>
<tr>
<td>2019</td>
<td>262,910</td>
<td>3.1%</td>
</tr>
<tr>
<td>2020</td>
<td>272,200</td>
<td>3.5%</td>
</tr>
<tr>
<td>2021</td>
<td>281,500</td>
<td>3.4%</td>
</tr>
</tbody>
</table>

Source: Economics and Statistics Division, WIPO
Main Fields of Technology in 2017

Main Fields of Technology by Percentage of Total
- Computer Technology: 19,122 applications (8.6%)
- Digital Communication: 18,400 applications (8.2%)
- Electrical Machinery: 15,223 applications (6.8%)
- Medical Technology: 15,024 applications (6.7%)

Largest increases:
- Control: +16.5%
- Thermal Processes: +14.9%
- Transport: +11.8%
- Computer Technology: +11.4%

Largest decreases:
- Basic Communication Processes: -4.7%
- Civil Engineering: -2.5%
- Machine Tools: -1.3%
- Organic Fine Chemistry: -0.6%

Source: WIPO Statistics Database, March 2018

PCT Applications for Top 10 Receiving Offices

China replaced Japan as second most-used receiving Office in 2017

Source: WIPO Statistics Database, March 2018
Third party observations

- Observations may be submitted until 28 months from the priority date
- only through the electronic system
- may be submitted anonymously
- They relate to novelty and inventive step / inevitably they may contain incidental comments on other issues, such as clarity
- may include up to ten prior art references
- The applicant may submit comments on observations received until 30 months from the priority date
- Observations and applicant comments are made available on PATENTSCOPE the day after they are processed by the International Bureau

Incorporation by reference of missing elements or parts

- There was general agreement that, should a new Rule allowing for the incorporation by reference of correct elements or parts be added to the Regulations
- and clarify that present Rule 20.5 only covered “truly” missing parts
- there was significant but not unanimous support not to allow the “replacement” of the erroneous element or part from the application,
- There was general agreement that any incorporation by reference of correct elements or parts should only be permitted within the time limits provided for in present Rule 20.7
- There was agreement that an ISA should be entitled to charge an additional fee for the search of the international application including the correct elements or parts incorporated
Incorporation by reference of missing elements or parts

- Further discussion appeared to be needed on whether RO should be given the opportunity to submit a notification of incompatibility in respect of any new provision allowing for the incorporation of correct elements or parts.
- A possible alternative if a RO submits a notification of incompatibility:
  - Member States may adopt an Understanding that any such a notification should commit to transmitting the application to the IB in its capacity as a receiving Office under Rule 19.4(a)(iii), if so requested by the applicant.

Collaborative search and examination pilot

- Applicant driven scheme
- Launched July 2018 among IP5
- Applications in English
- Each participating authority will receive 100 IAs in its role as "main ISA" and approximately 400 IAs in its role as "peer ISA" over two years
- Current status

<table>
<thead>
<tr>
<th>Total number of accepted applications</th>
<th>Total number of provisional search reports</th>
<th>Total number of peer contributions</th>
<th>Total number of final search reports</th>
</tr>
</thead>
<tbody>
<tr>
<td>163</td>
<td>135</td>
<td>409</td>
<td>54</td>
</tr>
</tbody>
</table>