



Institut der beim Europäischen Patentamt zugelassenen Vertreter
Institute of Professional Representatives before the European Patent Office
Institut des mandataires agréés près l'Office européen des brevets

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.

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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

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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
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11th session of PCT WG / June 2018

- 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
-

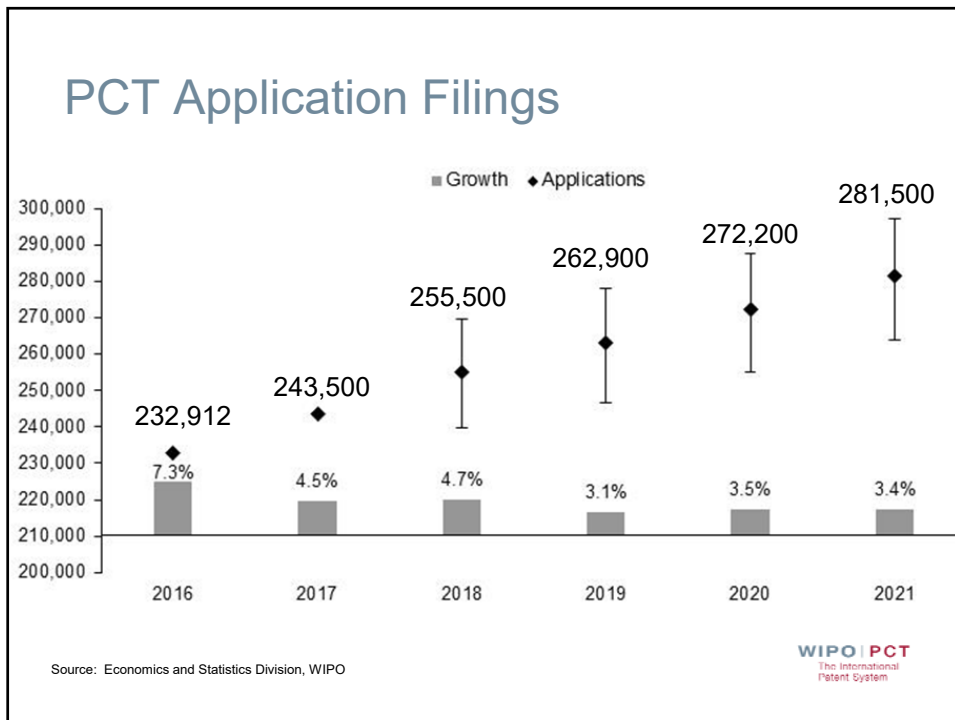
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PCT Statistics

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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%

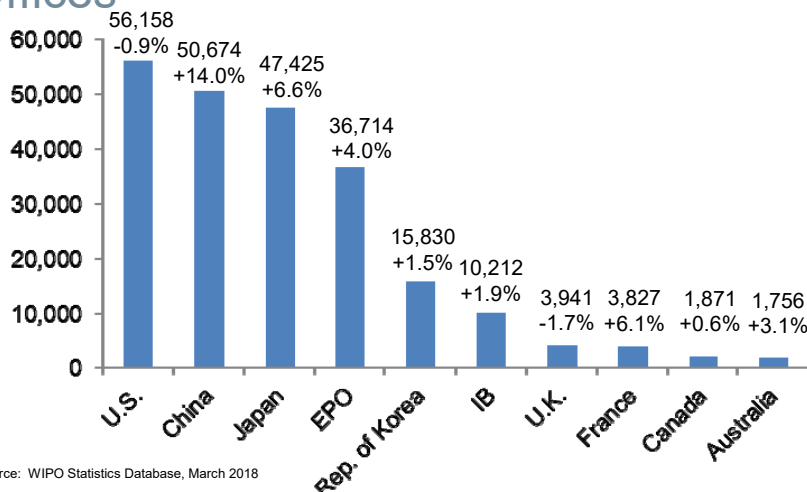
Largest decreases:

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

Source: WIPO Statistics Database, March 2018

WIPO | PCT
The International Patent System

PCT Applications for Top 10 Receiving Offices



Source: WIPO Statistics Database, March 2018

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

WIPO | PCT
The International Patent System



Third party observations

[PCT/WG/11/11](#)

- 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

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Incorporation by reference of missing elements or parts

[PCT/WG/11/21](#)

- 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

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Incorporation by reference of missing elements or parts

[PCT/WG/11/21](#)

- 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.

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Collaborative search and examination pilot

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- 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

Total number of accepted applications	Total number of provisional search reports	Total number of peer contributions	Total number of final search reports
163	135	409	54

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