



21 October 2019

EPPC: REPORT OF PCT sub-committee

epi was represented in the 12th session of the Patent Cooperation Treaty (PCT) working group (PCT/WG) in Geneva from 11th of 13th of June.

The working group does preparatory work for matters which require submission to the Assembly. Most commonly, this involves proposals for amendment of the Regulations under the PCT, but may include a wide variety of matters of interest to the PCT Assembly. In 2019 the Assembly met between 9 September and 10 October.

The 12th session of the PCT/WG addressed a number of issues including

- Erroneously filed elements and parts of the international application and
- PCT collaborative search and examination: status report
- Safeguards in case of outages affecting offices
- Fee Reductions for university applicants

Erroneously filed elements and parts of the international application and

The PCT/WG proposed to amend the Regulations, so as to deal with requests to file a correct element or part of an international application, in the case of erroneously filed elements or parts. The issue has been addressed by the WG for years. The delegations could not reach an agreement, because of the differences in the practice of receiving offices and international authorities.

The provisions, which were agreed in the 2019 meeting of the PCT WG, was the result of a compromise of the offices and will allow the applicant to file correct parts of the application under strictly defined conditions within two months of the international filing date. User representatives, including **epi** have presented to the PCT/WG their views during the 11 session in 2018 and their interventions illustrated the need for an agreement on an issue, which created legal uncertainty.

The relevant provisions are to be adopted by the Assembly in autumn 2019. They should enter into force on July 1, 2020, and shall apply to any international application in respect of which one or more elements referred to in Article 11(1)(iii) were first received by the receiving Office on or after that date.

PCT collaborative search and examination: status report

The representative of EPO presented a status report of the PCT collaborative search and examination. A general overview of the progress of this pilot project on May 6, 2019, is summarized below:

Total number of accepted applications:	216
Total number of provisional search reports:	203
Total number of peer contributions:	777
Total number of final search reports:	185



The project has been extended in the course of 2019 to languages other than English. More specifically, the EPO decided to accept international applications filed respectively in French or German as of January 1, 2019.

Safeguards in case of outages affecting offices

The PCT/WG has suggested to the Assembly amendments to the PCT regulations to address non observance of deadlines, in case of outages affecting receiving offices and international authorities. The amendments are to be adopted by the Assembly in autumn 2019 and shall enter into force on July 1, 2020.

Fee Reductions for university applicants

On the issue of fee reduction for university applicants, although there was a wide support from delegations to implement fee reductions for universities as a means to increase the involvement of universities in the international patent system, the working group did not agree to suggest any relevant provision to the Assembly, since some delegations were not able to agree to fee reductions for universities at this stage.