

# Update on Recent and Future Developments in the PCT System



Virtual seminar

Geneva, November 2, 2020

Update GVA- Asia 1  
02.11.2020

**WIPO | PCT**  
The International  
Patent System

# Program

- 8:35 – 9:00: Amendments to the PCT Regulations
- 9:00 – 9:30: Other recent and future PCT developments
- 9:30 – 10:00: ePCT: Latest and future developments
- 10:00 – 11:00: Open PCT Q&A session



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Operations Team  
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PCT Operations  
Division



# Session 1: Amendments to the PCT Regulations as from 1 July 2020

# Amendments to the PCT Regulations as from 1 July 2020 - Overview

- Clarification of processing of erroneously filed elements and parts
- Transmittal of certain Chapter II documents by the IPEA to the IB
- Correction or addition of indications referred to in Rule 4.11 (Rule *26quater*)
- Safeguards in case of outages affecting Offices (Rule *82quater.2*)
- Transfer of PCT fees through International Bureau

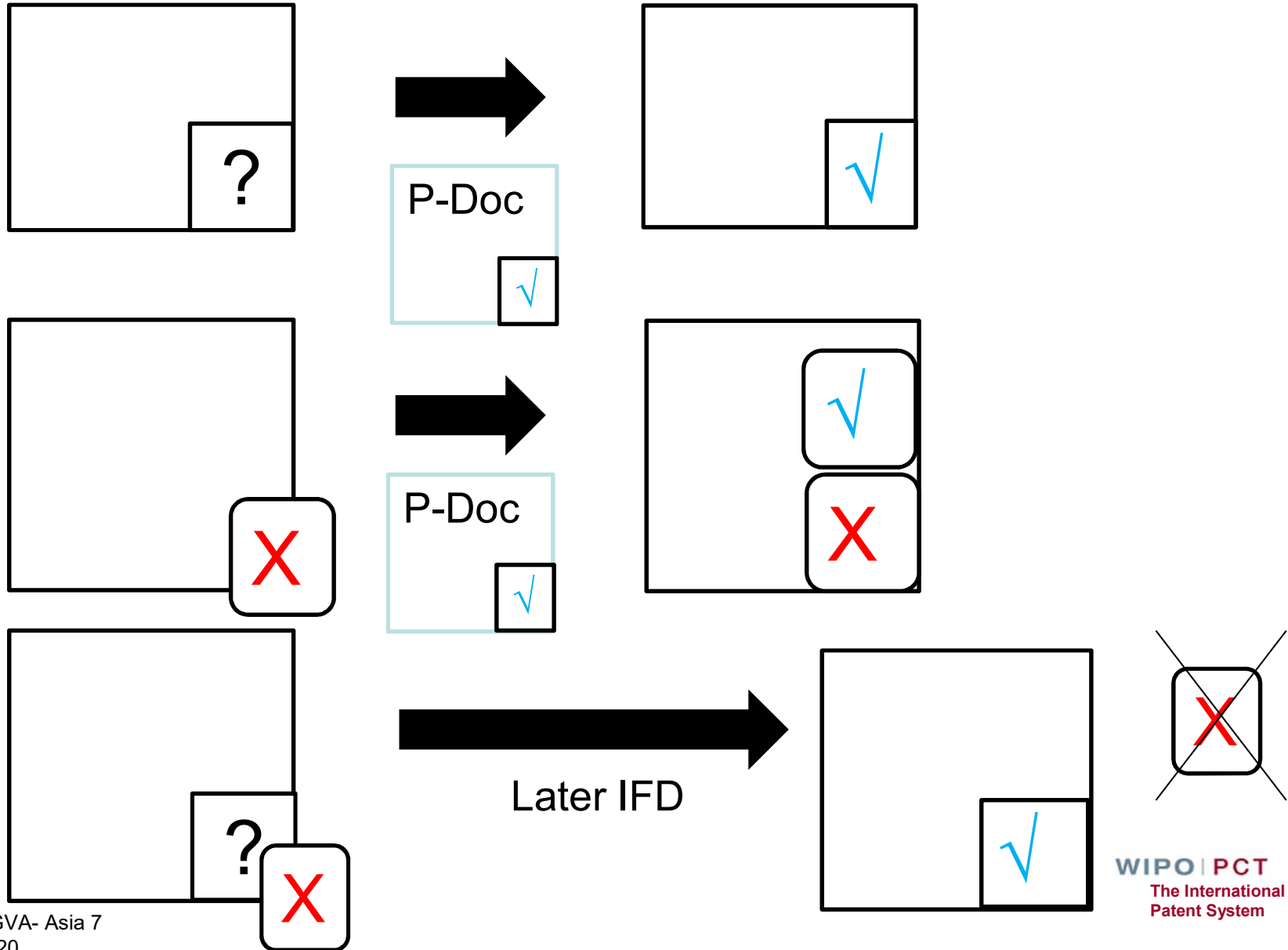


## Clarification of processing of erroneously filed elements and parts

# Clarification of processing of erroneously filed elements and parts

- Amendment of PCT Rules 4, 12, 20, 48, 51*bis*, 55 and 82*ter*, and new Rules 20.5*bis* and 40*bis*
  - Clarification that, in addition to incorporating missing elements and parts, in the case of erroneously filed elements or parts, the correct element or part can also be incorporated by reference, if contained in an earlier application
  - New legal basis for cases where incorporation by reference was not successful or applicable, to replace an erroneously filed element or part with the correct element or part (impacting the international filing date)
  - Apply to any international application filed on or after 1 July 2020

# Missing ≠ erroneously file ≠ completed/corrected



# Overview of options in case of missing parts or erroneously filed elements or parts

	Incorporation by reference		Completion/Correction	
	Missing part	Erroneously filed element or part	Missing part	Erroneously filed element or part
<b>Main rules</b>	20.5(d), 20.5 <i>bis</i> (d), 20.6		20.5(b)&(c)	20.5 <i>bis</i> (b) and(c)
<b>Int. Filing Date</b>	Maintained		Will be changed	
<b>Applicability</b>	Not applied at some ROs and DOs		All ROs and DOs	
<b>How erroneously filed sheets are dealt with</b>	N/A	Remain in the application (published as part of the application —moved to the end of the respective element, e.g. description)	N/A	Removed from the application (and not visible on PATENTSCOPE)



# Main considerations in cases of erroneously filed elements or parts

- Does your RO accept incorporation by reference in case of erroneously filed elements or parts?  
([https://www.wipo.int/pct/en/texts/reservations/res\\_incomp.html](https://www.wipo.int/pct/en/texts/reservations/res_incomp.html))
  - If not, would it be acceptable for the application to be transferred to RO/IB?
- Would it be acceptable if the international filing date is changed?
  - Unproblematic where new international filing date is still within priority period
  - If new filing date is outside the priority period, could a request for restoration of priority right be successful?
- Would it be acceptable if the erroneously filed elements or parts remain in the application, and thus in the international publication?
  - If not, incorporation by reference should be avoided
  - Correction will still leave them in the file of the IB but not visible on PATENTSCOPE; withdrawal and refileing of the application may be considered
- Fee implications

# Incorporation by reference in case of erroneously filed elements and parts: understandings

## ■ PCT Assembly Understanding

- ❑ In adopting PCT Rule 20.5*bis*, the Assembly agreed that, where a correct element or part had been incorporated by reference under PCT Rule 20.5*bis*(d), the ISA would not need to take into account any erroneously filed element or part which remained in the application
- ❑ In adopting PCT Rule 20.8(*a-bis*), the Assembly agreed that, where an RO could not incorporate a correct element or part because that Office had submitted a notice of incompatibility under this Rule, the RO concerned and the IB should agree to apply PCT Rule 19.4, with the authorization of the applicant
- ❑ Where an applicant had not paid additional fees following an invitation (PCT Rule 40*bis*) (when the ISA is notified that a correct element or part replaces the erroneously filed element or part or is incorporated by reference only after it had begun to draw up the ISR), the ISA would not need to take into account that correct element or part for the purposes of international search



■ Transmittal of certain Chapter II documents by the IPEA to the IB

# IPEAs required to copy certain documents in their files to the IB (Rules 71 and 94)

- Requires the IPEA to copy certain documents from its file to the IB, which the IB would make available to the public on behalf of the elected Office
- Apply to any document received at or established by the IPEA on or after 1 July 2020
- However, implementation of the sending of such documents will also depend on whether IPEAs are technically ready to do so



**Rule 26*quater* (correction or addition of indications referred to in Rule 4.11)**

# Rule 26quater (correction or addition of indications referred to in Rule 4.11)

## ■ New PCT Rule 26quater

□ Allows for correction or addition, during the international phase, of indications referred to in Rule 4.11 in the request form, namely, indications of the applicant's wish that the PCT application be treated in a designated State as

- continuation or continuation-in-part of an earlier application
- patent of addition, certificate of addition, inventor's certificate of addition or utility certificate of addition

□ Applicants will be able to submit a notice of correction or addition to the IB within 16 months from the priority date

■ Applies to any international application filed on or after  
1 July 2020

 **Excuse of delay in meeting time limits due to Office system unavailability (Rule 82*quater*.2)**

# Excuse of delay in meeting time limits due to Office system unavailability (Rule 82<sup>quater</sup>.2) (1)

- Allows an Office to also excuse delays in meeting a time limit due to the unavailability of any permitted electronic means of communication at that Office, such as unforeseen outages or scheduled maintenance
- Does not apply to the priority period and the time limit for entering the national phase
- Applies to any time limit fixed in the Regulations that expires on or after 1 July 2020
- Offices providing for such a safeguard under their national/regional law will inform the International Bureau:
  - of such provisions in general
  - of any specific occurrence of their system outage
- Information will be published by the IB at the following webpage:

<https://www.wipo.int/pct/en/texts/unavailability.html>



# Excuse of delay in meeting time limits due to Office system unavailability (Rule 82*quater*.2) (2)

- Application of PCT Rule 82*quater*.2(a) at the International Bureau (also as receiving Office):
  - Delays in meeting time limits may be excused where the ePCT system or the PCT Contingency Upload Service was unavailable for a minimum of a continuous one hour period on a specific working day at the International Bureau, subject to the applicant:
    - submitting a request indicating that the time limit was not met due to that reason
    - performing the action on the next working day at the IB when ePCT or the PCT Contingency Upload Service is available again



# Transfer of PCT fees through International Bureau

# Transfer of PCT fees through International Bureau

- Amendment of PCT Rules 15, 16, 57 and 96
  - Expressly allows the transfer via the IB of fees collected by one Office for the benefit of another Office
  - Apply to any international application for which fees will be transferred by the collecting Office on or after 1 July 2020
  - Details set out in new Annex G of the AIs

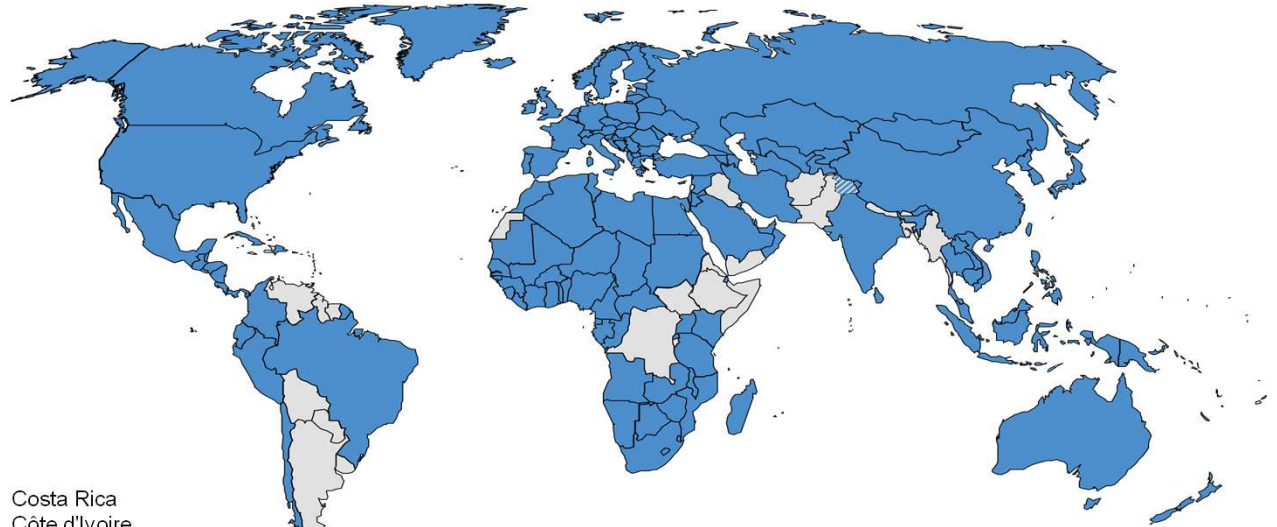


## **Session 2: Other recent and future developments in the PCT**



## Status update

# 153 PCT States



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 (Dec 8, 2016)**  
Cameroon  
Canada  
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 (Sept 23, 2016)**  
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)  
Ireland  
Israel  
Italy  
Japan  
**Jordan (Jun 9, 2017)**  
Kazakhstan  
Kenya  
**Kuwait (Sept 9, 2016)**  
Kyrgyzstan  
Lao People's Dem Rep.  
Latvia  
Lesotho  
Liberia  
Libya  
Liechtenstein  
Lithuania  
Luxembourg  
Madagascar

Malawi  
Malaysia  
Mali  
Malta  
Mauritania  
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 (Jan 2, 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

# Countries not yet PCT Contracting States (40)

Afghanistan

Andorra

Argentina

Bahamas

Bangladesh

Bhutan

Bolivia

Burundi

Cabo Verde

Democratic Republic of Congo

Eritrea

Ethiopia

Fiji

Guyana

Haiti

Iraq

Jamaica

Kiribati

Lebanon

Maldives

Marshall Islands

Mauritius

Micronesia

Myanmar

Nauru

Nepal

Pakistan

Palau

Paraguay

Solomon Islands

Somalia

South Sudan

Suriname

Timor-Leste

Tonga

Tuvalu

Uruguay

Vanuatu

Venezuela

Yemen

# 23 ISAs/IPEAs

## ■ Twenty three (23) Offices now hold the status as ISA/IPEA

- ❑ State Intellectual Property Service of Ukraine (SIPSU) started operations as an ISA/IPEA on 5 February 2016
- ❑ Visegrad Patent Institute started operations as ISA/IPEA on 1 July 2016
- ❑ Turkish Patent and Trademark Office started operations as from 8 March 2017
- ❑ Intellectual Property Office of the Philippines started operations as from 20 May 2019

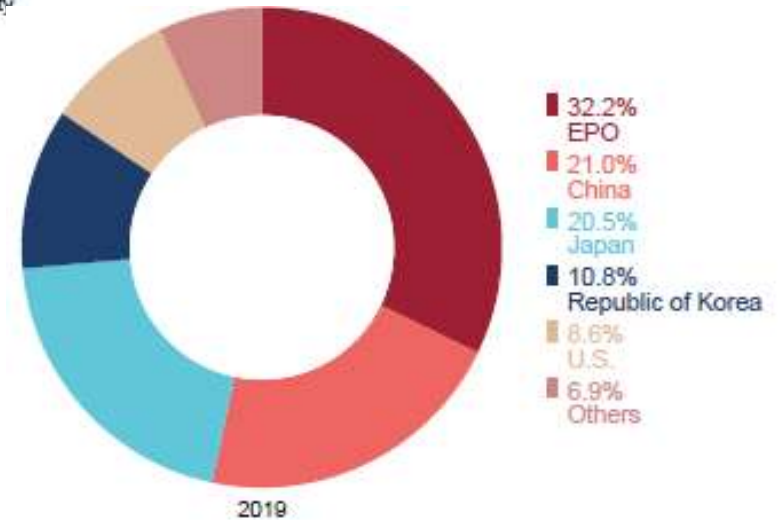
see also: [www.wipo.int/pct/en/access/isa\\_ipea\\_agreements.html](http://www.wipo.int/pct/en/access/isa_ipea_agreements.html)



# Distribution of ISRs established by ISA

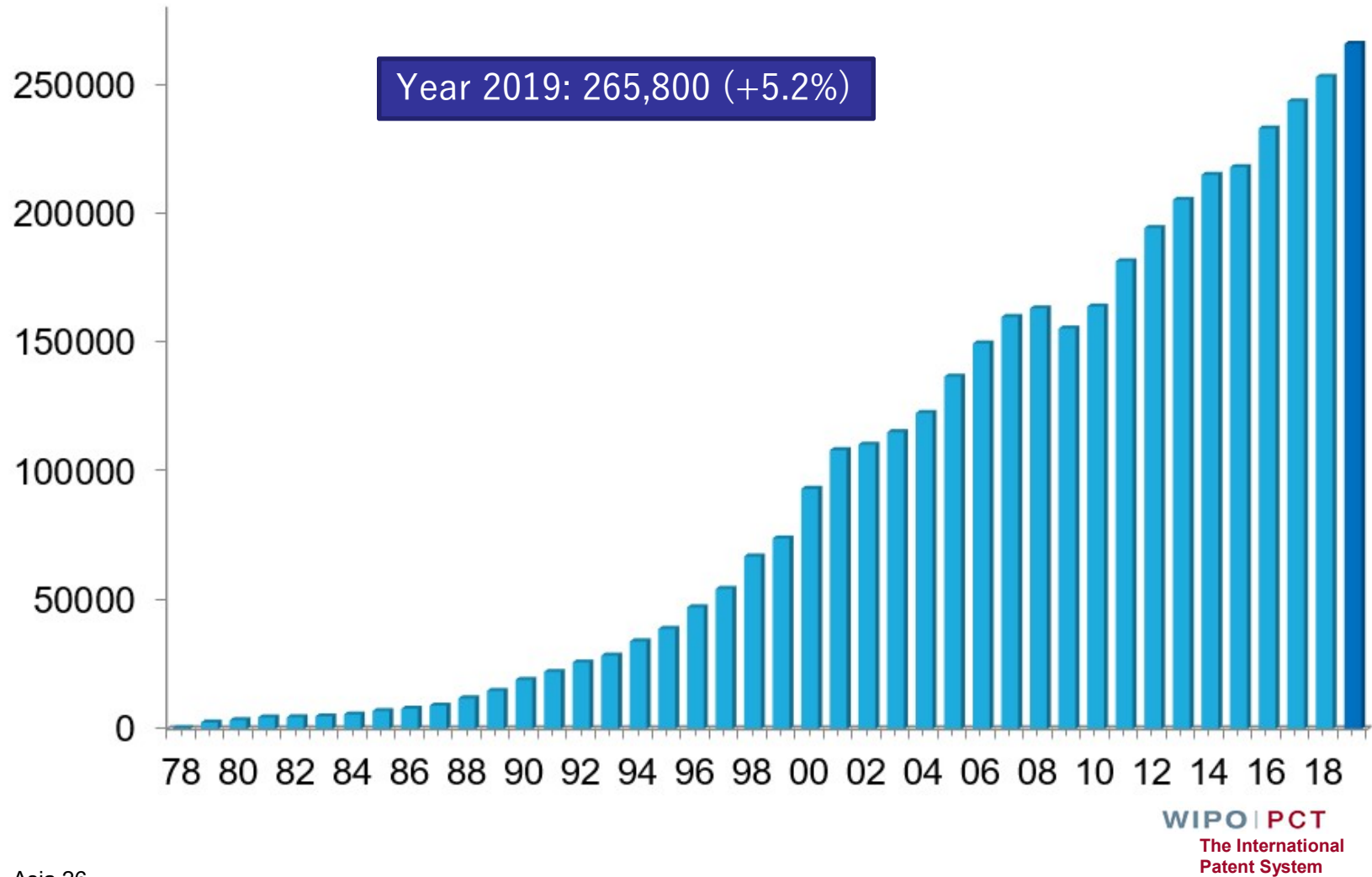


- EPO issued nearly 80,800 ISRs
- China, Japan and Korea, combined, more than 50% of ISRs issued in 2019
- IP5 Offices produce 93.2% of International Search Reports

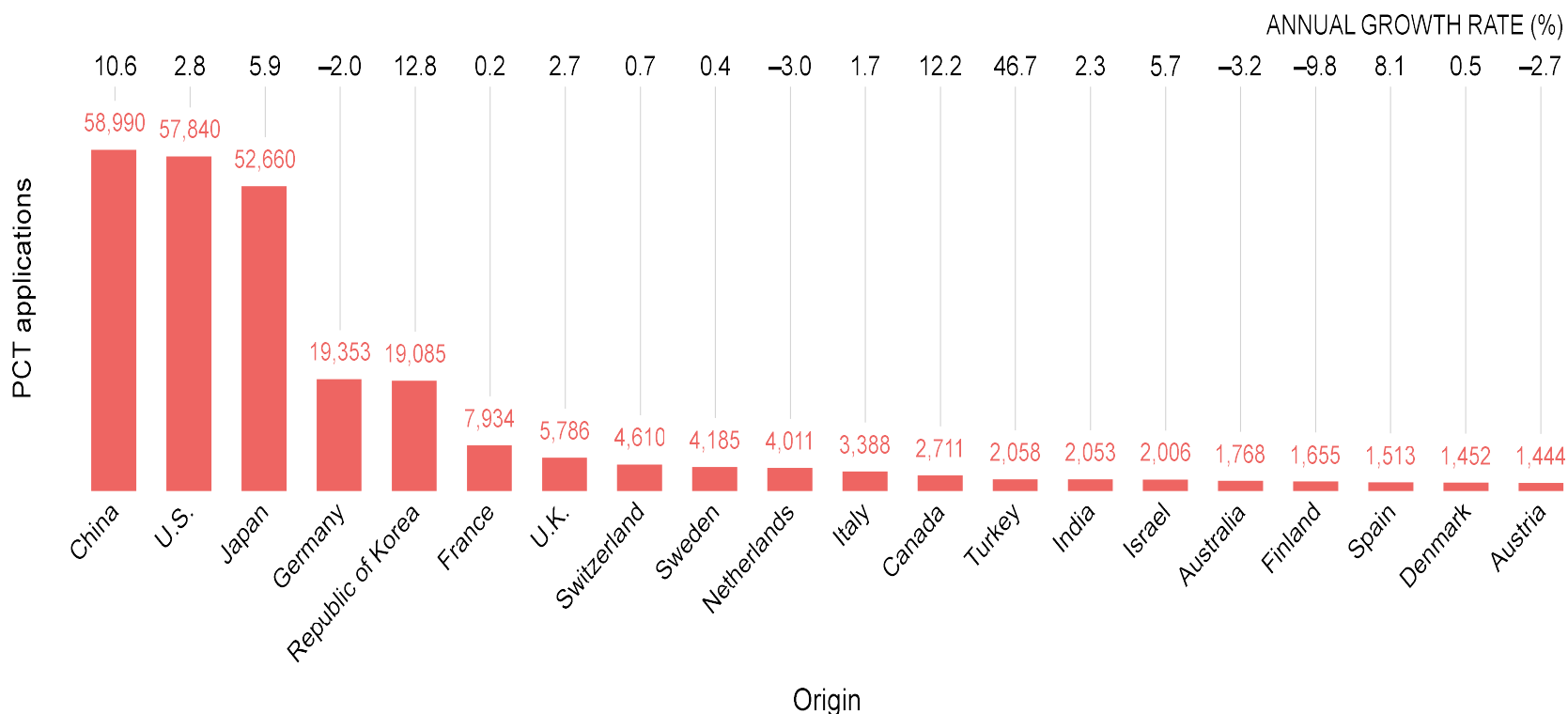


Source: PCT Yearly Review 2020, C17 and C18, based on WIPO statistics Database, March 2020

# Growth in PCT applications since 1978



# International applications received in 2019 and Top 20 Origins



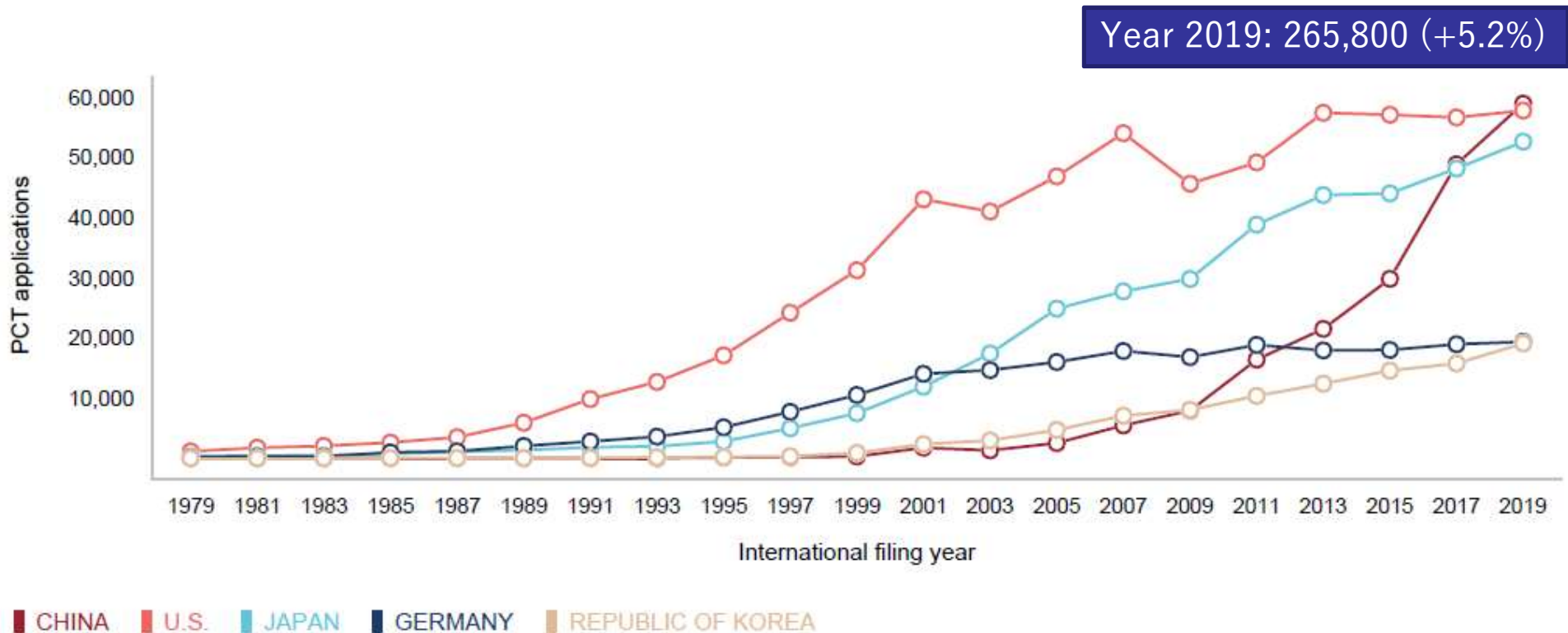
Source: PCT Yearly Review (2020), A8, PCT applications for the top 20 origins, 2019

Asia: 52.4%      92.8% of filings from top 15 countries

Europe: 23.2%

North America: 22.8%

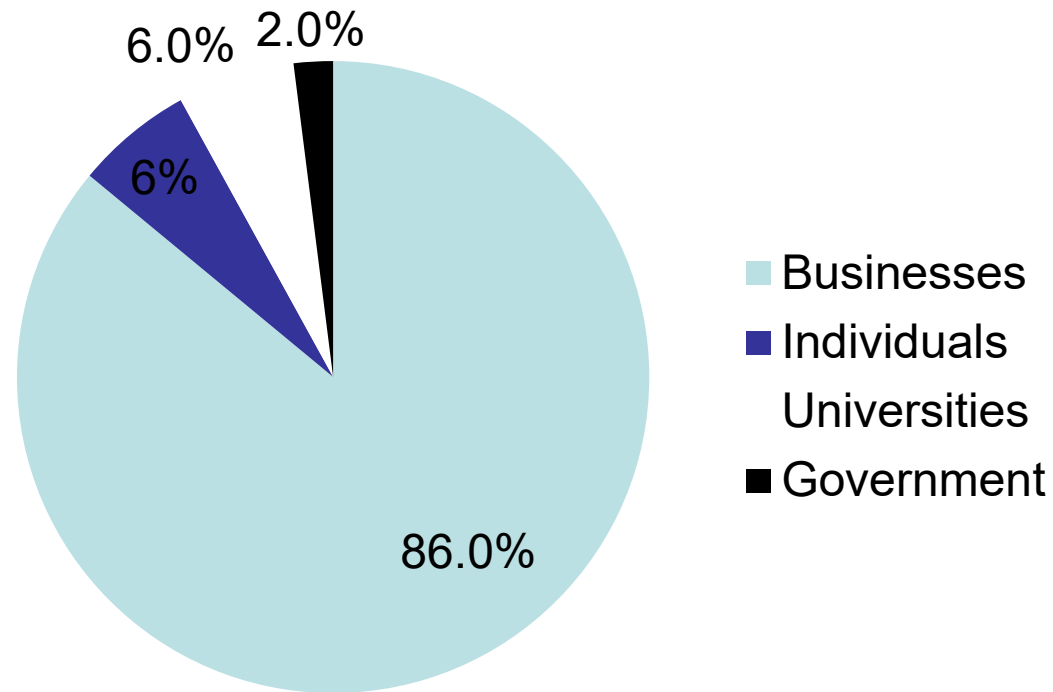
# PCT applications for the top five origins



Source: PCT Yearly Review (2020), A7, Trend in PCT applications for the top five origins, 1979-2019

- Applicants from China became the biggest users of the PCT system in 2019
  - 58,990 originating in China (+10.6%)
  - 57,840 originating in US (+2.8%)
  - 52,660 in Japan (+5.9%)
- The top 5 countries accounted for 78.2% of all PCT applications filed in 2019

# Distribution of PCT Applicants in 2019



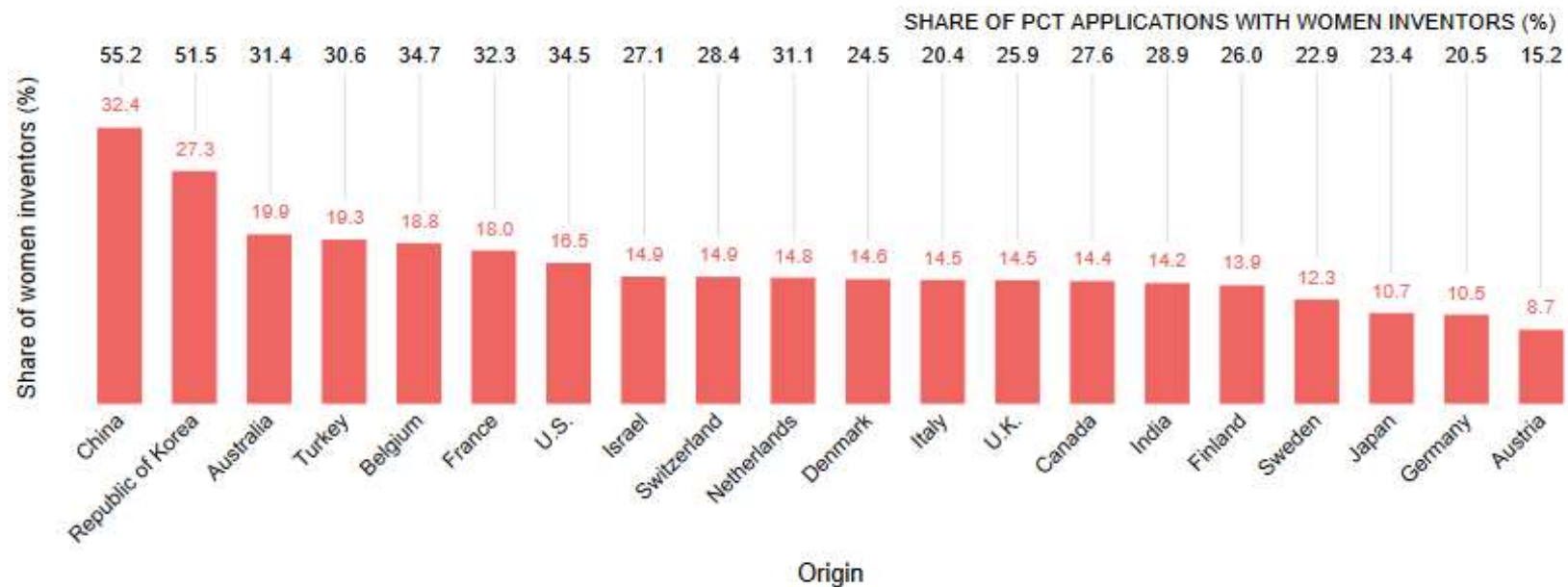
**127** (unchanged)  
**Countries in which PCT applications were filed**

**56.9%** (-0.5 percentage point)  
**Share of PCT national phase entries in worldwide non-resident filings**

**18.7%** (+1.6 percentage points)  
**Share of women among PCT inventors**

# Participation of women inventors

A25. Share of women among listed inventors and share of PCT applications with at least one woman as inventor for the top 20 origins, 2019



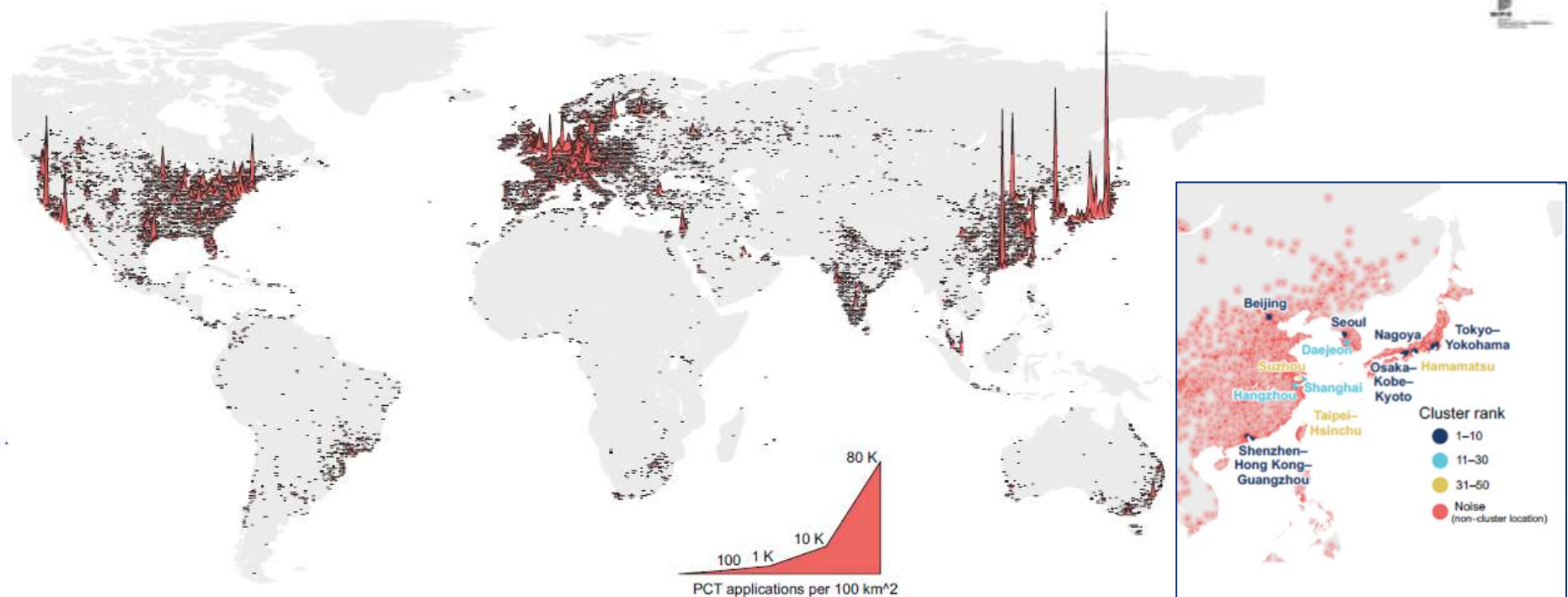
Source: WIPO Statistics Database, March 2020

- 18.7% of all inventors listed in PCT applications are women in 2019 (+4.1 from year 2014, +1.6 from 2018)
- China, Republic of Korea had the highest shares of women inventors

# Top PCT Clusters 2014-2018



S1. PCT application density per 100 square kilometers, 2014–2018



Source: WIPO Statistics Database, March 2020.

# Top PCT Applicants in 2019

Ranking	Change in position from 2018	Applicant	Origin	Published PCT applications		
				2017	2018	2019
1	0	HUAWEI TECHNOLOGIES CO., LTD.	China	4,024	5,405	4,411
2	0	mitsubishi electric corporation	Japan	2,521	2,812	2,661
3	2	SAMSUNG ELECTRONICS CO., LTD.	Republic of Korea	1,757	1,997	2,334
4	-1	QUALCOMM INCORPORATED	U.S.	2,163	2,404	2,127
5	12	GUANG DONG OPPO MOBILE TELECOMMUNICATIONS CORP., LTD	China	474	1,042	1,927
6	1	BOE TECHNOLOGY GROUP CO.,LTD	China	1,818	1,813	1,864
7	2	TELEFONAKTIEBOLAGET LM ERICSSON (PUBL)	Sweden	1,564	1,645	1,698
8	53	PING AN TECHNOLOGY (SHENZHEN) CO., LTD.	China	23	336	1,691
9	1	ROBERT BOSCH CORPORATION	Germany	1,354	1,525	1,687
10	-2	LG ELECTRONICS INC.	Republic of Korea	1,945	1,697	1,646
11	9	LG CHEM, LTD.	Republic of Korea	850	969	1,624
12	0	PANASONIC INTELLECTUAL PROPERTY MANAGEMENT CO., LTD.	Japan	1,280	1,465	1,567
13	0	SONY CORPORATION	Japan	1,735	1,342	1,566
14	1	HEWLETT-PACKARD DEVELOPMENT COMPANY, L.P.	U.S.	1,519	1,170	1,507
15	-4	MICROSOFT TECHNOLOGY LICENSING, LLC	U.S.	1,536	1,476	1,370
16	5	FUJIFILM CORPORATION	Japan	970	962	1,158
17	-3	SIEMENS AKTIENGESELLSCHAFT	Germany	1,063	1,211	1,153
18	-14	ZTE CORPORATION	China	2,965	2,080	1,085
19	0	DENSO CORPORATION	Japan	968	998	1,026
20	2	NEC CORPORATION	Japan	899	947	1,024

Source: PCT Yearly Review (2020), A15, Top 50 business PCT applicants, 2017-2019

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# PCT filings by technical fields 2019

**21,449**

**Computer technology**



**8.7%**

**19,090**

**Digital communication**



**7.7%**

**17,223**

**Electrical machinery, apparatus, energy**



**7.0%**

**16,954**

**Medical technology**



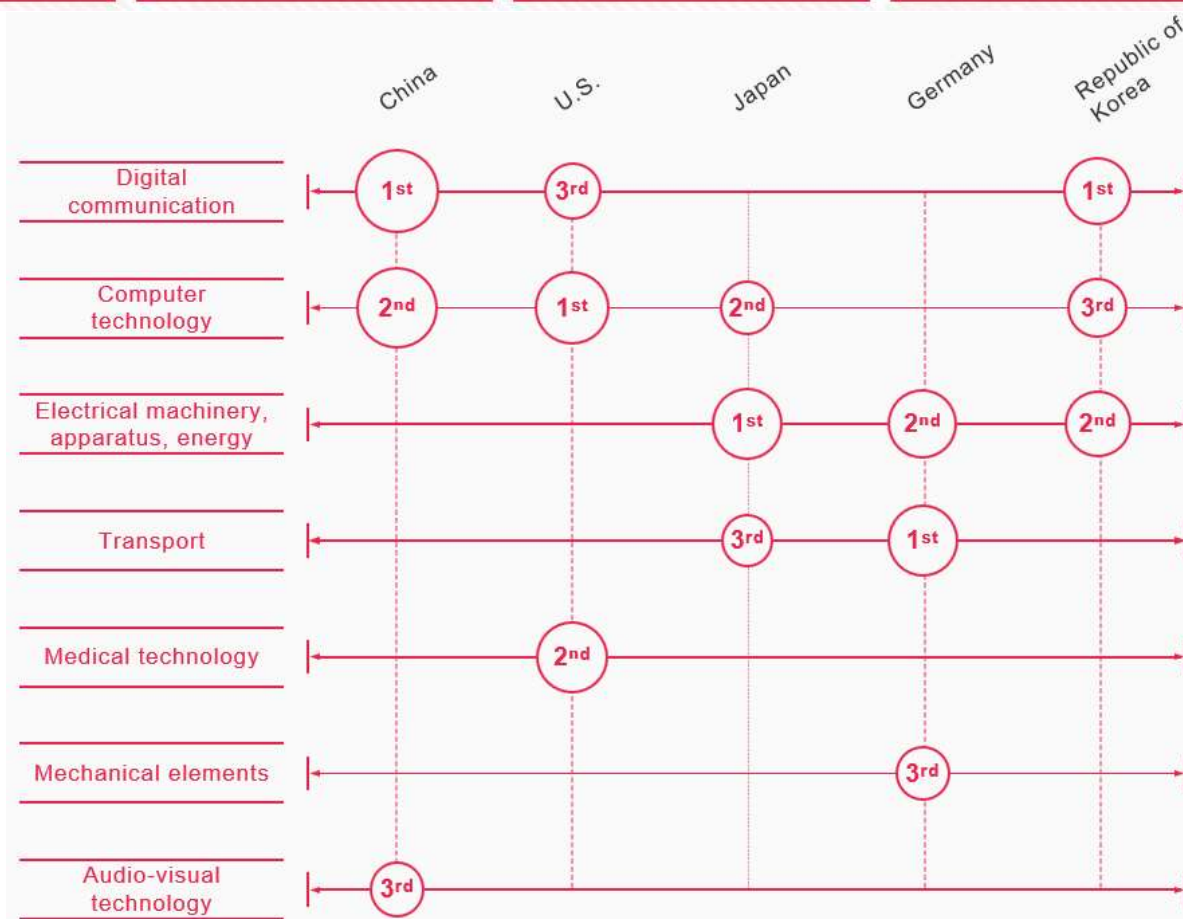
**6.9%**

**11,471**

**Measurement**

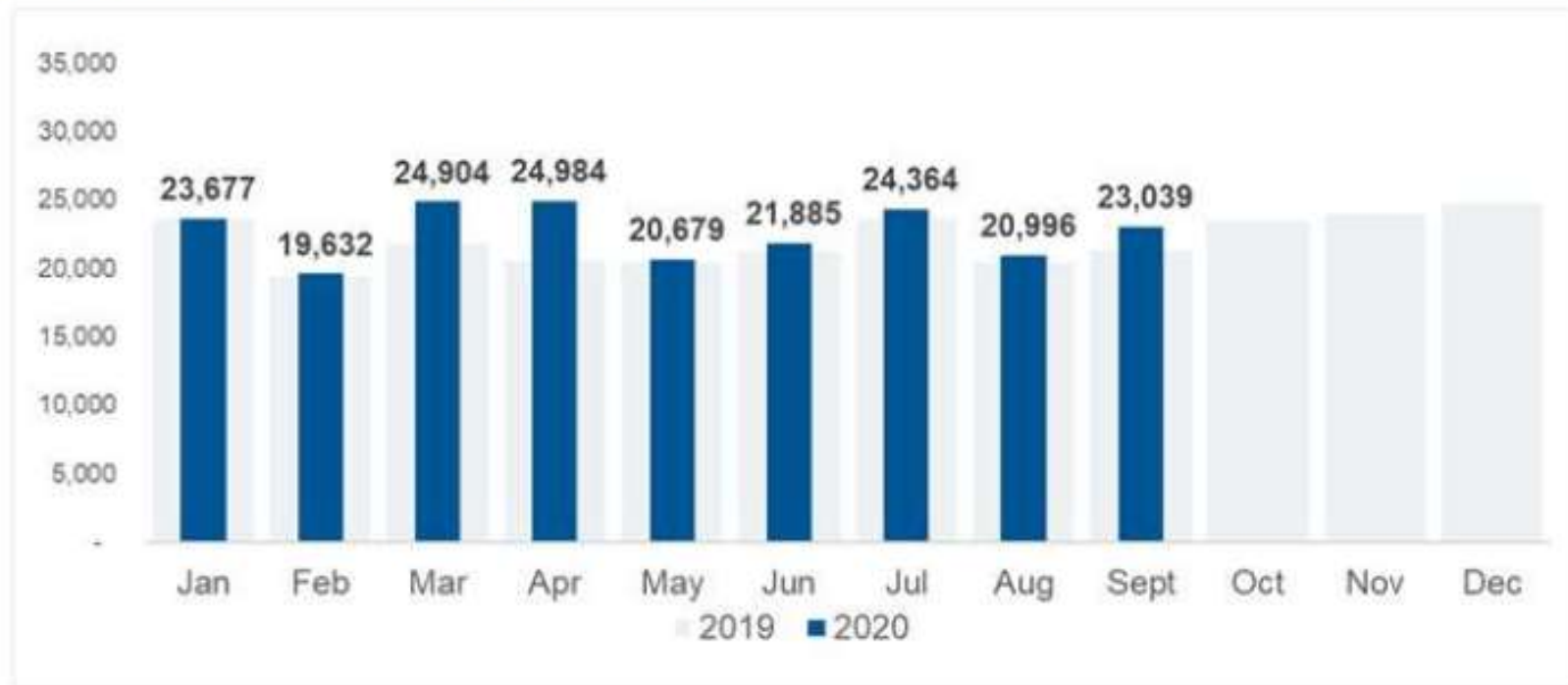


**4.7%**



# PCT filing activities in 2020

## PCT International Applications



Source: WIPO Crisis Management Dashboard, September 2020

[https://www.wipo.int/export/sites/www/covid-19/en/dashboard/crisis\\_mgt\\_dashboard.pdf](https://www.wipo.int/export/sites/www/covid-19/en/dashboard/crisis_mgt_dashboard.pdf)



# Best Means of Communication with the IB

# Current situation at the IB

- Since January 2020, the IB provides only limited fax services for PCT applications (including receiving documents and sending communications)
- Since the outbreak of COVID-19 pandemic, most staff are currently working remotely (while services being delivered as normal)
- Paper communication suspended; electronic communication only
- We aim at moving to electronic communications in the long run

# Submitting documents to the IB

- For filing new applications or sending post-filing documents to the IB
  - Applicants should preferably use [ePCT](#) (or [PCT-SAFE](#) in case of new filings)
  - In urgent cases or if ePCT is down, applicants may use the [Contingency Upload Service](#)
  - If nothing else works, may use fax (IB only maintains [limited fax services](#))
- Information on how to best communicate electronically with the IB available on the PCT website ([https://www.wipo.int/pct/en/covid\\_19/communication.html](https://www.wipo.int/pct/en/covid_19/communication.html))

# Receiving communications from the IB

- IB currently sends communications to applicants only in electronic form (as PDF attachments)
  - Access communications in ePCT or (post-publication) on PATENTSCOPE
  - No communications sent by fax since January 2020
- Priority documents and certified copies of documents in the file of the IB issued in electronic form only
  - Rely on the Digital Access Service (DAS) where possible
- For quickly receiving communications from the IB:
  - Authorize the IB to send communications **by e-mail**, or
  - Access the IA in ePCT (with strong authentication)



# Procedural Safeguards for Meeting Time Limits in the PCT

# Procedural safeguards on time limits (1)

- PCT does not currently provide for a general extension of time limits except where Offices are officially closed
- Local measures which extend national time limits do not apply to PCT time limits during the international phase but may apply to time limits during the national phase
- Priority period:
  - Rule 80.5 and Article 4C(3) of the Paris Convention: when the Office is closed, or postal service is closed
  - Where Offices remain open, restoration of the priority right (Rule 26*bis*.3 and 49*ter*) may be relied upon (where available)



# Procedural safeguards on time limits (2)

- Rule 82quater.1 - excuse of delay in meeting time limits “due to ... natural calamity ... or other like reason”
  - applies to all time limits fixed in the Regulations (e.g. payment of fees, furnishing of priority documents, correction of priority claims, etc.), but not to the priority period and the time limit to enter national phase
  - IB will treat requests favorably
  - Not require evidence that virus affected locality
  - Director General urges national Offices to do same ([https://www.wipo.int/pct/en/news/2020/news\\_0009.html](https://www.wipo.int/pct/en/news/2020/news_0009.html))

# Procedural safeguards on time limits (3)

- Missing of time limit under Articles 22 and 39 to enter the national phase
  - May rely on safeguard of [Rule 49.6](#)
  - More favorable national provisions to reinstate your international application before a DO/EO could also apply

# WIPO's COVID-19 IP policy tracker

- collects information on measures adopted by IP offices in response to the COVID-19 pandemic, including extension of time limits and other special measures, plus their status of operation (<https://www.wipo.int/covid19-policy-tracker/#/covid19-policy-tracker/>)

IPO Operations		By Country	Legislative and reg. measures	Voluntary Actions	Search in all measures							
This table provides a brief overview of operational changes and measures taken by national and regional IP offices. Further detailed information is provided by country or office, or by clicking the view more link in each row.												
Country/Region	Office	Office Status	Operational hours	Teleworking	Working Remotely with Customers	Correspondence	Processing existing applications	Processing new applications	Time limits	Fee relief	Last updated	Details
International	WIPO	Open (virtually)	No change	Yes	Yes	Electronically only	Electronically only	Electronically only	May be extended	Deadlines may be extended	2020-05-06	<a href="#">view more</a>
European Union	EUIPO	Open (virtually)	No change	Yes	Yes		Yes	Yes	Extended	Deadlines extended	2020-04-30	<a href="#">view more</a>
Europe	EPO	Open (virtually)	No change	Yes	Yes		Yes	Yes	Extended	Deadlines extended	2020-05-04	<a href="#">view more</a>
Africa	ARIPO	Open (virtually)		Yes	Yes		Yes	Yes	Case-by-case basis	Case-by-case basis	2020-05-04	<a href="#">view more</a>
Africa	OAPI	Open (virtually)	Reduced hours		Yes		Yes	Yes	Extended		2020-05-04	<a href="#">view more</a>



## Other Recent Developments

# Color drawings (1)

- Applications containing color or greyscale content
  - ❑ Not permitted in PCT applications (Rule 11)
  - ❑ Since applications often contain color or greyscale content, the IB has included some features in ePCT and PCT-SAFE
    - ePCT-Filing will automatically detect color or greyscale content and warn the applicant that the application content should be in black and white
    - PCT-SAFE allows applicants to indicate (checkbox) that the application contains color or greyscale content (only for filings with RO/IB)
  - ❑ A dedicated preview function has been made available by the IB in order to allow applicants to view the application content as it will be rendered by the IB
    - Directly available in ePCT-Filing
    - <https://pctdemo.wipo.int/DocConverter/pages/pdfValidator.xhtml>

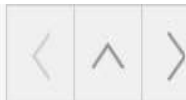
# Color drawings (2)

- Publication of applications containing color or greyscale content
  - The application will be converted into black and white format for further processing and publication by the IB
  - If the application contained color or greyscale content, the front page of the published PCT application will contain a notice to that effect
  - Any original color or greyscale content will be made available on PATENTSCOPE as part of the public application file
- Attention:
  - Designated Offices are not obliged to take the color or greyscale content into account, and may rely on the PCT application as published in black and white

# PATENTSCOPE

- [PATENTSCOPE](#) is a free of charge patent search system provided by WIPO allowing access to millions of patent documents
- Interface available in 10 languages (plus mobile version)
- Most comprehensive collection on PCT applications
- Information on national phase entry for more than 65 countries
- “Documents” tab includes a new section “Search and Examination-Related Documents”
- In addition to PCT applications, access to more than 55 searchable national and regional patent collections

# 1. WO2018002018 - COMPOSITION FOR CONTROLLING GASTROESOPHAGEAL REFLUX DISEASES



PCT Biblio. Data Description Claims Drawings ISR/WOSA/A17(2)[a] **National Phase** Notices Documents

[PermaLink](#)

Available information on National Phase entries [\[more information\]](#)

Office	Entry Date	National Number	National Status
Mexico	19.12.2018	MX/a/2018/016372	Published: 10.05.2019
China	25.12.2018	201780039420.2	Published: 12.02.2019
Australia	09.01.2019	<a href="#">2017291188</a>	Published: 24.01.2019
European Patent Office	29.01.2019	<a href="#">2017740627</a>	
Russian Federation	29.01.2019	2019102199	Published: 29.07.2020
Republic of Korea		<a href="#">1020197001217</a>	Published: 06.03.2019 Withdrawn: 28.07.2020



# WIPO Translate

## ■ WIPO Translate

- ❑ an AI-powered, instant patent translation tool, designed specifically to translate patent texts
- ❑ based on neural machine translation technology that enables it to convert highly technical patent documents into a second language
- ❑ available in 18 language pairs.
- ❑ seamlessly built in PATENTSCOPE system
- ❑ access is free-of-charge

See further: <https://www.wipo.int/wipo-translate/en/>

# Patent Prosecution Highway (PPH) and PCT

- Accelerated examination in the national phase based on a positive work product of an International Authority (written opinion of the ISA or the IPEA, IPRP (Chapter I or II))
- Conditions:
  - At least one claim has been determined by the ISA or the IPEA to meet the PCT criteria of novelty, inventive step and industrial applicability; and
  - ALL the claims must sufficiently correspond to the claims deemed to meet the PCT criteria (they are of the same or similar scope or they are of narrower scope than the claims in the PCT application)
- Some multilateral agreements
  - Global PPH, currently 27 participating Offices
  - IP5 PPH
  - PROSUR PPH

# WIPO IP Portal (1)

- One-stop shop to all WIPO's online IP services, launched on 17 September 2019
- Unified navigation
  - Harmonized top navigation on all existing IP services, facilitating movement between services
- Single sign on
  - Log in just once using your existing WIPO Account username and password to navigate freely between services
- Common look and feel
  - Integrated services are implementing a common user interface for a consistent, unified user experience

# WIPO IP Portal (2)

## ■ Customizable dashboard

- new widget-based dashboard for logged in users where you can customize your chosen IP services and see your transactions, portfolios, or outstanding actions

## ■ Streamlined payment

- view and process payments in the IP Portal for Hague transactions. PCT and Madrid transactions will be introduced later

## ■ Single messaging system

- Gradual introduction of a centralized messaging system for our IP services



## MY DASHBOARD

Add widgets

## GLOBAL DESIGN DATABASE

Search

Saved Searches

Search Global Designs



Search by Product Indication, Holder name,  
Application/Design number.

## GLOBAL BRAND DATABASE

Search

Saved Searches

Search Global Brands



Search by Brand name, Applicant/Holder name,  
Application/Registration number

## PATENTSCOPE

Search

Saved Searches

Search PATENTSCOPE



Search by Front Page.

## QUICK LINKS

ASEAN

INTA

ARIPO

WIPO Magazine

WIPLA

Intellectual Property

## LATEST NEWS

## WIPO PRESS RELEASES

[WIPO Wire: Domain Name Dispute Resolution for  
China's .CN and .中国 ; Inventorship and the...](#)

August 15, 2019

WIPO Wire

[WIPO Wire: Global Innovation Index 2019  
Launched in India; Digital Transformation](#)

August 1, 2019

WIPO Wire



2 &gt;

## WORLD CLOCK

18:44

MON Sep 16  
Switzerland

22:14

MON Sep 16  
India

12:44

MON Sep 16  
Canada/Eastern

02:44

TUE Sep 17  
Australia/Eastern Standard

## PAYMENT DETAILS

0

Unpaid

0

Basket

0

Pending

0

History

## MADRID MONITOR

0 Watched IRNs

Quick Search



## PAYMENT SUMMARY

0

Unpaid

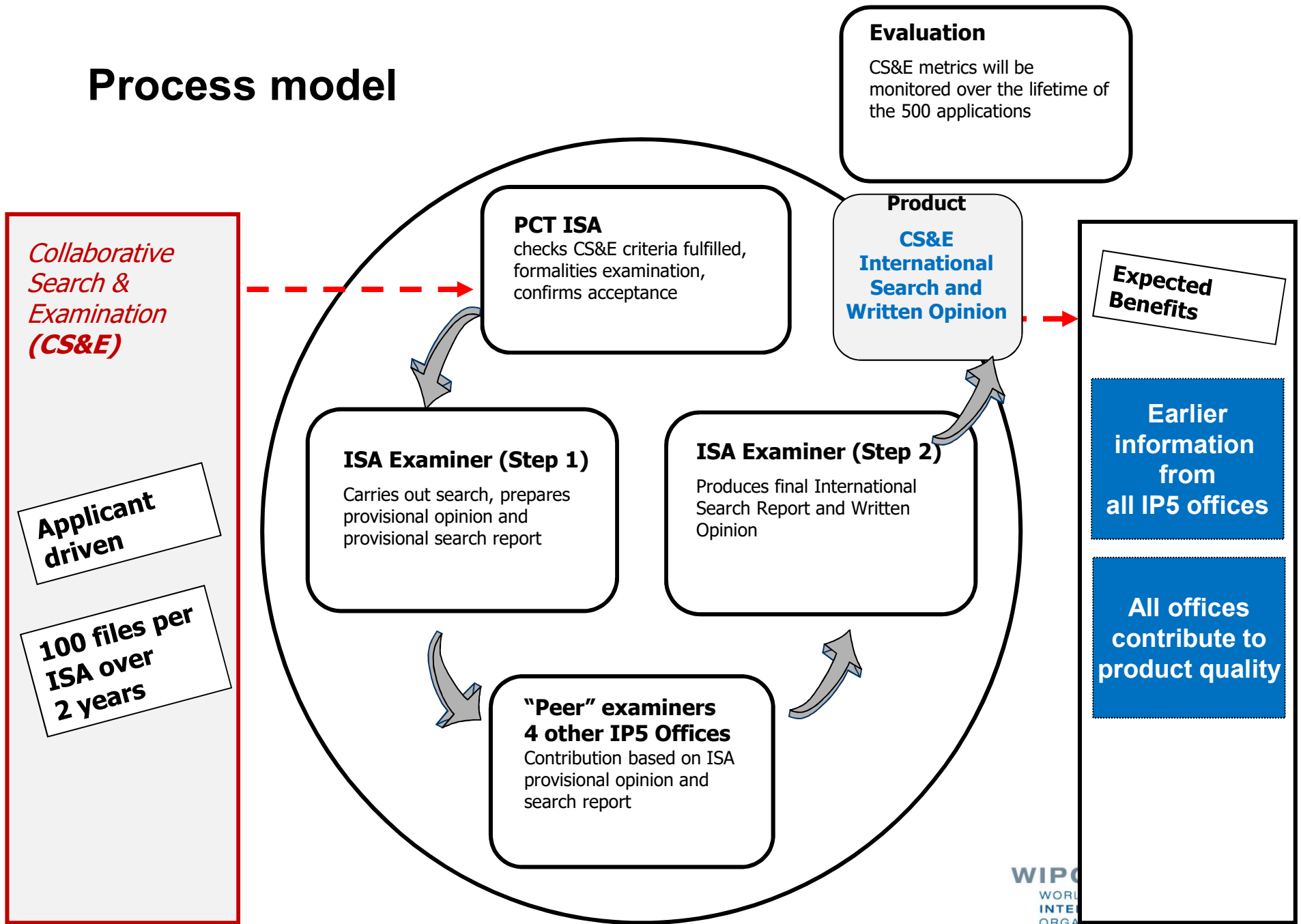
0

Basket

# Collaborative S&E Pilot

- A pilot project among the IP5 Offices, for the establishment of ISR and WO/ISA under the PCT
- Procedure:
  - Main ISA establishes provisional ISR and WO
  - Peer ISAs make contributions on them
  - Main ISA finalizes the ISR and WO (only the final products count)
- All reports and peer contributions will be made available on PATENTSCOPE
- Limitations: 100 applications per ISA; maximum 10 applications per applicant for the same ISA (from 1 July 2018 to 30 June 2020)

# Process model



WIPO  
WORLD  
INTEL  
ORGA

# PCT Working Group and CTC (Oct 2020)

- WG recommended amendments to the PCT Regulations and Administrative Instructions to implement WIPO Standard ST. 26
  - Sequence listings may only be filed in XML format
  - No need to repeat language-dependent free text in the main body of description
- WG reviewed supplementary international search system
- CTC unanimously recommended EAPO to be appointed by the PCT Assembly as an ISA/IPEA
- Next Assembly planned to be held in the first half of 2021



# Question and help

PCT Infoline	Telephone E-mail	+41 22 338 83 38 <a href="mailto:pct.infoline@wipo.int">pct.infoline@wipo.int</a>
RO/IB	Telephone E-mail	+41 22 338 92 22 <a href="mailto:ro.ib@wipo.int">ro.ib@wipo.int</a>
PCT eServices Help Desk	Telephone E-mail	+41 22 338 95 23 <a href="mailto:pct.eservices@wipo.int">pct.eservices@wipo.int</a>



■ **ePCT – WIPO’s online service for filing and managing patent applications under the Patent Cooperation Treaty (PCT)**

**<https://pct.wipo.int>**

# Contents

- ePCT and WIPO IP Portal
- ePCT Modes and Main Functionalities
- ePCT-Filing
- Management of Applications
  - eOwnership and access rights
  - eHandshake
- Post-filing Submission
  - Upload documents
  - ePCT Actions
- What's next

# What is ePCT? (1)

- Web portal developed by WIPO that provides PCT online services for both applicants and IP Offices  
<https://pct.wipo.int>
- User interface available in all PCT publication languages
- Provides secure and direct interaction with PCT applications maintained by the International Bureau
- ePCT-Filing at 70+ PCT receiving Offices
- ePCT allows applicants to conduct a number of electronic PCT transactions ('Actions') with the IB and other participating IP Offices

# What is ePCT? (2)

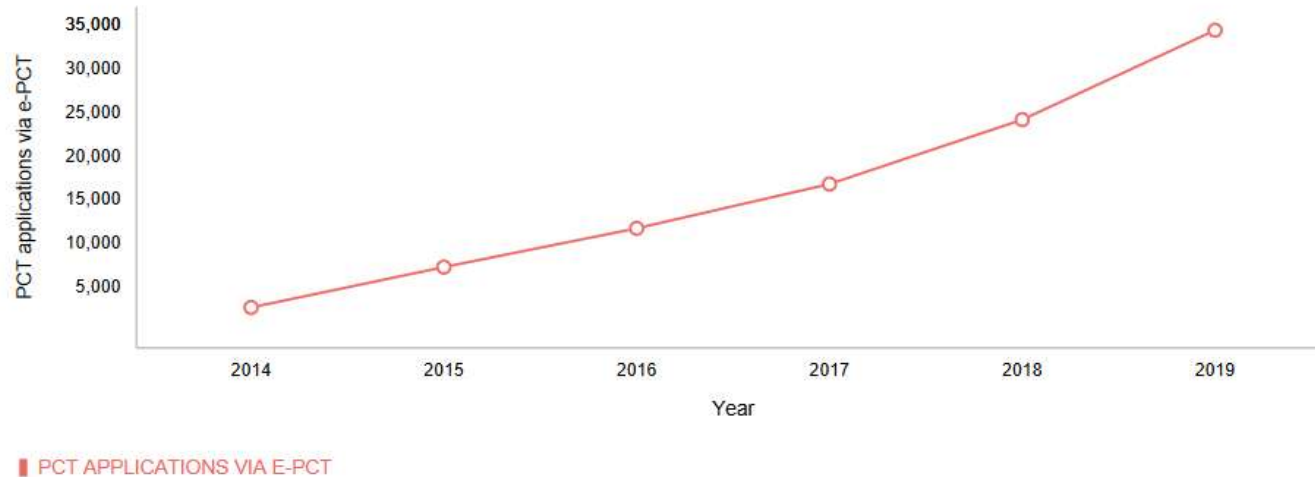
- RO, ISA, IPEA + DO role-based access to PCT applications via secure ePCT Office accounts
- Increasing number of IP Offices now using ePCT for their regular PCT business using services hosted by WIPO
- ‘Office profile’ function allows you to look up if an Office is using ePCT and other useful reference data  
<https://pct.wipo.int/ePCT/private/officeProfile.xhtml>

# ePCT Statistics

## ■ 2019 PCT applications filed via the ePCT-filing portal

**Applicants filed 34,335 PCT applications using ePCT in 2019, representing almost 13% of the total number of PCT applications filed and an increase of 42.6% from 2018.**

C3. Trend in PCT applications filed using ePCT, 2014–2019



Source: WIPO Statistics Database, March 2020.

## ■ 2020 (Jan to Aug)

□ Top 5 countries: US, KR, CA, AU, TR

# WIPO IP Portal - ePCT Integration (1)

- IP Portal launched in September 2019
- Existing ePCT bookmarks redirect to the IP Portal for login
- Notifications (bell icon in navigation bar) include all your messages from WIPO, e.g., ePCT, Madrid, WIPO Current Account, etc.

# WIPO IP Portal - ePCT Integration (2)

Menu – always available across the portal

The screenshot shows the top navigation bar of the WIPO IP Portal. On the left, the text 'WIPO IP PORTAL' is followed by a 'MENU' button highlighted with a red box. On the right, there are links for 'HELP' and 'BLUEHARVEST', along with notification and shopping cart icons, and the 'WIPO' logo. Below the navigation bar, the main content area is divided into three columns: 'PCT', 'Classification Tools', and 'Legal Texts'. The 'PCT' column contains a vertical list of menu items: 'ALL', 'PATENTS' (highlighted), 'MARKS', 'DESIGNS', 'GEOGRAPHICAL INDICATIONS', 'FINANCE', 'IP ALTERNATIVE DISPUTE RESOLUTION', 'DOMAIN NAME DISPUTE RESOLUTION', and 'BOOKMARKS'. The 'Classification Tools' column contains a list of tools: 'Patentscope' (with a search description and bookmark icon), 'ePCT', 'PCT Time Limit Calculator', 'WIPO Pearl', 'DAS', and 'CASE'. The 'Legal Texts' column contains 'WIPO Lex' and 'Others' with 'WIPO IP Portal' listed below it.



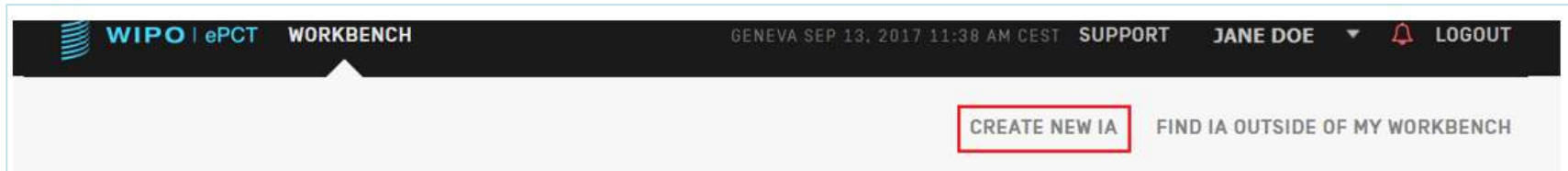
# ePCT Modes

- Sign in without strong authentication:
  - ❑ Only a WIPO Account (username and password) required
  - ❑ Limited functionality: upload correspondence, actions Article 19 amendment and Rule 92bis (for published IAs), ePCT messages, and third party observations
- Sign in with strong authentication:
  - ❑ Authentication via one-time app or SMS or digital certificate (WIPO, EPO)
  - ❑ Access to full range of services and functions
  - ❑ Access to applications filed as of January 1, 2009

# Main Functionalities

- Create new international application
- eOwnership request
  - At the time of filing
  - After filing
- Create e-Handshakes with colleagues
- Manage access rights
- Perform Actions on IAs, including upload documents
- Access to documents as held by the IB, but also other Authorities, RO, ISA, IPEA

# File a new PCT application



- Web-based filing of PCT applications available to all PCT applicants
- Request form can be prepared in all PCT publication languages
- Real-time validation of data against the electronic processing system of the International Bureau
- Fill in the screens in the order in which they appear to benefit from re-use of certain data

# eOwnership and Access Rights

- Access rights (eOwnership) allow you to manage a PCT application in ePCT
- eOwnership is automatic via ePCT-Filing
- If ePCT-Filing is not used, additional steps are required to take eOwnership in PCT-SAFE, JPO-PAS, eOLF
- eOwnership can be obtained to all PCT applications, paper-filed or electronically-filed
- Access rights can be assigned even to drafts prior to filing – practical for signing purposes (ePCT-Filing)
- eOwner can share access with eHandshake contacts
- Other roles: eEditor and eViewer

# Share Access Rights – eHandshake

- First step in sharing access rights to PCT applications
- Consists in the association and trusted recognition between different WIPO User Accounts with strong authentication before access rights can be shared
- eHandshakes do not directly result in shared access rights which have to be specifically assigned (default access rights options can be pre-defined)
- Best practice - always have **at least 2 eOwners** to facilitate access rights management

# Upload Post-filing Documents

- 'Upload documents' (mostly PDF format) to the IB and also to participating Offices in capacity as RO, ISA, IPEA
  - Types of document selectable depend on recipient selected
  - A cover letter is automatically generated – user can type a message to be included in the cover letter
- Simple, secure alternative to sending documents by mail
- Current date and time at the *recipient* Office is displayed in the interface and set as date of receipt
- After upload, documents are visible under Documents and the recipient Office is notified by the system

# Access to Documents on Record

- Access to documents on Record as held by the IB, but also documents submitted to ePCT participating Offices in their capacity as RO, ISA, IPEA

▼ DOCUMENTS				
▼ RECORD AS HELD BY THE IB				
<input type="checkbox"/>	Documents [Doc ID] ↕	Source ↕	Status ↕	Date ▼
<input type="checkbox"/>	<a href="#">E Filing Transmission Receipt [11]</a> 1 page	ePCT	Processed	06 Mar 2017
<input type="checkbox"/>	<a href="#">ePCT Message [9]</a> 1 page	RO	Not yet processed	06 Mar 2017
<input type="checkbox"/>	<a href="#">Application Body as Filed [2]</a> 4 pages	ePCT	Not yet processed	06 Mar 2017
▼ DOCUMENTS FOR ISA/EP				
<input type="checkbox"/>	Documents [Doc ID] ↕	Source ↕	Status ↕	Date ▼
<input type="checkbox"/>	<a href="#">ePCT Cover Letter [10]</a> 1 page	ePCT	Copy as received	07 Mar 2017
<input type="checkbox"/>	<a href="#">Request for Rectification [11]</a> 1 page	ePCT	Copy as received	07 Mar 2017
▼ DOCUMENTS FOR IPEA/EP				
<input type="checkbox"/>	Documents [Doc ID] ↕	Source ↕	Status ↕	Date ▼
<input type="checkbox"/>	<a href="#">Chapter II Demand for IPEA [13]</a> 6 pages	ePCT	Copy as received	07 Mar 2017
<input type="checkbox"/>	<a href="#">ePCT Cover Letter [12]</a> 1 page	ePCT	Copy as received	07 Mar 2017

# ePCT Actions

- Full suite of Actions only available if signed in to ePCT with strong authentication and with eOwner/eEditor access rights to an application

**▼ ACTIONS**

Select Action

Action \*

- Amendments Under Article 19 (text format only)
- Create Power of Attorney
- Declarations under Rule 4.17
- Licensing Availability Request
- Make international application available to DAS
- Observations on close prior art
- Obtain priority document from DAS
- Online Payment
- Prepare and submit indications relating to biological material (RO/134)
- Request for Early Publication
- Rule 92bis change request
- Submit Chapter II Demand
- Translation for international publication
- Upload Documents
- Withdraw Chapter II Demand
- Withdraw Designation(s)
- Withdraw Election(s)
- Withdraw International Application
- Withdraw Priority Claim(s)



# Benefits of Using ePCT Actions

- “Actions” should be used instead of the equivalent document upload
- The user benefits from pre-filled bibliographic data and automated validations to avoid errors; time limit checks
- Data and documents submitted through Actions are directly imported for processing with no need for retyping (reduces potential transcription errors)
- Secondary workflow benefits, e.g.,
  - Action to withdraw application automatically prevents publication if technical preparations not yet complete
  - Action to submit Chapter II Demand reroutes to IB if required for time limit (e.g., time limit just expired at IPEA/AU)

# File View

- Date and time in Geneva, Switzerland, is displayed at the top of the screen to facilitate awareness of deadlines
- Timeline: graphical representation of PCT time limits
- Summary of key dates
- Publication date and front page preview
- E-mail alerts for most of these time limits can be set up in Notifications Preferences

# What's Next

- Offer full web-services for machine-to-machine access to ePCT for large companies and Offices
- Other means of strong authentication

# HELP with ePCT

- DEMO mode for practice <https://pctdemo.wipo.int>
- Interactive FAQ via the HELP link on ePCT portal <https://pct.wipo.int>
- ePCT for applicants and third parties <https://pct.wipo.int/ePCTExternal/pages/landing.xhtml>
- PCT eServices Help Desk
  - Tel: +41-22-338-9523
  - E-mail: [pct.eservices@wipo.int](mailto:pct.eservices@wipo.int)
  - Monday to Friday, 9am-6pm Geneva time
  - Chat feature available

# Useful ePCT Articles

- [Getting started](#)
- [ePCT strong authentication methods](#)
- [eOwnership, eHandshakes and Access Rights](#)
- [External signature](#)
- [Actions](#)
- [ePCT Filing](#)
  - [Filing at RO/IB \(as an example of ePCT-Filing\)](#)
  - [Filing at RO/US using ePCT in combination with EFS-Web](#)

# Thank you!



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**WIPO**  
WORLD  
INTELLECTUAL PROPERTY  
ORGANIZATION