

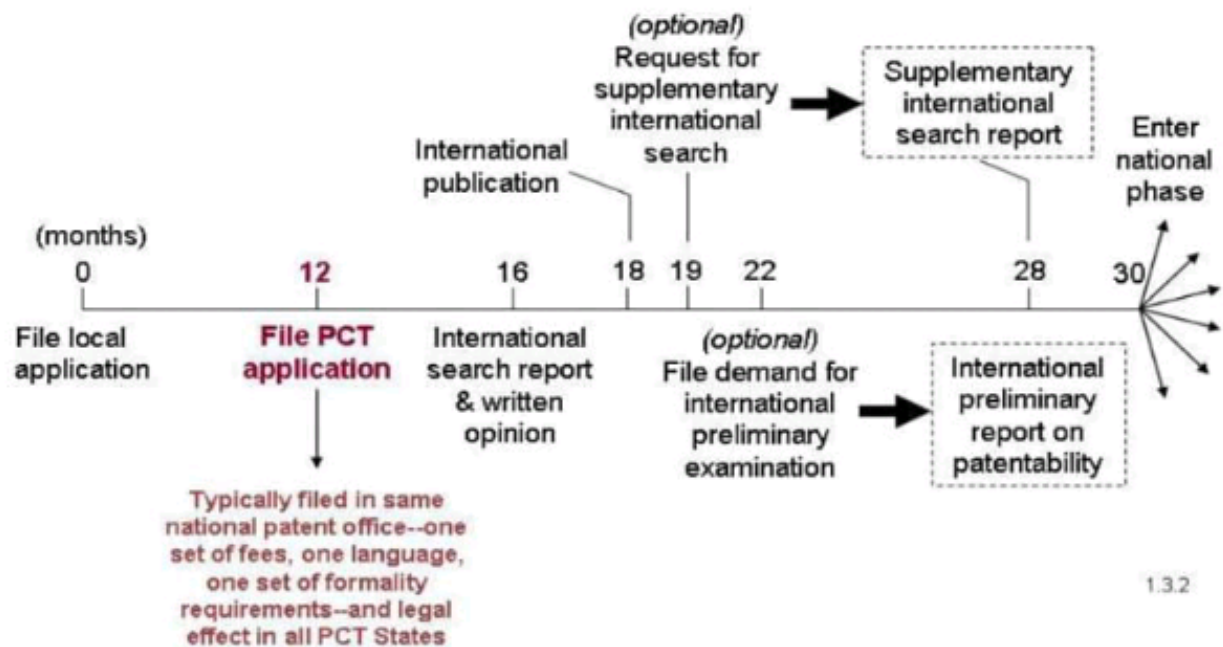
INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (CHAPTER I)

- If a demand is not filed, after having considered the written opinion of the ISA, the WIPO will attach a cover sheet to this written opinion effectively converting it into the international preliminary report on patentability (Chapter I).

International Publication

- The International Bureau of WIPO publishes the PCT application on PATENTSCOPE® shortly after 18 months from the priority date of your PCT application.
- *(optional)* - Supplementary International Search
- The request for supplementary international search may be filed anytime prior to the expiry of 19 months from the priority date.
- In case where a more complete overview of the prior art is desired, particularly in respect of specific languages.
- The supplementary international search report prepared by the International Searching Authority is available within 28 months from the priority date.

THE TIMELINE PROVIDES YOU WITH A GRAPHICAL REPRESENTATION OF THE PCT PROCEDURE AND SEQUENCE



1.3.2

FILING OF A LOCAL (FIRST) PATENT APPLICATION

- A request
- A description
- One or more claims
- An abstract
- One or more drawings (where necessary)
- Payment of Prescribed fees

FILING OF A PCT APPLICATION

- have up to 12 months from the filing date of your local (first) application to file PCT application with the receiving Office.
- Minimum Requirements to obtain an International Filing Date
 - at least one of the applicants is a resident or national of a PCT Contracting State
 - the application must be in a language accepted by the receiving office
 - the PCT application contains at least the following elements:
 1. an indication that it is intended to be a PCT application
 2. the name of at least one applicant
 3. a description
 4. a claim or claims

FEES PAYABLE

- transmittal fee
- international filing fee
- search fee
- Priority document fee
- have up to one month from the date that the receiving Office receives the PCT application to pay the transmittal fee, international filing fee, and search fee.
- provides for a 90% reduction in the international filing fee for individuals whose Nationality and Residence is in one of the PCT contracting states.

HISTORY OF PCT

- The Washington Diplomatic Conference on the Patent Cooperation Treaty took place from May 25 to June 19, 1970. The Patent Cooperation Treaty was signed in Washington at the very end of the conference, i.e., on June 19, 1970. The Treaty entered into force on January 24, 1978 initially with 18 Contracting States. The first international applications were filed on June 1, 1978. The Treaty was subsequently amended in 1979, and modified in 1984 and 2001. Any Contracting State to the Paris Convention for the Protection of Industrial Property can become a member of the PCT. A majority of the world's countries are signatories to the PCT, including all of the major industrialized countries. As of September 28, 2009, there were 142 Contracting States to the PCT. On 24 September 2009, Thailand deposited its instrument of accession to the PCT, and on 24 December 2009, will become bound by the PCT. Consequently, any international application filed on or after 24 December 2009 will automatically include the designation of Thailand.

WHEN DID INDIA JOIN THE PCT?

- In August, 1998 India joined the Patent Cooperation Treaty (PCT) by acceding to the Paris Convention on Intellectual Property.
- The Paris Convention, a treaty more than 100 years old, offers a 12 month grace period for an inventor to file a patent application in other member countries after filing in the home country.
- The PCT extends the benefits of the Paris Convention by allowing an inventor to file an "international patent application," which has the effect of filing a separate patent application in each of the PCT member countries designated by the inventor.
- The Indian Patent Office has been designated as the receiving office for PCT applications.

THE PCT OFFERS THE FOLLOWING ADVANTAGES:

- One set of Formality Requirements in one language at one office
- International Search [Mandatory] which provides for the Written Opinion of the International Searching Authority
- International Publication and
- International Preliminary Examination Report [Optional] followed by a National/Regional Phase before Designated Offices within 30/31 months and only if the Applicant wishes to proceed
- Postpones major costs and provides additional time to consider various patenting options
- Provides a strong basis for patenting decisions

WHERE TO FILE THE INTERNATIONAL APPLICATION

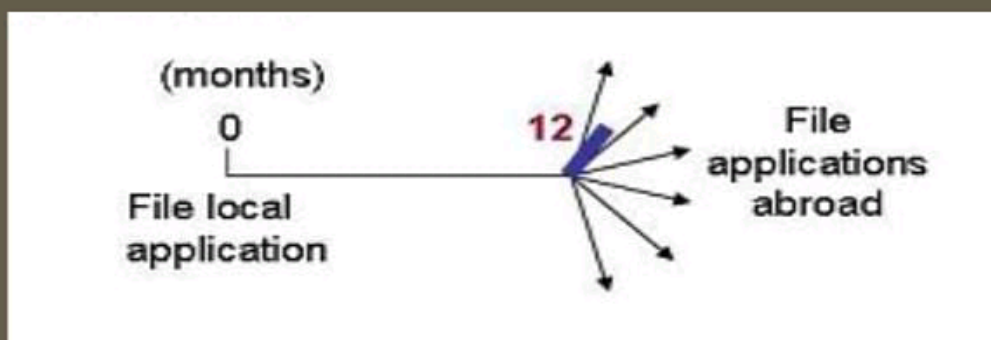
- local or national patent Office,
- directly with the International Bureau of WIPO,
- regional receiving Office (the ARIPO, the Eurasian Patent Convention, the European Patent Convention or the OAPI)

THE PCT PROCESS IS COMPRISED OF THE FOLLOWING MAIN STEPS:

- **First Patent Application**
 - (1) Filing of a local patent application
- **International Phase**
 - (2) Filing of a PCT application
 - (3) International search report (ISR) and written opinion
 - (4) International publication
 - (5) *Optional supplementary international search*
 - (6) *Optional international preliminary examination*
- **National Phase**
 - (7) Processing of the PCT application before national and/or regional patent Offices

PATENT CO-OPERATION TREATY

THE TRADITIONAL PATENT SYSTEM



PATENT CO-OPERATION TREATY [PCT]

- It is an international treaty, administered by the World Intellectual Property Organization (WIPO).
- Makes it possible to seek patent protection for an invention simultaneously in each of a large number of countries by filing a single 'international' patent application instead of filing several separate national or regional patent applications.
- It is a Patent 'filing' system and not a Patent 'granting' system.
- While the PCT simplifies the patent filing process, the ultimate decision to grant a patent rests exclusively with each national or regional patent Office.