

Patent Cooperation Treaty

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Innovative Assignment

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Patent Cooperation Treaty

History

The Patent Cooperation Treaty (PCT) is a universal patent law arrangement, finished up in 1970.

It gives a brought together strategy to documenting patent applications to ensure developments in

every one of its contracting states. A patent application documented under the PCT is called a worldwide application, or PCT application.

The PCT was closed in 1970, altered in 1979, and changed in 1984 and 2001.

It is available to States gathering to the Paris Convention for the Protection of Industrial Property (1883). Instruments of approval or promotion must be stored with the Director General of WIPO.

The Treaty makes it possible to seek patent protection for an invention simultaneously in each of a large number of countries by filing an "international" patent application. Such an application may be filed by anyone who is a national or resident of a Contracting State. It may generally be filed with the national patent office of the Contracting State of which the applicant is a national or resident or, at the applicant's option, with the International Bureau of WIPO in Geneva. If the applicant is a national or resident of a Contracting State which is party to the European Patent Convention, the Harare Protocol on Patents and Industrial Designs (Harare Protocol), the revised Bangui Agreement Relating to the Creation of an African Intellectual Property Organization or the Eurasian Patent Convention, the international application may also be filed with the European Patent Office (EPO), the African Regional Industrial Property Organization (ARIPO), the African Intellectual Property Organization (OAPI) or the Eurasian Patent Office (EAPO), respectively.

The PCT is administered by the UN agency World Intellectual Property Organization (WIPO)

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with its headquarters in Geneva. A PCT application is dealt with in one or two phases. First, a mandatory international search is carried out (phase I), which results in an International Search Report (ISR). Then, the applicant can request an optional international preliminary examination

(phase II), which results in an International Preliminary Report on Patentability (IPRP Chapter II).

Overview

The PCT is an international treaty with more than 150 Contracting States.¹ The PCT makes it possible to seek patent protection for an invention simultaneously in a large number of countries by filing a single “international” patent application instead of filing several separate national or regional patent applications. The granting of patents remains under the control of the national or regional patent Offices in what is called the “national phase”.

Filing:

- The international patent application, provided that it complies with the minimum requirements for obtaining an international filing date, has the effect of a national patent application in or for all PCT Contracting States.
- One can record a worldwide patent application with his/her national patent Office, or specifically with WIPO whenever allowed by the State's national security arrangements.
- In most states, candidates record PCT applications electronically.
- It takes up to an extra year and a half from the time one records the universal patent application before starting the national stage systems with individual patent Offices and

- One doesn't need to sit tight for the lapse of 30 months from the most punctual documenting date of patent application before entering the national stage – an early section ask for into the national stage can simply be made.
- Regulations and practices, the time required for the examination and the allow of a patent differs crosswise over patent Offices.
- The impact of asserting the need of a prior patent application is that a patent will not be discredited by reasons of any demonstrations achieved in the interim, for example, another recording, the production or offer of the creation.
- You can document a universal patent application in any dialect as long as the getting Office acknowledges it.

International Search:

- A PCT worldwide pursuit is a fantastic hunt of the important patent reports and other specialized writing in those dialects in which most patent applications are recorded.
- The accessibility of a specific ISA to the nationals or inhabitants of a nation is dictated by the accepting Office where the worldwide application was documented.
- The worldwide pursuit report comprises primarily of a posting of references to distributed patent records and specialized diary articles which may influence the patentability of the development uncovered in the universal application.
- The report empowers you to assess your odds of getting licenses in PCT Contracting States.
- An universal look is completed for all global applications ,as a lead . Anyway the ISA is

- The ISA will issue a partial search report, under certain circumstances. This can occur when, in the view of the ISA, the international application contains multiple inventions but the applicant has not paid additional search fees to cover the work required to search those additional invention(s).
- For every international application, the ISA will establish, a preliminary and non-binding opinion on whether the invention appears to meet the patentability criteria in light of the search report results, at the same time that it establishes the international search report.

Supplementary International Search:

- Supplementary universal hunt allows the candidate to demand, at least one strengthening worldwide quests, notwithstanding the global pursuit, each to be done by an ISA other than the ISA which completed the fundamental worldwide inquiry.
- The strengthening universal inquiry report contains a posting of references to patent records and other specialized writing which may influence the patentability of the development asserted in the worldwide application, notwithstanding the substance and appearance like the principle global pursuit report. Except if important, it doesn't rehash records which have just been referred to in the universal hunt report.

International Publication:

- PCT universal applications are distributed online on PATENTSCOPE, an intense, completely accessible database with adaptable, multilingual interfaces and interpretation apparatuses to help clients and general society in understanding the substance of

- Until global distribution (year and a half after the need date), no outsider is enabled access to worldwide application except if a candidate asks for or approves it. On the off chance that you wish to pull back your application (and you do as such before universal distribution), worldwide production does not occur and, as an outcome, no entrance by outsiders is allowed.

International Preliminary Examination:

- International starter examination is a second assessment of the potential patentability of the creation, utilizing similar measures on which the composed conclusion of the ISA was based. For a given PCT application, there might be at least one skillful IPEAs; your accepting Office can supply points of interest or you may counsel the PCT Applicant's guide and the PCT Newsletter.
- The IPRP (Chapter II) which is given to you, to WIPO and to the national (or local) patent Offices, comprises of a sentiment on the consistence with the worldwide patentability criteria of every one of the cases which have been sought. It gives you a significantly more grounded premise on which to assess your odds of acquiring licenses, much of the time on a revised application, and, if the report is great, a more grounded premise on which to proceed with your application before the national and provincial patent Offices. The choice on the giving of a patent remains the duty of every one of the national or provincial Offices in which you enter the national stage; the IPRP ought to be

National Phase:

You must satisfy the prerequisites for section into the national stage, simply after you have chosen whether, and in regard of which States, you wish to continue encourage with your global application.

- More general data on national stage passage can be found in the PCT Applicant's guide, National Phase, and particular data concerning charges and national necessities can be found in the national sections for every PCT Contracting State in a similar Guide.
- Once you have entered the national stage, the national or provincial patent Offices concerned start the way toward deciding if they will give you a patent.

Further Information:

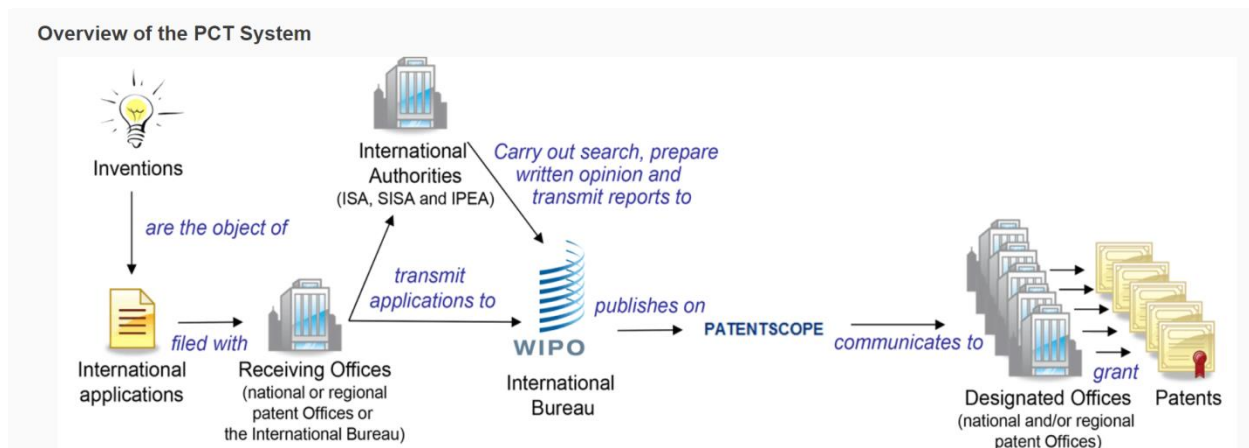
- PCT is administered by WIPO. WIPO also organises PCT Working Group, Meeting of international Authorities and PCT Assembly. WIPO is responsible for:
 - receiving and putting away all application records;
 - performing a convention examination;
 - distributing the worldwide application on WIPO's online database PATENTSCOPE
 - distributing information about the PCT application as recommended in the Treaty and Regulations .

- deciphering different segments of the PCT application and certain related reports into English or potentially French, where vital
- imparting records to Offices and outsiders
- giving legitimate guidance on demand to Offices and clients.
- provides in general coordination of the PCT System
- gives help to existing, new and potential Contracting States and their Offices
- gives guidance on actualizing the PCT in the national enactment and on setting up inside strategies in the Contracting States' patent Offices
- distributes the PCT Newsletter's guide and the PCT Newsletter

Advantages of Patent Cooperation Treaty:

- You have up to 18 months more to appoint local patent agents in each foreign country, to prepare the necessary translations and to pay the national fees.
- If your international application is in the form prescribed by the PCT, it cannot be rejected on formal grounds by any PCT Contracting State patent Office during the national phase of the processing of the application.
- The international search report and written opinion contain important information about the potential patentability of your invention, providing a strong basis for you to make business decisions about how to proceed.
- Since each international application is published together with an international search report, third parties are in a better position to evaluate the potential patentability of the claimed invention.
- PCT brings the world within reach.

- PCT streamlines the process of fulfilling diverse formality requirements.
- PCT postpones the major costs associated with seeking multinational patent protection.
- PCT provides a strong basis for patenting decisions.
- PCT is used by the world's major corporations, research institutions and universities when they seek multinational patent protection.



Recent developments in the PCT system:

- **PATENTSCOPE:** PATENTSCOPE gives a client free access to more than 67 million patent reports notwithstanding more than 3.3 million PCT applications. It comprises of the national patent information accumulations of a few patent workplaces. PATENTSCOPE highlights various intense apparatuses, including cross-lingual and concoction compound hunt and in addition machine interpretation.
- **WIPO Pearl:** Another component called "WIPO Pearl" has now been added to the WIPO database which is an online phrasing database utilized for looking multilingual substance. It is accessible in every one of the 10 PCT dialects. It advances precise utilization of key terms crosswise over different dialects and furthermore makes it less demanding to hunt and offer logical and specialized learning.

- **Licensing Availability:** Candidates whoever is occupied with executing permitting understandings in connection to their PCT application can imply the International Bureau (IB) and demand them to make this data accessible on PATENTSCOPE.
- **Third party Element:** Under this element, outsiders can present their earlier workmanship perceptions pertinent to 'oddity' and 'imaginative advance'. It is a Web-based framework which utilizes ePCT or web-shapes in PATENTSCOPE. Entries are conceivable until the point that the lapse date, which is 28 months from the need date.
- **PCT Direct:** New administrations are being offered by the EPO and Israel Patent Office in which candidates can deliver their issues identifying with patentability in the scan feeling set up for the need application by a similar office. Its point is to enhance the productivity and nature of the system received by ISA.
- **WIPO Mediation Center (AMC) and Arbitration Fee Reductions:** 25% lifetime decrease is offered on AMC's enrollment and organization charges, wherein no less than one gathering to the question has been named as a candidate or designer in a distributed PCT application.
- **The due date for asking for advantageous worldwide pursuit** has been reached out from 19 months to 22 months from the need date.
- **90% fee reductions:** As of late, an alteration was made to the PCT Schedule of Fees which illuminates an understanding that the 90% charge decreases in thing 5 of the Schedule of Fees are planned just for people recording a universal application in their very own privilege and not those documenting a worldwide application for the benefit of a man or substance which isn't qualified for the decrease.

- There have been 152 States that have as of late gone under PCT Coverage. The ongoing increments into the rundown of contracting states are Jordan, Kuwait and Cambodia.

Conclusion

There have been numerous improvements on Patent Cooperation Treaty (PCT) System to encourage PCT filings. The PCT entryway has been overhauled to make it more easy to understand and the e-PCT recording framework has been changed for smooth web based documenting of information.

There have been couple of vital activities which were likewise taken by the Indian Patent Office (IPO) to encourage PCT filings by Indian candidates. Since the Indian patent office (IPO) has achieved the fifteenth position among best PCT recording nations, there has been a considerable measure of spotlight on expanding the quantity of PCT patent applications with a specific end goal to accomplish a higher position.

References

- <http://www.mondaq.com/india/x/697272/Patent/Recent+Developments+In+The+Patent+Cooperation+Treaty+PCT+System>
- <http://www.wipo.int/pct/en/faqs/faqs.html>

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- <https://blog.ipleaders.in/overview-on-patent-cooperation-treaty-2-pct/>