

Patent Cooperation Treaty (PCT) 2019-2020 Updates



IP Information Roundtable
Geneva (online) – December 1, 2020

- Speaker: Christine Bonvallet
Director
PCT International Cooperation Division



WIPO | PCT
The International
Patent System

Overview

- WIPO and PCT system

- PCT Statistics

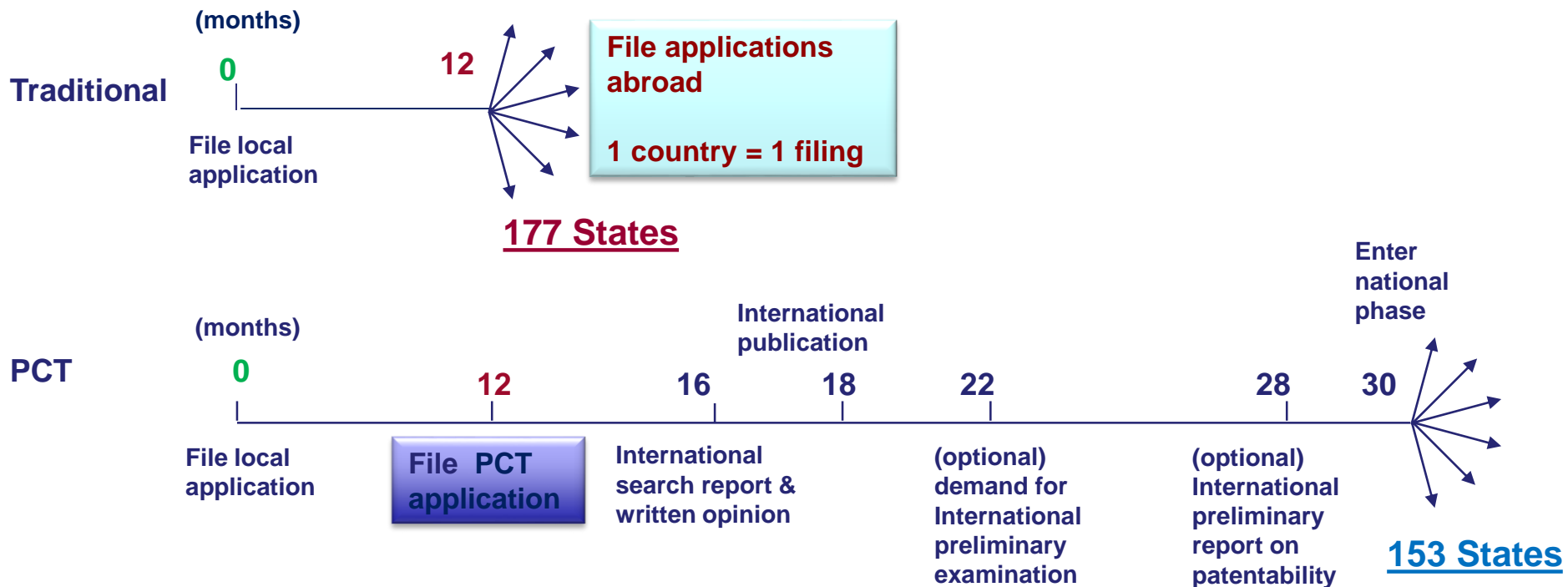
- WIPO Covid-19 response

- and updates:

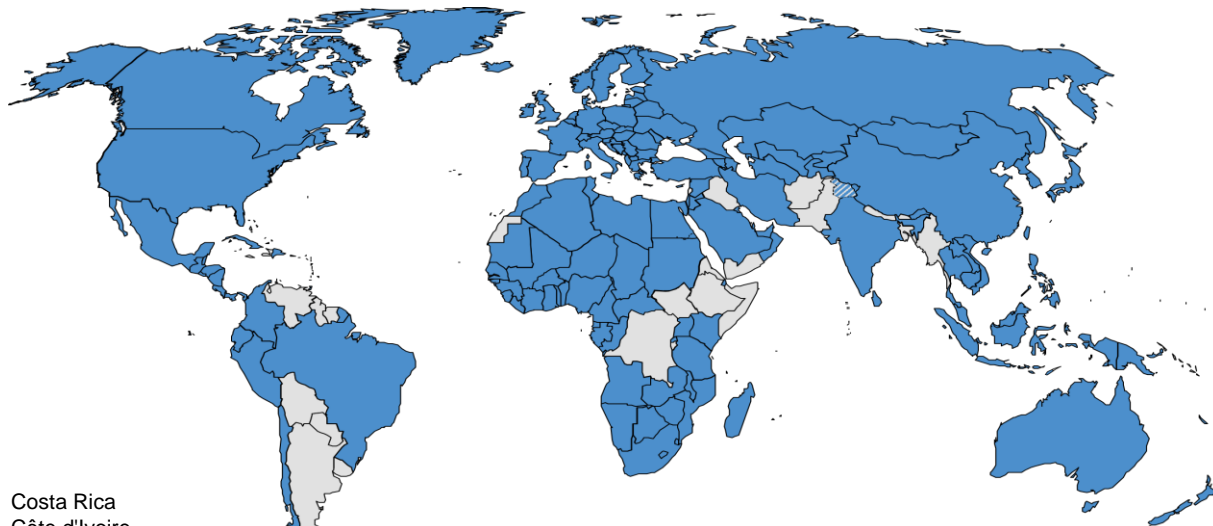
- Amendments to PCT Regulations as from 1 July 2020

- PCT Working Group and CTC 2020

Seeking patents multinationally: traditional patent system (“Paris Route”) vs. PCT system



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
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
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
Kazakhstan
Kenya
Kuwait
Kyrgyzstan
Lao People's Dem Rep.
Latvia
Lesotho
Liberia
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

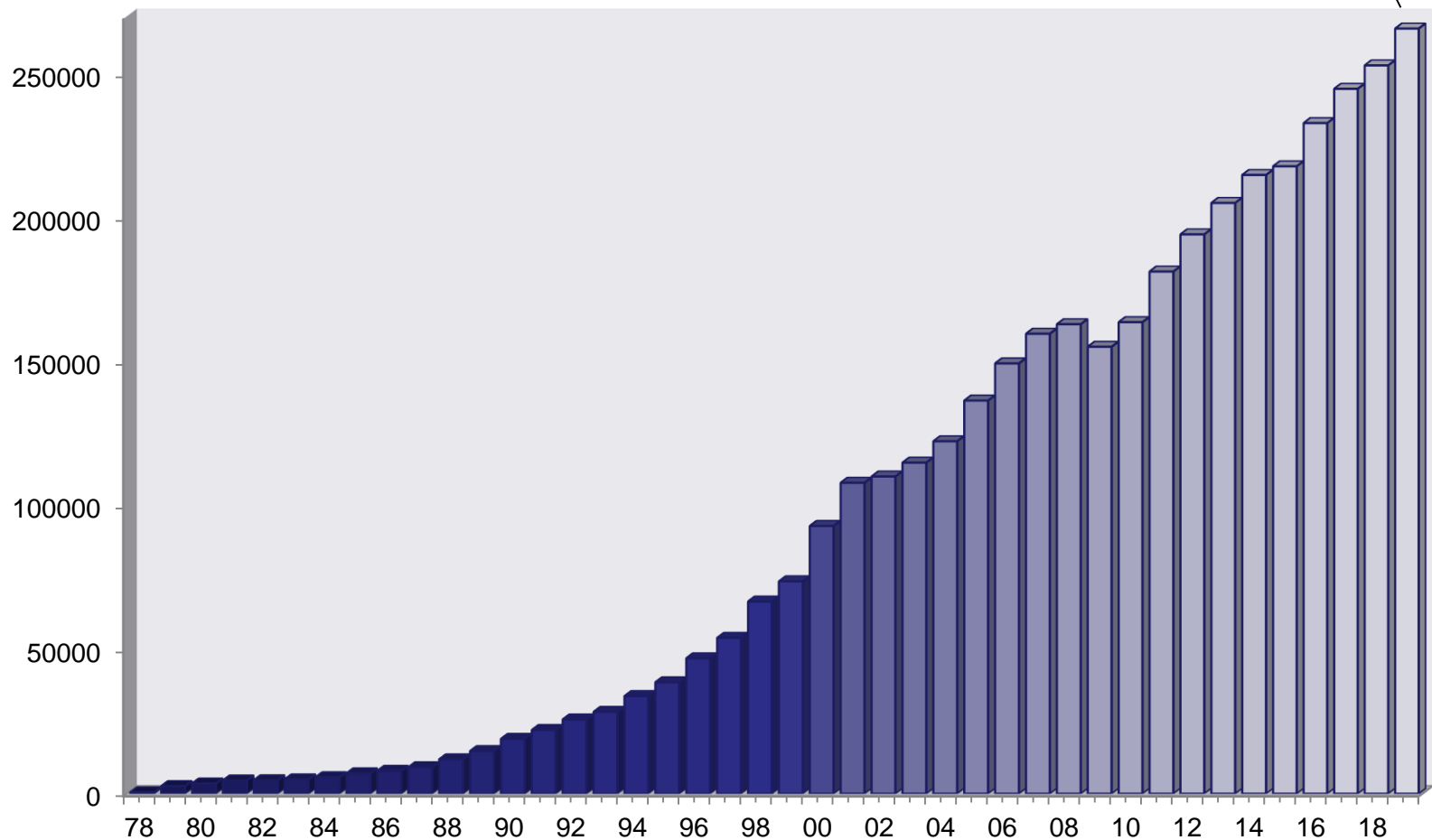
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UN Member States not yet in PCT

Afghanistan	Kiribati	Tuvalu
Andorra	Lebanon	Uruguay*
Argentina	Maldives	Vanuatu
Bahamas	Marshall Islands	Venezuela
Bangladesh*	Mauritius*	Yemen
Bhutan**	Micronesia	
Bolivia*	Myanmar*	(40)
Burundi	Nauru	
Cape Verde**	Nepal	
Democratic Republic of Congo	Pakistan	
Eritrea	Palau	
Ethiopia	Paraguay	
Fiji	Solomon Islands	
Guyana	Somalia	
Haiti	South Sudan	
Iraq	Suriname	
Jamaica**	Timor-Leste	
	Tonga	

PCT Applications

•265,800 (+5.2%)

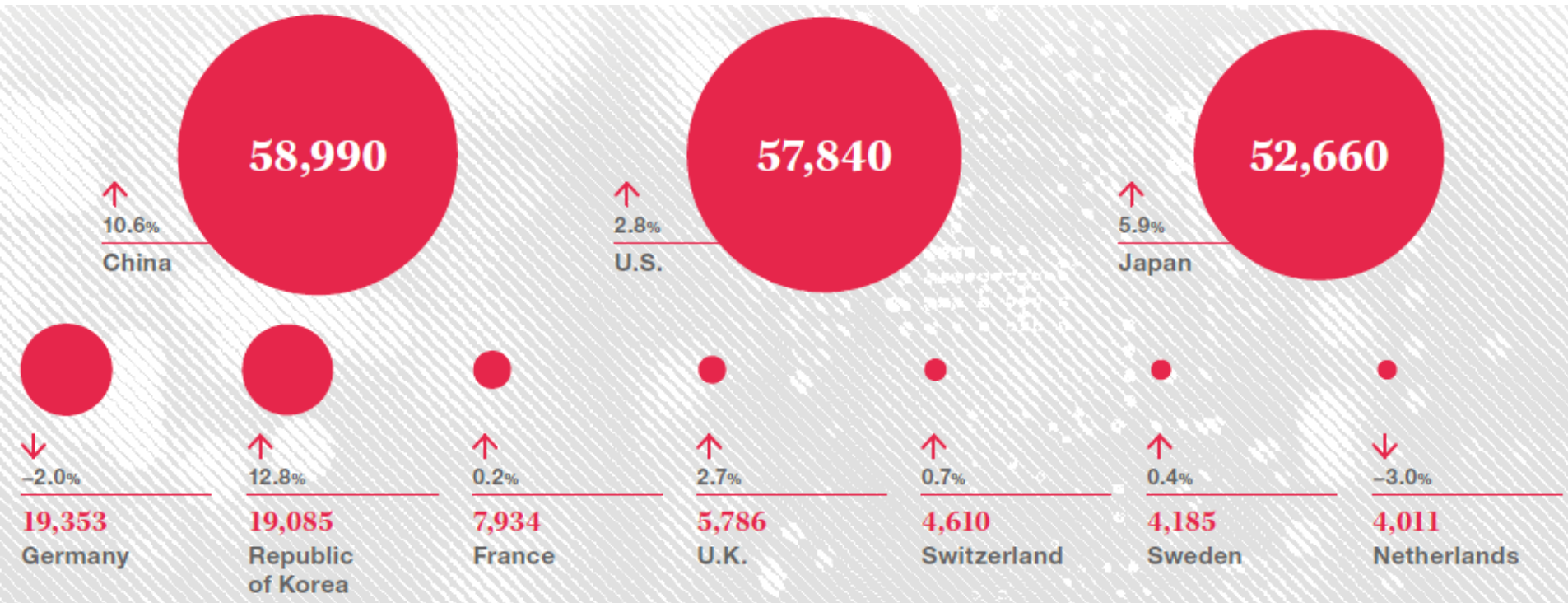


265,800 international applications in 2019 (+ 5.2 %)

World Economic Growth 2019 (+2.9%)

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International applications received in 2019 by country of origin

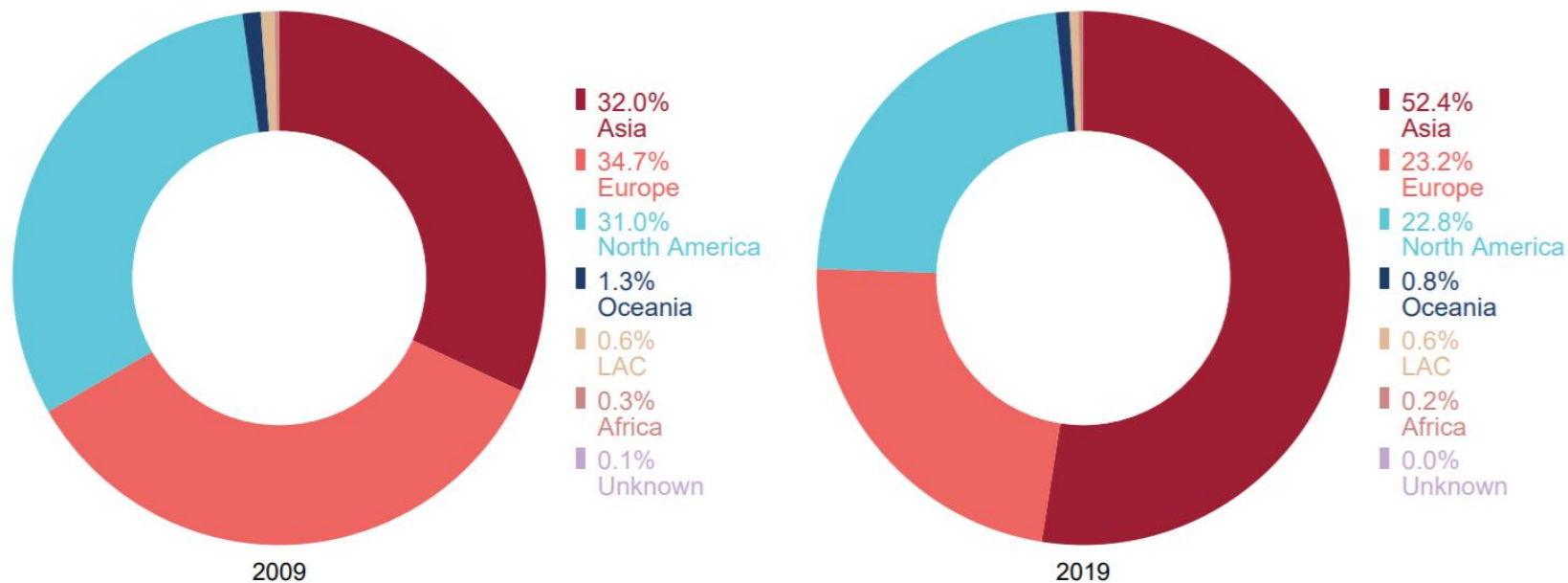


- China becomes top PCT origin country; US held this position since 1978
- 22.2% originating in China, 21.8% in US, 19.8% in Japan
- 63.8% from the top 3 countries, 78.2% from top 5 countries, 92.8% of filings from top 15 countries (Asia > 52%)

PCT regional share 2009 & 2019

Asia accounted for the majority of PCT applications filed in 2019.

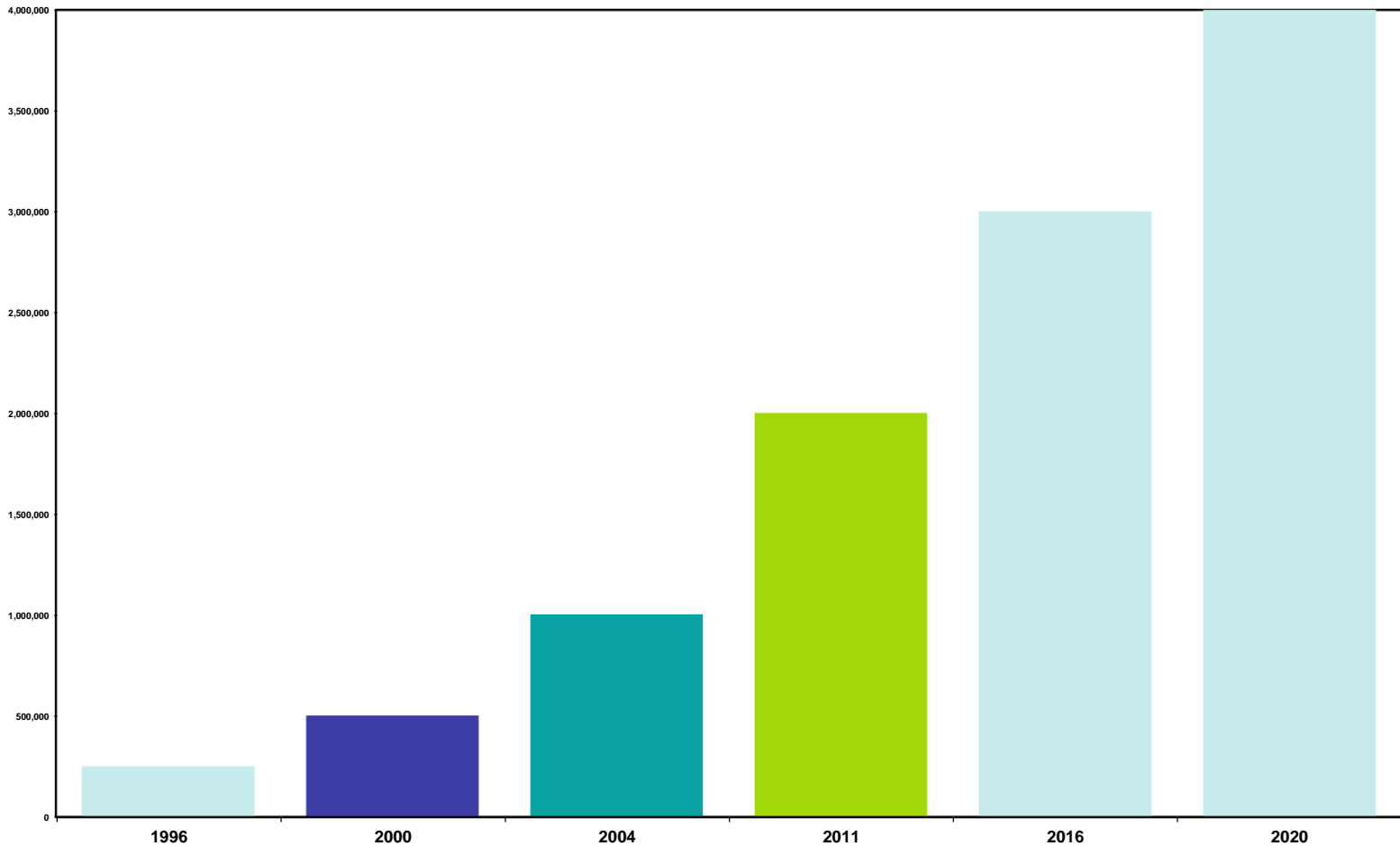
A3. Distribution of PCT applications by region, 2009 and 2019



Note: Data for 2019 are WIPO estimates. Each region includes the following number of offices: Africa (21), Asia (36), Europe (43), Latin America and the Caribbean (LAC) (20), North America (3) and Oceania (4).

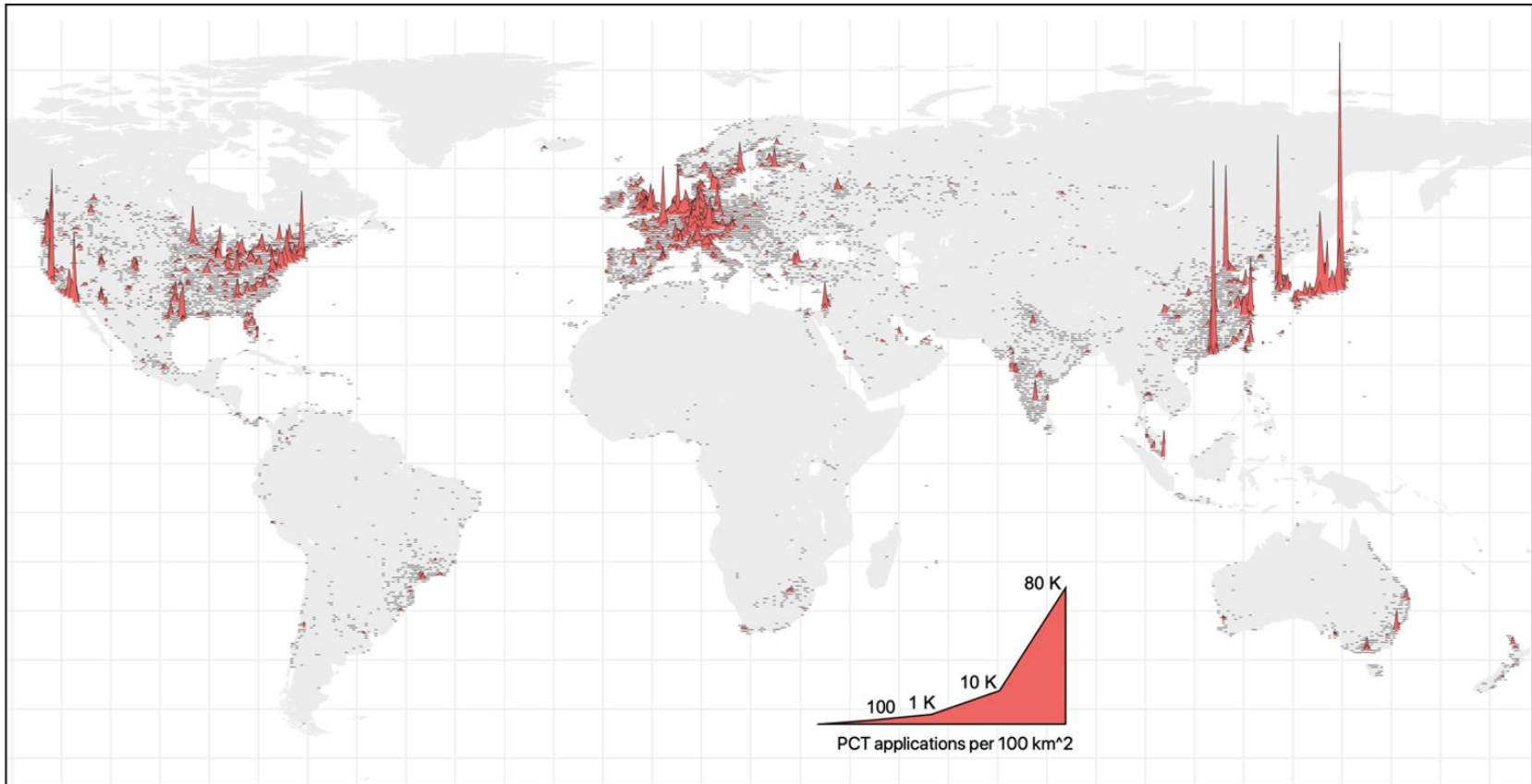
Source: WIPO Statistics Database, March 2020.

4 million+ PCT applications



- 26 years for 1st million applications
- 7 years for 2nd million
- 5-6 years for 3rd million
- 4 years for 4th million

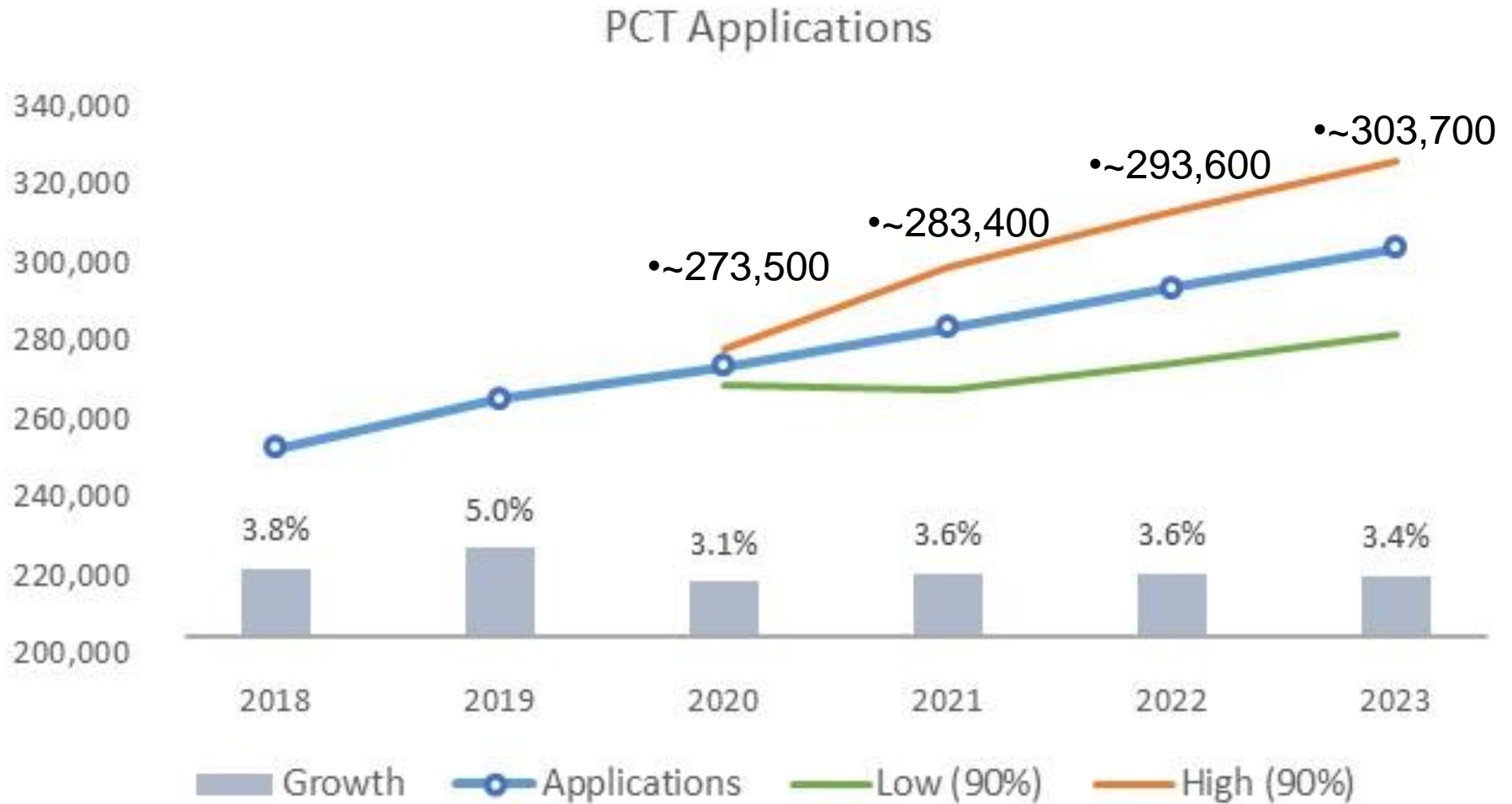
S1. PCT application density per 100 square kilometers, 2014–2018



Source: WIPO Statistics Database, March 2020.

- the top 50 PCT clusters are evenly distributed across Asia (17), Europe (17) and North America (16)

PCT Application Filings (forecast) •(October 2020)



Top PCT applicants in 2019

1. Huawei Technologies—CN (4,411)
2. Mitsubishi Electric—JP (2,661)
3. Samsung—KR (2,334)
4. Qualcomm—US (2,127)
5. Guang Dong Oppo Mobile Telecom—CN (1,927)
6. BOE Technology Group—CN (1,864)
7. Ericsson—SE (1,698)
8. Ping An Technology (Shenzhen)—CN (1,691)
9. Bosch—DE (1,687)
10. LG Electronics—KR (1,646)
11. LG Chem, Ltd.—KR (1,624)
12. Panasonic—JP (1,567)
13. Sony—JP (1,566)
14. Hewlett-Packard—US (1,507)
15. Microsoft—US (1,370)

*() of published
PCT applications*

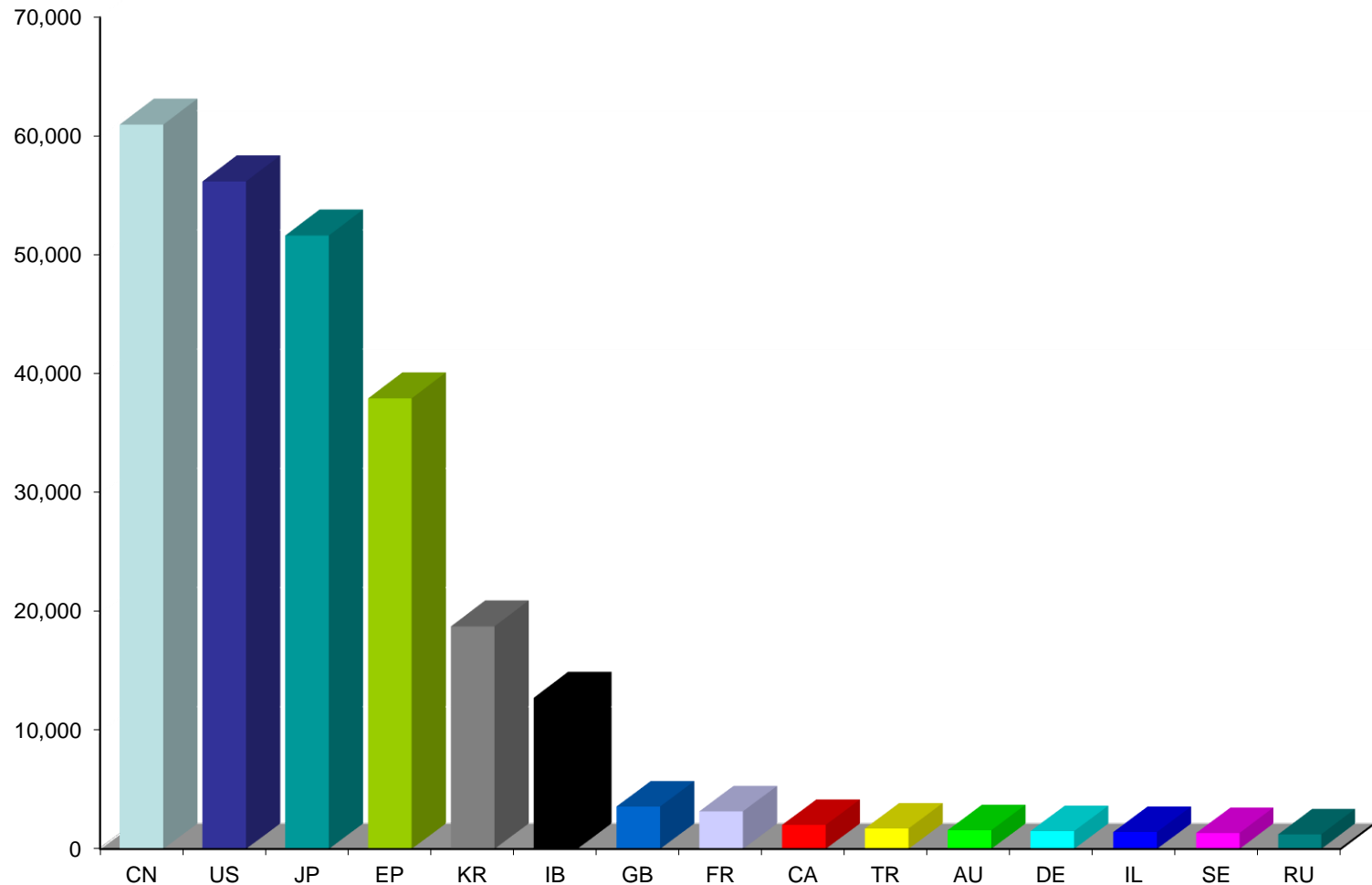
Top PCT University applicants in 2019

1. University of California (US)
2. Tsinghua University (CN)
3. Shenzhen University (CN)
4. Massachusetts Institute of Technology (US)
5. South China University of Technology (CN)
6. University of Texas (US)
7. Dalian University of Technology (CN)
8. Harvard University (US)
9. Seoul National University (KR)
10. Stanford University(US)
11. King Abdullah University of Science and Technology (SA)
12. University of Tokyo (JP)
13. Jiangnan University (CN)
14. Hangyang University (KR)
15. University of Michigan (US)

Top Government/PRO PCT Applicants in 2019

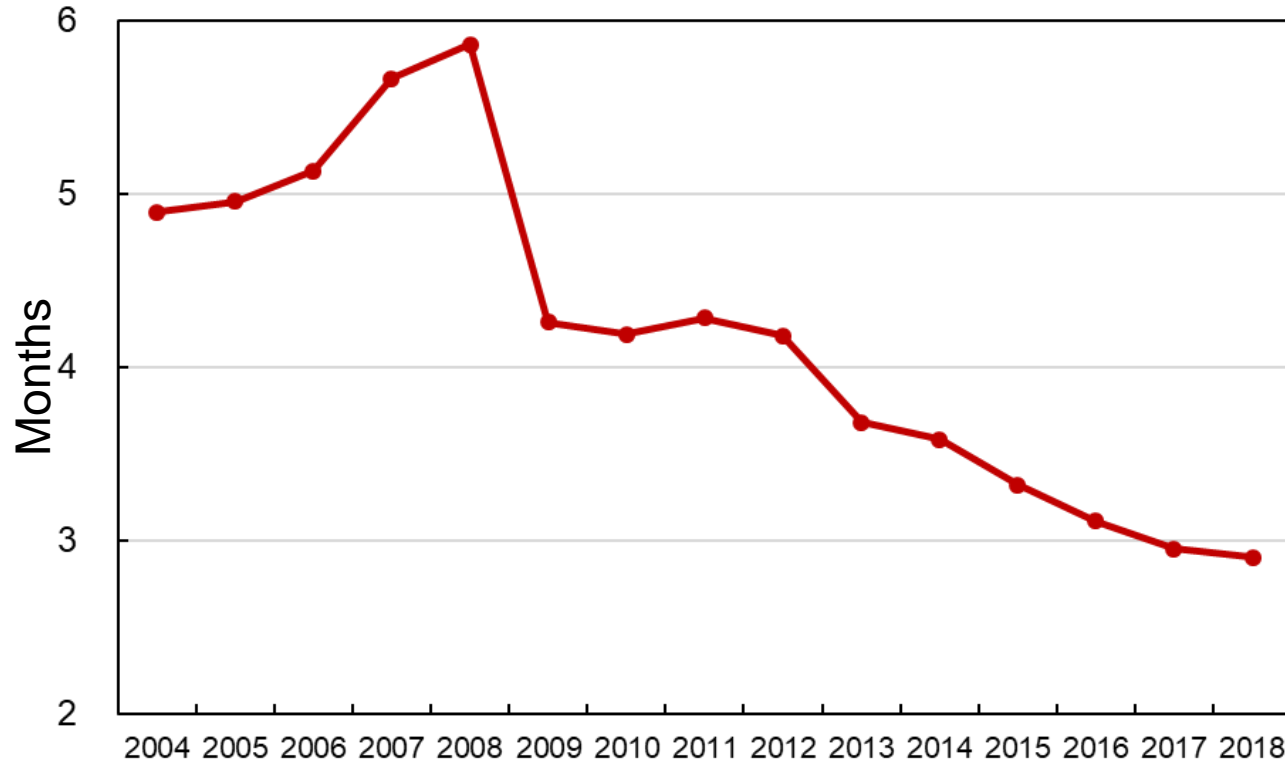
1. Fraunhofer-Gesellschaft (DE)
2. China Academy of Telecommunications Technology (CN)
3. Commissariat a L'Energie Atomique et aux Energies Alternatives (FR)
4. Shenzhen Institute of Advanced Technology (CN)
5. Agency of Science, Technology and Research (SG)
6. Centre National de la Recherche Scientifique (FR)
7. Institut National de la Sante et de la Recherche Médicale (FR)
8. National Institute of Advanced Industrial Science and Technology (JP)
9. United States of America, Secretary of Health and Human Services (US)
10. Mayo Foundation for Medical Education and Research (US)
11. Korea Electronics and Technology Institute (KR)
12. Nederlandse Organsatie Voor Toegepast-Natuurwetenschappelijk Tno (NL)
13. Sloan-Kettering Institute for Cancer Research (US)
14. Consejo Superior de Investigaciones Cientificas (ES)
15. Korea Researach Institute of Chemical Technology (KR)

International applications received in 2019 by receiving Office



•The top 10 receiving Offices accounted for 94% of all PCT applications filed

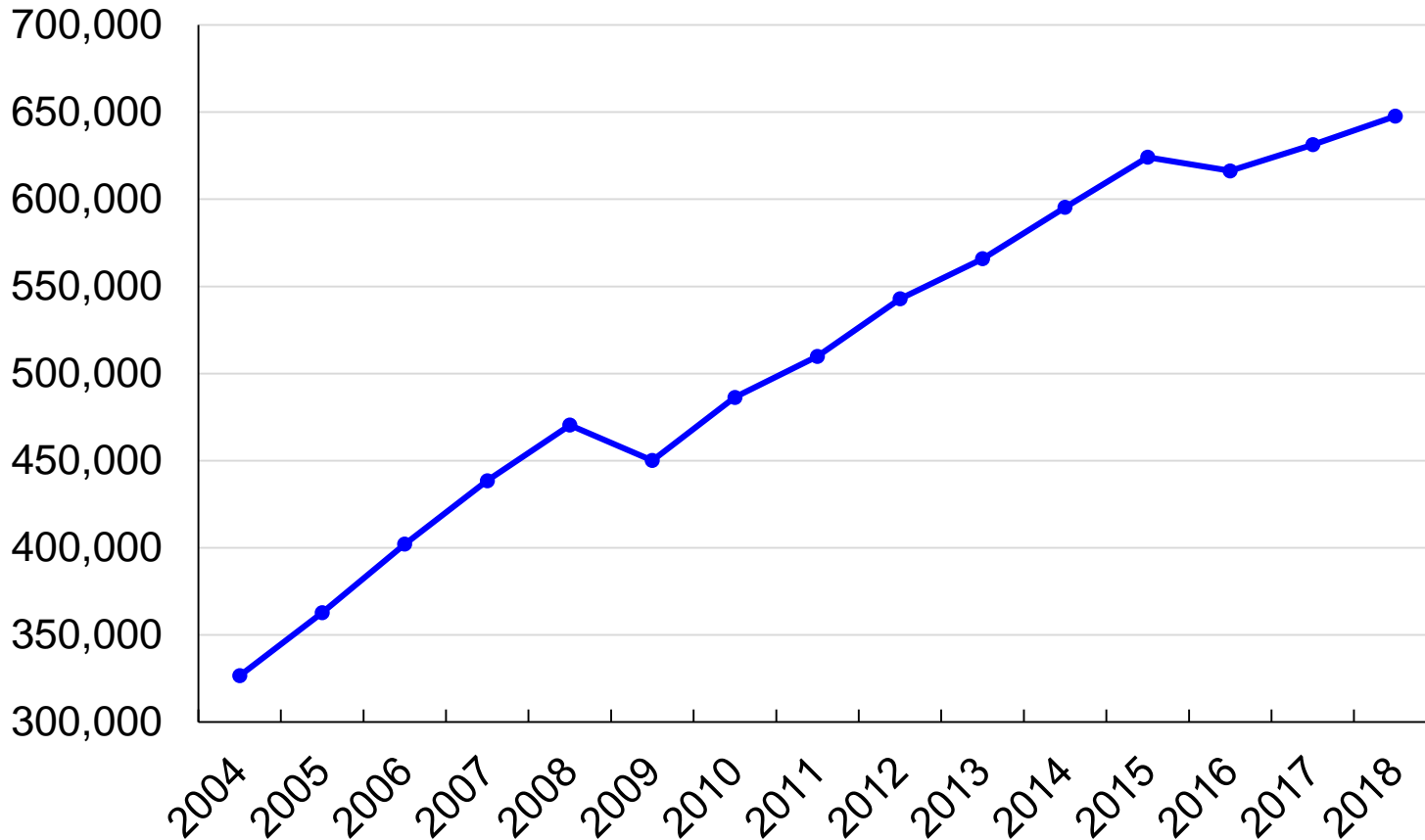
Average Timeliness in Transmitting ISR to IB from Date of Receipt of Search Copy



- Average timeliness in transmitting ISRs to the IB was 2.9 months in 2018
- 85.0% of PCT applications transmitted to IB within 3 months from date of receipt of search copy in 2018--expected to rise to 86.6% in 2019

•Source: WIPO statistics database. March 2019 and January 2020.

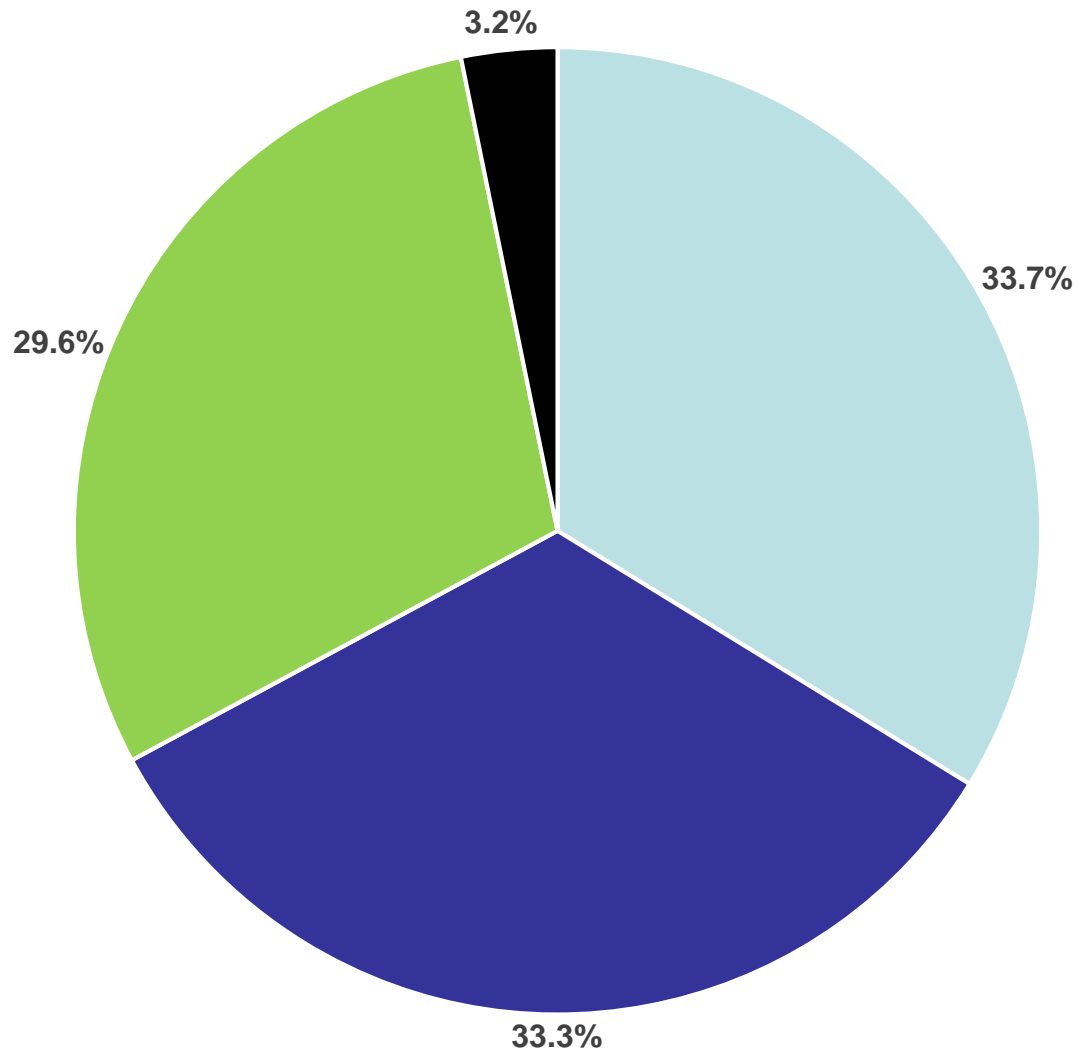
PCT National Phase Entries



- 647,700 total national phase entries in 2018 (+2.6%)
- 527,300 non-resident national phase entries in 2018 (+2.3%)
- PCT system accounted for 56.9% of all non-resident filings in 2018

•Source: WIPO statistics database. January 2020

National phase entries: by origin region



■ EP ■ Asia ■ NA ■ LAC+Africa

•WIPO FOR OFFICIAL USE ONLY

2020 PCT Yearly Review

PCT Yearly Review



PCT Yearly Review: The International Patent System

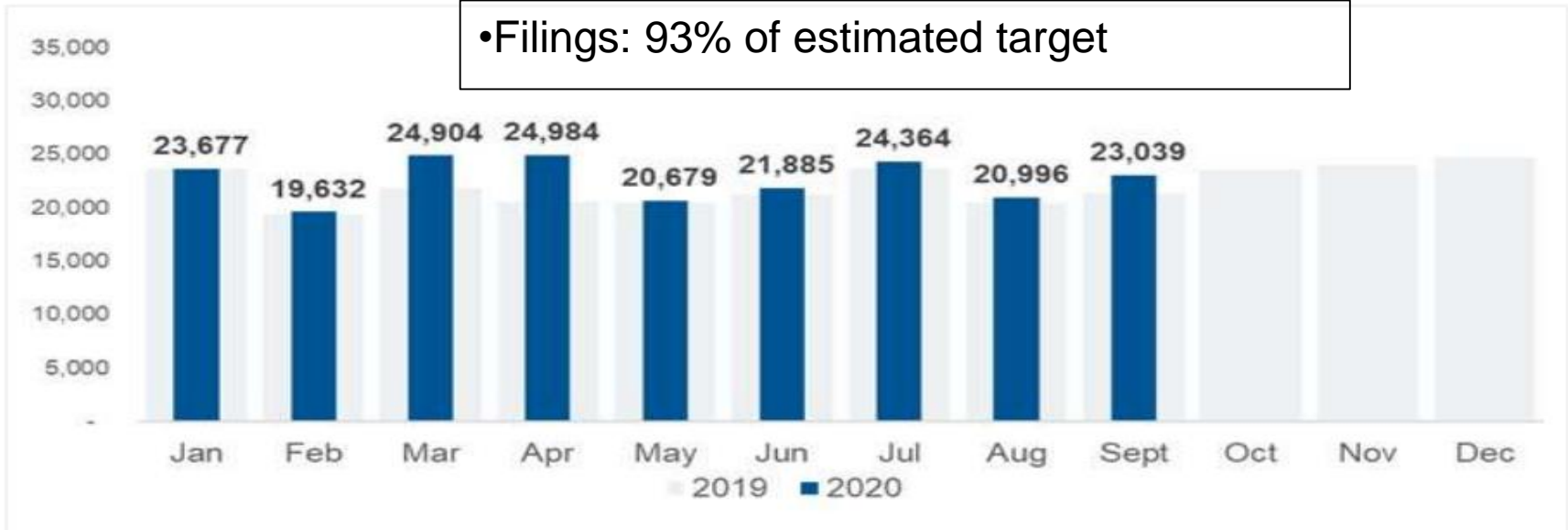
- Download report* [PDF](#)

* *Publication year: 2020; data year is 2019*

https://www.wipo.int/edocs/pubdocs/en/wipo_pub_901_2020.pdf

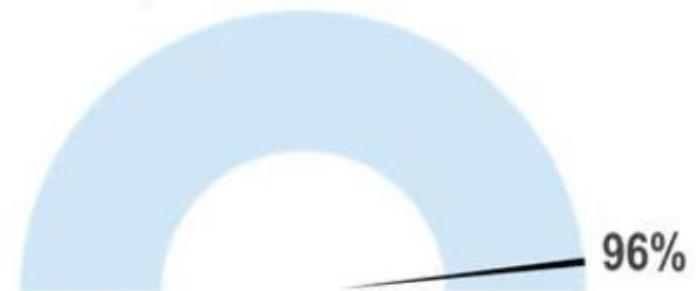
PCT Filing Activities and Business Continuity

•Filings: 93% of estimated target



•(as at date of receipt at the International Bureau (IB))

Productivity



WIPO's COVID-19 Response

<https://www.wipo.int/covid-19/en/>

- Crisis Management Dashboard
- [COVID-19 IP Policy Tracker](#)

- Dedicated page on PCT Website

https://www.wipo.int/pct/en/covid_19/covid_update.html

(WIPO Top page  → PCT  → Covid-19 update) 

- Paper communications suspended
- Possible remedies and best practices

ePCT recommended

- “Practical Advice” relevant to Covid-19

- [Excuse of delays](#) under PCT [Rule 82quater.1](#):

Interpretation of the International Bureau and recommendations to PCT Offices and Authorities



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Amendments to the PCT Regulations as from 1 July 2020

Amendments to the PCT Regulations as from 1 July 2020 (1)

- 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

Amendments to the PCT Regulations as from 1 July 2020 (2)

■ Amendment of PCT Rule 82*quater*

- Allows an Office to 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

Amendments to the PCT Regulations as from 1 July 2020 (3)

- 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 available working day at the IB when ePCT or the PCT Contingency Upload Service is available again

Amendments to the PCT Regulations as from 1 July 2020 (4)

■ New PCT Rule 26*quater*

- 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

Amendments to the PCT Regulations as from 1 July 2020 (5)

■ 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 of 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 had received a notification that a correct element or part had been included in the international application or 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

Amendments to the PCT Regulations as from 1 July 2020 (6)

- 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
- Amendment of PCT 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

PCT Working Group, Committee for Technical Cooperation (in hybrid format)

- PCT/WG + CTC (October 5-8, 2020): Recommendations
 - Eurasian Patent Office's appointment as 24th ISA
 - Amendments to the Regulations on Implementation of WIPO Standard ST.26 (from January 1, 2022)
 - Strengthening PCT safeguards in case of general disruption (general support, continue discussion)
 - PCT Minimum Documentation Status Report ([PCT/WG/13/12](#))
 - Discussions of the Task Force on objectives B, C and D scheduled from December 7 to 11, 2020 ([PCT. C.1611](#))
 - PCT Collaborative Search and Examination Status Report ([PCT/WG/13/13](#))
 - The pilot has reached the evaluation stage which is extended until January 1, 2022 (Survey and Financial Scheme)

International Searching Authorities (24)

- AU – Australia
- AT – Austria
- BR – Brazil
- CA – Canada
- CL – Chile
- CN – China
- EG – Egypt
- ES – Spain
- FI – Finland
- IN – India
- IL – Israel
- JP – Japan
- KR – Republic of Korea
- PH – Philippines
- RU – Russian Federation
- SE – Sweden
- SG – Singapore
- TR – Turkey
- UA – Ukraine
- US – United States of America
- EP – European Patent Office
- XN – Nordic Patent Institute (Denmark, Iceland, Norway)
- XV – Visegrad Patent Institute (Czech Republic, Poland, Hungary and Slovakia)
- *EA – Eurasian Patent Office*

PCT WG Compilation of e-Learning resources

- Regularly updated compilation by the PCT Working Group
- Available at latest PCT meeting website, for example PCT WG 13
https://www.wipo.int/meetings/en/doc_details.jsp?doc_id=469361
- Includes generic and technology specific search related resources
- Includes generic learning sites of patent database vendors
 - <https://clarivate.com/derwent/learning/home/>
 - <https://www.cas.org/support>
 - <https://www.questel.com/resources/>

PCT WG Compilation of e-Learning resources

NB: This compilation covers primarily e-learning resources considered to be of interest for the training of substantive patent examiners.

E-learning websites (sites aggregating various individual e-learning resources)

[E-Learning course catalog](#)

(requires registration)

Non-IP Institutions

CBD | Convention on Biological Diversity

[Biodiversity E-Learning Platform](#)

ELIXIR TeSS | ELIXIR's Training eSupport System

[Registry of e-learning resources from Europe's leading life science organisations](#)

EMBL-EBI | European Bioinformatics Institute (see also ELIXIR TeSS, below)

[Online Training for Bioinformatics Data Resources](#)

NCBI | National Center for Biotechnology Information

[E-learning materials](#)

Commercial database providers

[Derwent Learning](#)

[CAS / STN](#)

[Questel](#)



Framework of technical competencies

- ▶ Generic Search Methodologies
- ▶ Technology Specific Search Methodologies
- ▼ Databases/Platforms/Tools for Patent Information and Prior Art Search
 - ▶ Types of Databases
 - ▶ Searchable and Retrievable Information
 - ▶ Search Interfaces and Modes
 - ▶ Patent Databases hosted by IP Offices
 - ▶ Other Public Patent & NPL Search Platforms
- ▼ Patent & NPL Search Systems of Commercial Vendors

- ▼ Clarivate Databases

- For a given subject matter, determine the relevant DWPI manual code (classification)

•Database specific skill

Questel databases

STN Databases

Octimine

Lexisnexis

•Expert input is needed for identifying key features peculiar to certain search platforms

Thank you for your attention !

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