

# Further improvement of PCT services and products

## *The EPO perspective*

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# The PCT needs further strengthening ...

- PCT is the most successful global patent filing system
  - 54% of non-resident applications filed via the PCT
  - 182,000 PCT applications filed in 2011 => about 11% up (2010)
  - In 2011 => 62,000 Euro-direct applications vs 80,000 Euro-PCT entries
- Many improvements to the PCT system were made over the past 10 years (PCT Reform, PCT Roadmap) but...
  - ... the system needs to be further adapted to face current challenges (new IT environment, reduction of backlogs, enhancement of quality of work products...)
- EPO proposals set out in document to PCT Working Group 29.5-1.6.2012 (PCT/WG/5/20)

## .... by improving services, products ...

- Development of services based on the principle of "equal service levels"
  - tool to realise both more efficiency and equal treatment
  - irrespective of the procedure chosen - Paris route or PCT route
  - for PCT work in all procedures (Receiving Office, ISA/SISA, IPEA)
  - within the limits set by the PCT (legal and time constraints)
- Improved product => Recognition of own PCT products for national phase processing as guarantee for equal high quality products
  - dispensation with a national search if ISR/SISR established by the same Office

## .... cost-efficiency, timeliness and ...

- Improved service: timeliness of International Search Reports
  - the ISR should always be available for international publication at 18 months
  - transfer of search fees and transmittal of search copies to the ISA via the IB => pilot with the IB and the USPTO
- New service => Contemplate collaborative search & examination under PCT Chapter I
  - ongoing Phase 2 of Pilot with USPTO/EPO/KIPO
- Improved product => Improving the IPER established under PCT Chapter II
  - more dialogue with applicant => second written opinion issued before negative IPER established (implemented by EPO/IPEA 2011)
  - top-up search in Chapter II (under discussion)

## .... facilitating national phase processing.

- Extend PPH-PCT concept to PCT work products from PCT Authorities
  - discussions are ongoing for a comprehensive PPH scheme among the Offices of the PLPPH
- Introduction of a mandatory reply to the WO-ISA or IPER
  - at entry into the national phase
  - in case of a negative WO-ISA or IPER
- Facilitate entry into the European phase
  - Improving information and software - e.g. automated filling out of form 1200 for entry
  - Rethinking the procedure in case of non-unity on entry into the European phase (Rule 164 EPC)
    - harmonising efficiency and equal service for PCT users

# Developing the PCT has high priority

- The EPO is committed to further enhance the quality of the PCT procedures to make the system more attractive and efficient by taking appropriate steps:
  - 1) as basis for future actions => implementation of principle of equal service level starting with new online services for RO-EP users
  - 2) as first priority for further action => ensure establishment of the ISR on time for international publication in cooperation with ROs and the IB
  - 3) as first priority for further consideration => study the introduction of top-up searches in Chapter II
  - 4) as methodology to bring quality forward => consider introduction of quality metrics in Ch. 21 ISPE Guidelines (consensus at MIA, Feb. 2012)