



No direct link between the PLT and the TRIPS Agreement

There is no direct link between the PLT and the Agreement on Trade-Related Aspects of Intellectual Property Rights (the TRIPS Agreement) since their scope is different.

The PLT regulates formality requirements relating to patent applications and patents, while the TRIPS Agreement covers standards concerning the availability and scope of intellectual property rights, enforcement of rights as well as general provisions on acquisition and maintenance of rights and related *inter partes* procedures.

The relationship between the PLT and the Paris Convention for the Protection of Industrial Property

A Contracting Party of the PLT must comply with the provisions of the Paris Convention that deal with patents. Consequently, the rights of applicants and owners under the Paris Convention are maintained.

Electronic filing under the PLT: No obligation

The PLT facilitates the implementation of electronic filing of applications and other communications, to the advantage of both offices and users. A Contracting Party can implement full electronic filing (i.e. exclude paper filing) if it wishes to do so or it can continue to accept paper filing. However, applicants will still be allowed to use paper in all offices for

the purposes of acquiring a filing date and complying with a time limit. Nothing prevents a Contracting Party from continuing to require paper filing and from not introducing or accepting electronic filing.

The goal of the PLT with respect to paper and electronic filing is to facilitate the implementation of electronic filing to the advantage of both offices and users and, at the same time, not to exclude any users from the benefits of the patent system if they are not ready to apply electronic filing.

PLT’s benefits to developing countries

The above-mentioned benefits of the PLT are applicable to nationals of all countries, including developing countries. In particular, inventors, applicants, and patent attorneys who wish to apply for patents, as well as national patent offices of developing countries, can benefit from:

- reliance on a familiar set of patent formalities in all countries party to the PLT, and therefore easier access to foreign patent systems;
- stimulation of local filing activity;
- enhanced legal certainty for applicants filing in their home country as well as abroad;
- simpler procedures and therefore cost reductions;
- exceptions from mandatory representation;
- a reduced risk that rights would be lost because of failure to comply with formalities, since offices would be required to notify applicants of formal mistakes and give them an opportunity to correct those mistakes;
- relief and re-instatement of rights in the case of missing certain time limits; and
- possibility to obtain a filing date, even if the description is filed in a foreign language.

Contracting Parties

On June 2, 2000, 10 countries and 3 intergovernmental organizations signed the Final Act of the Diplomatic Conference for the Adoption of the Patent Law Treaty, and 43 countries signed the Patent Law Treaty adopted at the Diplomatic Conference on June 1, 2000. As of March 1, 2010, there are 24 Contracting Parties to the Treaty.

For more information, contact the
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Visit the WIPO website at:
<http://www.wipo.int>



What is the PLT?





The Patent Law Treaty (PLT) at a glance

On June 1, 2000, the Diplomatic Conference for the Adoption of the Patent Law Treaty, convened under the auspices

of the World Intellectual Property Organization (WIPO), and comprising 140 sovereign States, adopted the Patent Law Treaty by consensus of its Members. The PLT entered into force on April 28, 2005.

The Patent Law Treaty (PLT) harmonizes formal requirements set by national and regional patent offices and streamlines the procedures for obtaining and maintaining a patent. It provides, in particular:

- (i) filing date requirements, and procedures to avoid a loss of the filing date because of a failure to comply with formalities;
- (ii) a single internationally standardized set of formal requirements for national and regional offices, which are in line with the formal requirements under the Patent Cooperation Treaty (PCT);
- (iii) standardized forms which shall be accepted by all offices;
- (iv) simplified procedures before patent offices;
- (v) mechanisms to avoid the unintentional loss of rights as a result of failure to comply with time limits; and
- (vi) basic principles for the implementation of electronic filing.

The PLT provides a maximum set of requirements that the office of a Contracting Party is allowed to apply. This means that a Contracting Party is free to provide for requirements that are more generous to applicants and owners. The provisions of the PLT apply to national and regional patent applications and patents, as well as to international applications under the PCT once they have entered the “national phase.”

The aim of the PLT

Inventors and applicants seeking patent protection must, as a first step, meet certain formality requirements prescribed in the national/regional patent law in order to avoid rejection of their patent applications and a consequent loss of rights. Those formalities currently vary from one country to another. The aim of the PLT is to simplify and standardize those requirements.

Like the PCT, the PLT does not prescribe requirements relating to substantive patent law. However, the PLT and its link with the PCT provide a firm foundation for WIPO’s future work on the development of patent law and the international patent system.

The PLT extends its benefits to all

Inventors, applicants, and patent attorneys from Contracting Parties - both industrialized and developing countries – as well as third parties and national or regional offices will all benefit from the PLT.

Advantages for inventors, applicants and patent attorneys

- Standardized forms and simplified procedures reduce the risk of errors and thereby result in less frequent loss of rights.
- A predictable maximum set of patent formalities in all countries party to the PLT results in easier access to foreign patent systems.
- The Model International Forms that must be accepted by each Contracting Party also facilitate the filing of applications abroad.

In a nutshell, the PLT enhances legal certainty for applicants filing in their home country and abroad, and reduces costs for inventors, applicants and patent attorneys.

Advantages for third parties

- Standardized forms and simplified procedures reduce costs for third parties to intervene in procedures before a patent office, for example, when challenging patents that do not fully meet the requirements under the patent law.
- Third parties can rely on a predictable maximum set of patent formalities in all countries party to the PLT, resulting in easier access to foreign patent systems.

- In countries where a license or a security interest can be recorded, such recordal is facilitated by simplified procedures.

Advantages for patent offices

- The elimination of cumbersome and complicated procedures results in increased efficiency of patent offices and a consequent reduction of their operating costs.
- Each Contracting Party is free to prescribe any substantive requirements under its national/regional law, taking into account its development and public policy considerations.
- No financial obligations are imposed on a Contracting Party.

The relationship between the PLT and the PCT

While the PCT provides uniform formality requirements with respect to international patent applications during the international phase, the PLT is designed to simplify and harmonize the formality requirements with respect to national and regional applications and patents. In order to avoid creating new internationally applicable standards different from those of the PCT, the PLT refers to the provisions of the PCT, where appropriate.

In particular, requirements under the PLT concerning the form or contents of an application and the contents of a request are fully in line with those requirements under the PCT. In addition, the PLT provides the option to use a PCT request form with an indication that the applicant wishes the application to be treated as a national application.

Additional benefits of the PLT to PCT Member States

Because of the close relationship between the PLT and the PCT, once a PCT Contracting State joins the PLT, applicants and patent offices of PCT Contracting States will find a number of additional advantages.

Benefits for PCT applicants

Applicants will find it easier to file national and regional applications in their own countries as well as abroad, since the formal requirements of these applications are in line with the requirements under the PCT, with which the PCT user is already familiar. Consequently, applicants will have easier access to foreign patent systems.

Further, PCT applicants would benefit from the simplified and streamlined procedures provided by the PLT, once their international applications enter the national phase.

Benefits for patent offices

The PLT offers offices of PCT Contracting States, in principle, an opportunity to streamline the procedures it applies to national or regional applications by bringing those national procedures closer to the procedures applied to international applications under the PCT. This is possible because the formality requirements under the PLT are designed to be in line with those of the PCT.

