

Committee on WIPO Standards (CWS)

Second Session
Geneva, April 30 to May 4, 2012

INFORMATION ON THE ENTRY INTO NATIONAL (REGIONAL) PHASE OF PUBLISHED PCT INTERNATIONAL APPLICATIONS

prepared by the Secretariat

1. The Committee on WIPO Standards (CWS), according to Task No. 23, monitors “the inclusion, in databases, of information about the entry, and, where applicable, the non-entry into the national (regional) phase of published PCT international applications”. The International Bureau should report at meetings of the CWS every second year on the progress of the said Task. (See document CWS/1/9 and paragraph 52 of CWS/1/10 Prov.)
2. The former Standards and Documentation Working Group (SDWG) of the Standing Committee on Information Technologies (SCIT) considered the status reports concerning the above-mentioned Task prepared by the European Patent Office (EPO) and the International Bureau at its eleventh session in October 2009. (See paragraphs 54 and 55 of document SCIT/SDWG/11/14.)
3. As a follow-up to the above, the Secretariat invited both the International Bureau and the EPO to prepare their corresponding status reports on the progress made with regard to Task No. 23 since the eleventh session of the SDWG. Annex I to this document, including the Appendix thereto, contains the said status report by the EPO, and Annex II the report by the International Bureau.
4. *The CWS is invited to note the contents of the status reports by the EPO and the International Bureau on Task No. 23 reproduced as Annexes I and II, respectively, to this document.*

[Annexes follow]

STATUS REPORT ON SDWG TASK NO. 23

by the European Patent Office

TERMS OF REFERENCE

1. This is an update to the status report provided at the eleventh session of the former Standards and Documentation Working Group (SDWG) in October 2009. The current report refers to the situation at the end of February 2012 and follows the lines expressed by the working title allocated to Task No. 23 (see document CWS/1/9 and paragraph 52 of CWS/1/10 Prov.): "Monitor the inclusion, in databases, of information about entry, and, where applicable, the non-entry into the national (regional) phase of published PCT international applications".

PROGRESS MADE

2. The most significant progress resulted from the co-operation with WIPO in this task. Currently, out of 61 patent authorities contributing to the EPO's Legal Status Database, 43 are delivering information about the entry into the national (regional) phase. Taking into account, that several member states of the European and the Eurasian Patent Offices allow only regional designations, the number of countries covered is at least 53.

PRESENT STATUS

3. For the legal status database of the EPO direct input from national offices as well as the updates sent by WIPO are used. At the moment the country distribution according to the source of data is:

- provided via WIPO and by the national office	18
- provided via WIPO only	23
- provided by national office only	2

Details can be gathered from the attached database contents table (see Appendix to Annex I). This information is extracted from the table 'Contents and coverage of the INPADOC legal status file' on the EPO homepage, which is updated weekly. (On <http://www.epo.org> download from Searching for patents/Essentials/Useful tables and statistics, coverage and codes.)

4. The exchange of PCT entry data between WIPO and the EPO is done at a monthly schedule. In order to avoid duplications in the legal status database two measures have been taken:

- the events reported via WIPO are stored with legal status codes different from those used for event received by national offices directly
- de-duplication of events reported from both sources takes place at a monthly schedule; the codes for the input via WIPO take precedence.

However, certain countries provide data to WIPO under the condition that this data is not to be distributed further. WIPO has contacted all these countries to get permission to provide the data to the EPO. From the countries falling originally into this category (AP, CU, IL, KR, MX, MY, PH, SG, TR, VN, ZA), the EPO is now receiving entry data from AP, IL and MX. The data supply is mostly restricted to PCT entry information. It rarely covers follow-up events as national republication of the patent application or national grant. Currently WIPO investigates whether these events could be re-included or not.

5. Concerning the non-entry information no further progress has been achieved. Currently only three Patent Offices supply this kind of information in a reliable way: Germany, the EPO and Japan. The non-entry information is also available for additional countries (for instance: Canada, the Republic of Korea, Russia), however no recent data is available either because there has been an interruption in the data delivery or the quality of the data is such that it cannot be loaded in the database.

FUTURE PLANNING

6. The country coverage for the PCT entry information has to be further extended. Regions of particular interest are Latin America and the Middle East. Concerning the completeness of information further efforts have to be made to get hold of such important events as refusals or withdrawals of national entries. More PCT member states are encouraged to provide this kind of information.

7. Concerning the non-entry information further efforts are necessary to convince more countries to provide or to resume delivery of the non-entry data. In particular for countries with a high activity in PCT entries in comparison to the number of designations this information is crucial for the patent information community.

[Appendix follows]

APPENDIX: DATABASE CONTENTS OF LEGAL STATUS SERVICE

Week: 2012/09
Edition: 29.02.2012

CC	Country	from	until	<CC>	WO		Gaps	Additional comments	Fre-quency	Last input week
AP	ARIPO	01.07.1996	06.08.2008		WO	PCT application entry delivered by WIPO				2011/46
AT	Austria	01.02.1995	30.11.2011		WO	PCT appl. entry into the national phase			monthly	2011/49
		01.02.1995	30.11.2011		WO	PCT application entry delivered by WIPO			monthly	2012/05
AU	Australia	10.12.1998	25.01.2012		WO	PCT application entry delivered by WIPO			monthly	2012/08
BG		02.01.2001	19.12.2007		WO	PCT application entry delivered by WIPO			monthly	2011/46
BR	Brazil	01.03.1995	14.02.2012	BR	WO	PCT appl. entry into the national phase			weekly	2012/07
		08.01.2003	02.01.2008		WO	PCT application entry delivered by WIPO				2008/18
BY	Belarus	15.06.2007	28.02.2008		WO	PCT application entry delivered by WIPO				2011/46
BZ	Belize	27.08.2002	23.03.2007		WO	PCT application entry delivered by WIPO			monthly	2007/37
CA	Canada	01.04.1993	09.07.2004		WO	PCT appl. entry into the national phase			monthly	2006/12
		01.08.1999	24.02.2002		WO	PCT appl. non-entry into the national phase			monthly	2002/22
		01.04.1993	20.12.2010		WO	PCT application entry delivered by WIPO			monthly	2011/14
CH	Switzerland	04.01.2001	24.11.2011		WO	PCT application entry and further legal events delivered by WIPO				2012/05
CN	People's Republic of China	01.01.2002	18.05.2011		WO	PCT application entry delivered by WIPO		only for appl. number < US2003025738W	quarterly	2012/05
CZ	Czech Republic	21.02.1995	26.01.2012		WO	PCT application entry and further legal events delivered by WIPO				2012/08
DE	Germany	05.01.1978	16.02.2012	DE	WO	Patents and Utility Models, PCT appl. non-entering direct German phase		PCT... only since 17-05-2006; UM since week 25/2011	weekly	2012/08
DE	Germany	01.01.1993	18.08.2011		WO	PCT application entry delivered by WIPO				2012/05

CC	Country	from	until	<CC>	WO		Gaps	Additional comments	Fre-quency	Last input week
EA	Eurasian Patent Organization	18.04.2007	30.09.2010		WO	PCT application entry delivered by WIPO				2011/02
EE	Estonia	01.01.2003	15.12.2011							2012/04
EG	Egypt	03.08.2008	28.02.2011		WO	PCT application entry delivered by WIPO				2011/14
ES	Spain	30.05.1990	30.06.2011		WO	PCT appl. Entry into the national phase			quarterly	2011/30
		30.05.1990	30.06.2011		WO	PCT application entry delivered by WIPO				2011/33
FI	Finland		30.11.2011		WO	PCT application entry delivered by WIPO			monthly	2012/05
GB	United Kingdom	01.04.1998	15.02.2012		WO	PCT appl. Entry into the national phase		update week 26/2009 loaded in week 29/2009	weekly	2012/08
		21.09.1989	30.11.2011		WO	PCT application entry delivered by WIPO				2012/05
GE	Georgia	31.08.1998	31.01.2012		WO	PCT appl. entry into the national phase			monthly	2012/06
		23.07.2007	06.12.2011		WO	PCT application entry delivered by WIPO				2012/08
HR	Croatia	22.04.2008	24.01.2012		WO	PCT application entry delivered by WIPO				2012/08
HU	Hungary	03.11.2006	06.04.2011		WO	PCT application entry delivered by WIPO				2012/05
IL	Israel		31.08.2011		WO	PCT application entry delivered by WIPO			weekly	2011/46
JP	Japan	01.01.2002	31.01.2012		WO	PCT application entry delivered by WIPO			monthly	2012/08
KE	Kenya	07.01.2004	05.05.2006		WO	PCT application entry delivered by WIPO			monthly	2011/46
KR	Republic of Korea	01.01.2000	31.12.2000		WO	PCT appl. entry into the national phase			monthly	2001/39
		01.01.2000	31.12.2000		WO	PCT appl. non-entry into the national phase			monthly	2001/39
		03.01.1997	13.04.2007		WO	PCT application entry delivered by WIPO			monthly	2007/44
LT	Lithuania	01.07.1997	25.01.2012		WO	PCT appl. entry into the national phase			monthly	2012/05
		12.04.1995	08.03.2011		WO	PCT application entry delivered by WIPO			monthly	2011/46

CC	Country	from	until	<CC>	WO		Gaps	Additional comments	Fre-quency	Last input week
LV	Latvia	01.01.1998	30.07.2007		WO	PCT appl. entry into the national phase		since March 2007, PCT entry data only via regional phase	---	2008/47
		22.11.2005	10.06.2006		WO	PCT application entry delivered by WIPO		since March 2007, PCT entry data only via regional phase	---	2007/44
MD	Moldavia	10.01.2008	17.10.2008		WO	PCT application entry delivered by WIPO			monthly	2011/46
MX	Mexico	21.12.2005	09.12.2008		WO	PCT application entry delivered by WIPO			monthly	2011/46
MY	Malasya	09.03.2007	30.09.2010		WO	PCT application entry delivered by WIPO				2010/50
NZ	New Zealand	01.05.2001	30.11.2011		WO	PCT application entry delivered by WIPO			monthly	2012/05
PH	Philippines	14.03.2002	19.12.2008		WO	PCT application entry delivered by WIPO			monthly	2009/43
PL	Poland	22.12.2002	30.09.2011		WO	PCT application entry delivered by WIPO				2011/46
RO	Romania	01.01.2002	27.10.2011		WO	PCT appl. entry into the national phase			half yearly	2012/03
		17.12.2004	28.01.2008		WO	PCT application entry delivered by WIPO			monthly	2009/43
RU	Russia	03.01.2002	31.01.2011		WO	PCT appl. entry into the national phase	Dec.03, Jan.04,		quarterly	2012/08
		24.03.2004	30.09.2011		WO	PCT application entry delivered by WIPO			monthly	2012/05
SE	Sweden	18.08.1985	07.07.2010		WO	PCT application entry delivered by WIPO			monthly	2011/46
SI	Slovenia	01.01.2001	18.10.2011		WO	PCT appl. entry into the national phase		now entry only via reg. phase	bi-monthly	2012/05
SK	Slovakia	01.01.1993	31.12.2011		WO	PCT appl. entry into the national phase			monthly	2012/02
		10.09.2008	09.06.2011		WO	PCT application entry delivered by WIPO			monthly	2012/05
UA	Ukraine	06-12-2005	28.11.2011		WO	PCT appl. entry into the national phase				2012/05
US	United States	23.03.1993	30.09.2008		WO	PCT appl. entry into the national phase	gaps for 1998-2001 !!!;		weekly	2008/41
		14.07.1992	24.11.2011		WO	PCT application entry delivered by WIPO	1.7.2005 to 31.12.2005		monthly	2012/08

CC	Country	from	until	<CC>	WO		Gaps	Additional comments	Fre-quency	Last input week
UZ	Uzbekistan	02-01-2001	30.06.2006		WO	PCT appl. entry into the national phase			monthly	2006/37
W O	WIPO (P.C.T.)	21.09.1978	09.02.2012		WO	PCT Applications, electronic input	25.10.2007	Info. about PCT appl. entry into / non-entry into the national phase are under the national offices; since 7.7.2006 different codes	weekly	2012/08
ZA	South Africa	21.12.1999	07.02.2008		WO	PCT application entry delivered by WIPO			monthly	2009/43

[Annex II follows]

STATUS REPORT ON SDWG TASK NO. 23*by the International Bureau***BACKGROUND**

1. The International Bureau invited national patent offices to supply data regarding the entry into the national phase of PCT applications in 2004 to improve coverage and timeliness of the data. Various data formats were proposed by the International Bureau, in order to facilitate the task of the national offices and to allow flexibility to those offices that agreed to provide the requested data.

2. PCT Regulations (Rule 86) envisage that designated/elected Offices should provide information to the International Bureau on PCT national phase entries for the purposes of further dissemination of the information. Not all offices have the capacity to furnish this information, however the number of offices providing this data has increased over the period from 2004 to present.

CURRENT STATUS

3. The International Bureau makes available national phase information via the PATENTSCOPE search engine. Information is available from 46 offices amounting to more than 4.1 million entries of national phase information held in PATENTSCOPE. This represents an increase of 11 offices and 0,6 million entries since the last status report in 2009. Users searching this information will notice the PATENTSCOPE interface has been updated and a totally new search engine lies behind this new interface.

PCT NATIONAL PHASE ENTRIES

Office		Start Date	End Date	National Phase Entries	Published	Granted	Refused	Non Entry	Withdrawal
AE	United Arab Emirates		30-sep-10	106	N	N	N	N	N
AP	African Regional Intellectual Property Organization (ARIPO)	01-jul-96	06-aug-08	1081	N	N	N	N	N
AT	Austria	28-nov-80	30-nov-11	2397	N	N	N	N	N
AU	Australia	05-dec-97	20-dec-11	224397	Y	Y	Y	N	Y
BG	Bulgaria	06-jan-04	19-dec-07	1333	Y	Y	Y	N	Y
BY	Belarus	07-jan-07	15-jun-07	44	Y	N	N	N	Y
BZ	Belize	27-aug-02	09-feb-07	108	Y	Y	Y	N	N
CA	Canada	25-feb-94	20-dec-10	416937	N	N	N	N	Y
CH	Switzerland	08-jul-08	24-nov-11	143	N	N	N	N	N
CN	China	04-jan-98	18-may-11	307580	N	N	N	N	N
CU	Cuba	03-nov-09	30-jun-10	121	N	N	N	N	N
CZ	Czech Republic	09-nov-90	27-dec-11	28651	Y	Y	Y	N	Y
DE	Germany	13-nov-80	18-aug-11	38379	N	N	N	N	Y
EA	Eurasian Patent Organization (EAPO)	01-nov-06	30-sep-09	2719	N	N	N	N	N
EG	Egypt	01-jan-08	28-feb-11	3813	N	N	N	N	N
EP	European Patent Office (EPO)	28-may-80	29-dec-11	1122026	Y	Y	Y	N	Y
ES	Spain	30-may-90	30-jun-11	1746	Y	Y	Y	N	Y
FI	Finland	14-jan-80	30-nov-11	22219	N	Y	N	N	N
GB	United Kingdom	05-jan-00	30-nov-11	28316	Y	Y	Y	N	Y

Office		Start Date	End Date	National Phase Entries	Published	Granted	Refused	Non Entry	Withdrawal
GE	Georgia	10-oct-02	04-nov-11	2205	N	N	N	N	Y
HR	Croatia	19-nov-99	16-dec-11	4108	Y	Y	Y	N	Y
HU	Hungary	03-jan-07	06-apr-11	90	Y	Y	N	N	Y
IL	Israel	06-dec-96	31-aug-11	53513	Y	Y	N	N	Y
JP	Japan	03-apr-91	28-dec-11	510353	N	N	Y	N	Y
KE	Kenya	06-jan-98	12-may-06	158	N	N	N	N	N
KR	Republic of Korea	03-jan-97	30-dec-11	316652	Y	Y	Y	N	Y
LT	Lithuania	12-apr-95	08-mar-11	703	Y	Y	Y	N	Y
LV	Latvia	05-jan-98	19-may-08	280	N	N	N	N	N
MD	Republic of Moldova	10-jan-08	17-oct-08	15	N	N	N	N	N
MX	Mexico	07-jan-04	09-dec-08	114340	N	N	N	N	N
MY	Malaysia	02-jun-08	30-sep-10	4276	N	Y	Y	N	Y
NZ	New Zealand	18-dec-85	30-nov-11	70489	Y	Y	N	N	N
PH	Philippines	03-jan-02	30-sep-11	25721	N	Y	N	N	Y
PL	Poland	01-may-07	19-jul-11	4661	N	N	N	N	N
RO	Romania	06-jan-90	28-jan-08	4024	N	N	N	N	N
RU	Russian Federation	17-jul-01	30-sep-11	70161	N	N	N	N	Y
SE	Sweden	16-dec-82	07-jul-10	1931	Y	N	N	N	N
SG	Singapore	01-feb-95		28153	N	N	N	N	N
SI	Slovenia	10-jan-01	18-oct-11	222	N	N	N	N	N
SK	Slovakia	14-jan-93	09-jun-11	13481	N	N	N	N	N
TR	Turkey	20-mar-96	27-jul-05	12232	N	N	N	N	N
UA	Ukraine	06-dec-05	28-nov-11	1437	Y	Y	Y	N	Y
US	United States of America	25-feb-91	24-nov-11	664106	Y	Y	N	N	N
UZ	Uzbekistan	02-jan-01	23-jun-06	964	N	N	N	N	N
VN	Viet Nam	01-apr-95	09-apr-08	11852	N	N	N	N	N
ZA	South Africa	21-dec-99	07-feb-08	59162	N	N	N	N	N

4. The information as supplied to the International Bureau varies significantly in format, content and regularity of delivery and this represents a challenge for the International Bureau. In some cases the full national data is supplied and the International Bureau extracts the information relating to PCT applications. This is carried out manually. The International Bureau is currently working on automated data handling projects and the work of extracting national phase data is envisaged to be carried out by automated procedures in the future.

5. The Office Modernization program offered by the International Bureau continues to provide technical assistance to IP offices particularly in developing countries and LDCs for automation of the IP business systems. These projects contribute to further national patent collections and provide the opportunity for the International Bureau to obtain information for inclusion in PATENTSCOPE.

[End of Annexes and of document]