

Committee on WIPO Standards (CWS)

Fourth Session
Geneva, May 12 to 16, 2014

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

Document 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/3/12 and paragraph 73 of CWS/3/14).
2. The CWS considered the status reports concerning the above-mentioned Task prepared by the European Patent Office (EPO) and the International Bureau at its second session in April/May 2012. (See document CWS/2/9 and paragraphs 45 to 47 of document CWS/2/14).
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 second session of the CWS. Annex I to this document, including the Appendices 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 CWS TASK NO. 23

Document prepared by the European Patent Office (EPO)

TERMS OF REFERENCE

1. This is an update to the status report provided in April 2012. The current report refers to the situation in early March 2014 and follows the lines expressed by the working title allocated to Task No. 23 at the 11th session of the SDWG in Geneva, October 26 to 30, 2009: "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. Efforts have continued in keeping up with the data delivered by the patent offices, in particular the co-operation with WIPO in this task is of great importance. Currently, out of 62 patent authorities contributing to the EPO's Legal Status Database, 42 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 52, however the timeliness and coverage give cause for concern.

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..... 10
- provided via WIPO only30
- provided by national office only2

Details can be gathered from the attached database contents table (see Appendix 1 and 2 to Annex I). An analysis of the Appendix data reveals that:

- the EPO receives regular deliveries from 12 authorities;
- 11 authorities have stopped delivering data directly to the EPO;
- the EPO receives from WIPO regular deliveries of 10 national data;
- 23 countries delivered by WIPO to the EPO have data at least 6 months old; and
- for 9 authorities the deliveries from WIPO are outdated; in one case (CN) we know that the patent office considers this data confidential (thus made available only once national publication has occurred).

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; and
- 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. Currently the following countries fall into this category: CU, IN, KR, PH, SG, TR, VN. 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 two Patent Offices supply this kind of information in a reliable way: the EPO and Japan, while a third Office, Germany, is planning to resume deliveries later this year. The non-entry information was available for additional countries in the past (for instance: Canada, the Republic of Korea, Russian Federation), however no recent data is available.

FUTURE PLANNING

6. In spite of the efforts dedicated, coverage, timeliness and completeness of the PCT entry information have not improved significantly from the report two years ago. 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. This information is not yet supplied by a few PCT member states.

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.

[Appendices follow]

APPENDIX 1: CONTENT OF THE WORLDWIDE LEGAL STATUS DATABASE - ORIGIN WIPO

Week: 2014/09
Edition: 06.03.2014

CC	Country	from	until		Last input week
AE	United Arab Emirates		30.09.2010	PCT application entry delivered by WIPO	2011/46
AP	ARIPO	01.07.1996	06.08.2008	PCT application entry delivered by WIPO	2011/46
AT	Austria	01.02.1995	30.11.2011	PCT application entry delivered by WIPO	2012/05
AU	Australia	10.12.1998	25.09.2012	PCT application entry delivered by WIPO	2012/42
BG	Bulgaria	02.01.2001	19.12.2007	PCT application entry delivered by WIPO	2011/46
BY	Belarus	15.06.2007	28.02.2008	PCT application entry delivered by WIPO	2011/46
BZ	Belize	27.08.2002	23.03.2007	PCT application entry delivered by WIPO	2007/37
CA	Canada	01.04.1993	08.06.2012	PCT application entry delivered by WIPO	2012/34
CH	Switzerland	04.01.2001	30.10.2013	PCT application entry and further legal events delivered by WIPO	2014/05
CN	China	01.01.2002	20.11.2008	PCT application entry delivered by WIPO	2009/43
CZ	Czech Republic	21.02.1995	11.11.2013	PCT application entry and further legal events delivered by WIPO	2014/05
DE	Germany	01.01.1993	18.08.2011	PCT application entry delivered by WIPO	2012/05
EA	Eurasian Patent Organization	18.04.2007	30.09.2010	PCT application entry delivered by WIPO	2011/02
EG	Egypt	03.08.2008	28.02.2011	PCT application entry delivered by WIPO	2011/14
ES	Spain	30.05.1990	30.06.2011	PCT application entry delivered by WIPO	2011/33
FI	Finland	19.05.1981	28.10.2013	PCT application entry delivered by WIPO	2014/05
GB	United Kingdom	21.09.1989	31.10.2013	PCT application entry delivered by WIPO	2014/05
GE	Georgia	02.07.2007	10.12.2013	PCT application entry delivered by WIPO	2014/05
HR	Croatia	21.07.2000	29.10.2013	PCT application entry delivered by WIPO	2014/05
HU	Hungary	03.11.2006	06.04.2011	PCT application entry delivered by WIPO	2012/05
IL	Israel	02.01.2013	30.05.2013	PCT application entry delivered by WIPO	2013/36

CC	Country	from	until		Last input week
JP	Japan	01.01.2002	31.01.2013	PCT application entry delivered by WIPO	2013/08
KE	Kenya	07.01.2004	12.05.2006	PCT application entry delivered by WIPO	2011/46
KR	Republic of Korea	03.01.1997	05.01.2010	PCT application entry delivered by WIPO	2007/44
LT	Lithuania	12.04.1995	08.03.2011	PCT application entry delivered by WIPO	2011/46
LV	Latvia	22.11.2005	10.06.2006	PCT application entry delivered by WIPO	2007/44
MD	Republic of Moldova	10.01.2008	17.10.2008	PCT application entry delivered by WIPO	2011/46
MX	Mexico	21.12.2005	09.12.2008	PCT application entry delivered by WIPO	2011/46
MY	Malaysia	09.03.2007	30.09.2010	PCT application entry delivered by WIPO	2010/50
NZ	New Zealand	01.05.2001	30.11.2011	PCT application entry delivered by WIPO	2012/05
PH	Philippines	14.03.2002	19.12.2008	PCT application entry delivered by WIPO	2009/43
PL	Poland	22.12.2002	31.05.2012	PCT application entry delivered by WIPO	2012/36
RO	Romania	17.12.2004	28.01.2008	PCT application entry delivered by WIPO	2009/43
RU	Russian Federation	24.03.2004	31.10.2012	PCT application entry delivered by WIPO	2013/06
SE	Sweden	18.08.1985	07.07.2010	PCT application entry delivered by WIPO	2011/46
SI	Slovenia	01.01.2001	18.10.2011	PCT application entry delivered by WIPO	2012/08
SK	Slovakia	10.09.2008	09.06.2011	PCT application entry delivered by WIPO	2012/05
TH	Thailand	01.09.2010	27.01.2014	PCT application entry delivered by WIPO	2014/02
UA	Ukraine	20.07.2005	23.10.2013	PCT application entry delivered by WIPO	2014/05
US	United States of America	14.07.1992	11.06.2013	PCT application entry delivered by WIPO	2013/39
UZ	Uzbekistan	02.01.2001	23.06.2006	PCT application entry delivered by WIPO	2006/37
ZA	South Africa	21.12.1999	07.02.2008	PCT application entry delivered by WIPO	2009/43

APPENDIX 2: CONTENT OF THE WORLDWIDE LEGAL STATUS DATABASE - ORIGIN EPO

Week: 2014/09
Edition: 06.03.2014

CC	Country	from	until		Last input week
AT	Austria	01.02.1995	30.03.2012	PCT appl. entry into the national phase	2011/49
AU	Australia	28.11.2002	30.01.2014	PCT appl. entry into the national phase - via Gazette	2014/09
BG	Bulgaria	02.01.2001	30.04.2010	PCT appl. entry into the national phase	2010/24
BR	Brazil	01.03.1995	25.02.2014	PCT appl. entry into the national phase - via Gazette	2014/09
CA	Canada	27.12.1979	19.02.2014	PCT appl. entry into the national phase	2014/09
DE	Germany	22.04.1971	28.02.2014	PCT appl. entry/non-entry into the national phase	2014/09
EP	European Patent Office	20.12.1978	26.02.2014	PCT appl. entry/non-entry into the national phase	2014/09
ES	Spain	30.05.1990	30.06.2011	PCT appl. entry into the national phase	2012/27
GB	United Kingdom	01.04.1998	03.01.2014	PCT appl. entry into the national phase	2014/09
GE	Georgia	31.08.1998	13.12.2013	PCT appl. entry into the national phase	2014/06
JP	Japan	01.09.1996	31.01.2014	PCT appl. entry/non-entry into the national phase	2014/06
KE	Kenya	11.12.1995	18.11.2013	PCT appl. entry into the national phase	2013/50
KR	Republic of Korea	01.01.2000	31.12.2000	PCT appl. entry/non-entry into the national phase	2001/39
LT	Lithuania	01.07.1997	25.01.2012	PCT appl. entry into the national phase	2012/05
LV	Latvia	01.01.1998	30.07.2007	PCT appl. entry into the national phase	2008/47
MD	Republic of Moldova	01.06.2006	31.10.2012	PCT appl. entry into the national phase	2012/45
NZ	New Zealand	29.06.2001	21.12.2012	Register Entries from Gazette	2013/05
RO	Romania	01.01.2002	29.11.2013	PCT appl. entry into the national phase	2014/05
RU	Russian Federation	03.01.2002	31.10.2013	PCT appl. entry into the national phase	2014/04
SI	Slovenia	01.01.2001	18.10.2011	PCT appl. entry into the national phase	2012/05

CC	Country	from	until		Last input week
SK	Slovakia	01.01.1993	07.01.2014	PCT appl. entry into the national phase	2014/06
US	United States of America	05.08.1980	06.11.2006	PCT appl. entry into the national phase	2006/12
UZ	Uzbekistan	02.01.2001	30.06.2006	PCT appl. entry into the national phase	2006/37

[Annex II follows]

STATUS REPORT ON CWS TASK NO. 23*Document prepared 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 48 offices amounting to more than 5.5 million entries of national phase information held in PATENTSCOPE. This represents an increase of 11 offices and 1.4 million entries since the last status report in 2012.

PCT NATIONAL PHASE ENTRIES

Office	Start Date	End Date	NP Entries	Published	Granted	Refused	Non Entry	Withdrawal
AE	01-Sep-10	30-Sep-10	106	N	N	N	N	N
AP	01-Jul-96	06-Aug-08	1081	N	N	N	N	N
AT	28-Nov-80	30-Nov-11	3103	N	N	N	N	N
AU	05-Dec-97	28-Nov-13	270247	Y	Y	Y	N	Y
BG	06-Jan-04	19-Dec-07	276	Y	Y	N	N	Y
BY	07-Jan-07	15-Jun-07	44	Y	N	N	N	Y
BZ	27-Aug-02	09-Feb-07	106	Y	Y	Y	N	N
CA	01-Feb-90	08-Nov-13	526592	N	N	N	N	Y
CH	08-Jul-08	28-Feb-14	344	N	N	N	N	N
CN	03-Jan-94	20-Dec-12	611995	N	N	N	N	N
CU	03-Nov-09	24-Jun-11	303	N	N	N	N	N
CZ	09-Nov-90	14-Feb-14	31011	Y	Y	Y	N	Y
DE	13-Nov-80	18-Aug-11	208578	N	N	N	N	Y
EA	01-Nov-06	30-Sep-09	2718	N	N	N	N	N
EG	02-Jan-08	28-Feb-11	4524	N	N	N	N	N
EP	28-May-80	29-Nov-13	1495621	Y	Y	Y	N	Y
ES	30-May-90	30-Jun-11	2273	Y	Y	Y	N	Y
FI	14-Jan-80	28-Oct-13	22643	N	Y	N	N	N
GB	01-Jan-00	31-Dec-13	26322	Y	Y	Y	N	Y
GE	26-Jan-01	03-Feb-14	2815	N	N	N	N	Y
HR	23-Apr-99	07-Jan-14	4669	Y	Y	Y	N	Y
HU	04-Jan-06	06-Apr-11	126	Y	Y	N	N	Y
IL	01-May-06	27-Feb-14	37992	Y	Y	N	N	Y
IN	01-Feb-99	30-Dec-08	164066	Y	Y	N	N	N

Office	Start Date	End Date	NP Entries	Published	Granted	Refused	Non Entry	Withdrawal
JP	03-Apr-91	28-Feb-14	807855	N	N	Y	N	Y
KE	06-Jan-98	12-May-06	238	N	N	N	N	N
KR	26-Jan-87	28-Jan-14	460449	Y	Y	Y	N	Y
LT	12-Apr-95	08-Mar-11	702	Y	Y	Y	N	Y
LV	05-Jan-98	19-May-08	336	N	N	N	N	N
MD	10-Jan-08	17-Oct-08	372	Y	Y	Y	N	Y
MX	28-Oct-28	09-Dec-08	114340	N	N	N	N	N
MY	09-Mar-07	30-Sep-10	8304	N	Y	Y	N	Y
NZ	17-May-92	30-Nov-11	88464	Y	Y	N	N	N
PH	03-Jan-02	27-Dec-12	30202	N	Y	N	N	Y
PL	22-Nov-02	31-May-12	4747	N	N	N	N	N
RO	15-Aug-05	28-Jan-08	98	N	N	N	N	N
RU	17-Jul-01	31-Oct-13	136565	N	N	N	N	Y
SE	16-Dec-82	07-Jul-10	2057	Y	N	N	N	N
SG	01-feb-95		28153	N	N	N	N	N
SI	10-Jan-01	18-Oct-11	222	N	N	N	N	N
SK	14-Jan-93	09-Jun-11	13491	N	N	N	N	N
TH	30-Sep-10	24-Dec-12	8579	N	N	N	N	N
UA	14-Jun-05	23-Oct-13	10648	Y	Y	Y	N	Y
US	15-Dec-16	02-Dec-13	869146	Y	Y	N	N	N
UZ	02-Jan-01	23-Jun-06	966	N	N	N	N	N
VN	03-Apr-95	09-Apr-08	11852	N	N	N	N	N
ZA	21-Dec-99	07-Feb-08	58828	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]