

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. Document CWS/4/12 contains the status reports prepared by the European Patent Office (EPO) and the International Bureau on Task No. 23. After the publication of the said document, the Patent Documentation Group (PDG) sent a letter to the International Bureau pointing out its concerns with respect to the delivery of legal status data regarding PCT international applications entering the national or regional phase. The letter is reproduced as the Annex to this document for consideration by the CWS.

2. *The CWS is invited to note the comments by the PDG reproduced in the Annex to this document.*

[Annex follows]

Patent Documentation Group

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The logo for the Patent Documentation Group (PDG) consists of the letters 'PDG' in a bold, sans-serif font. The letters are white and are set against a dark grey rectangular background.

WIPO
World Intellectual Property Organisation
Attention: Mr. Yoshiyuki Takagi
Assistant Director General
Industrial Property Information Division
34, chemin des colombettes
CH-1211 Geneva
Switzerland

29.04.2014

Re Importance of PCT Data

Dear Mr. Takagi

I would like to contact you officially on behalf of the Chairman of the PDG's IMPACT Working Group.

During the 31st SACEPO/PDI session (Standing Advisory Committee before the EPO, Patent Documentation and Information) on March 20, 2014, held at the EPO in Vienna, the EPO informed the participants about an "additional report on PCT entry/non-entry into national phase as available in the EPO Worldwide Legal Status Database".

This report will also be shared with the participants of the Committee of WIPO Standards (CWS) in May 2014 at the WIPO, according to the WIPO Task No. 23.

The report caused major concern within the user community. Some important issues mentioned in it are:

- 11 authorities have stopped delivering data directly to the EPO
- 23 countries' data delivered by WIPO to EPO have data that is at least 6 months old
- Concerning non-entry data, no further progress has been achieved (only EPO and Japan are delivering data, Germany is planning to resume, for CA, KR, RU no recent data are available)
- Some countries provide data to WIPO under the condition that this data is not distributed further (CU, IN, KR, PH, SG, TR, VN)

During the 67th meeting of the PDG working group IMPACT, which took place on April 14-15, 2014 at the EPO in Vienna, this report was on the agenda of the group. WIPO was represented in this session by Anna Graschenkova.

The group decided to write a letter to WIPO. As PDG will not be in a position to take part in the CWS meeting - during this meeting the PDG IMPACT experts will take part in the PDG Annual Members Conference in Frankfurt - we would greatly appreciate it if you would make our letter available to the CWS participants.

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In addition, we will point out the importance of these data in the discussions within the Legal Status Task Force in which PDG is represented. Finally, we are prepared to give a short presentation during one of the next CWS meetings pointing out the importance of PCT data used in industry for establishing legal certainty, since this effects investments made by companies. We are also prepared to raise this issue during the next PATENTSCOPE meeting which takes place in October this year.

In summary, we strongly agree with the statement given by the EPO in its above mentioned paper that "generally speaking, timeliness and coverage give cause to concern". We are prepared to contribute to any initiatives which help to improve the current situation.

Any questions on these issues should be sent directly to the Chairman of the PDG Working Group IMPACT, Dr. Peter Kallas (peter.kallas@basf.com).

Best regards



Dr. Alexander Mullen
PDG Secretary General

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