## **STATUS REPORT ON SDWG 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 March 2014. The current report refers to the situation in early February 2016 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

1. 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 essential. Currently, out of over 65 patent authorities contributing to the EPO's Legal Status Database, 43 are delivering or have delivered in the past information about the entry into the national (regional) phase. Taking into account that several member states of the European Patent Office allow only regional designations, the number of countries covered is 55. Comparing the situation to the one reported previously, only small improvements can be noted.

## PRESENT STATUS

1. Direct inputs (from national offices) as well as the updates sent by WIPO are used for the legal status database of the EPO. Presently the EPO receive regular deliveries from 25 authorities. The country distribution according to the source of data is:
* provided to WIPO and by the national office 13
* provided via WIPO only 11
* provided by national office only 1

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 14 authorities
* timing improved for 4 authorities as compared to 2014
* the EPO receives from WIPO regular deliveries of 10 national data
* for 10 authorities the deliveries from WIPO are outdated (over 2 years old)
1. PCT entry data is exchanged between WIPO and the EPO on a monthly schedule. 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, PH, SG, TR and 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.
2. No significant progress has been achieved concerning the non-entry information. Currently only three Patent Offices supply this kind of information in a reliable way: the EPO, Germany and Japan. The non-entry information was available for additional countries in the past (for instance: Canada, the Republic of Korea, Russia), however no recent data is available.

## FUTURE PLANNING

1. The EPO is dedicating continuous efforts to improve the coverage, timeliness and completeness of the PCT entry information. However, observing the past two years period, only minor achievements can be reported. Further efforts concerning the completeness of information have to be made to get hold of such important events as refusals or withdrawals of national entries. This information is mostly not yet supplied.
2. Authorities reporting the non-entry information continue to be isolated cases and actions continue in order to persuade more countries to provide or to resume delivery of the non-entry data. This information is crucial for the patent information community, in particular for countries with a high activity in PCT entries in comparison to the number of designations.

[Appendices follow]

## APPENDIX 1: CONTENT OF THE WORLDWIDE LEGAL STATUS DATABASE –PCT application entry delivered by WIPO

Updates to the report of 2014 are in bold.

Entries of Lithuania, Latvia and Slovenia were removed from the table, as the direct PCT route had been closed; entry data is available via EP route.

**Week**: 2016/05

**Edition**: 05.02.2016

| **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 | **10.02.2015** | PCT application entry and further legal events delivered by WIPO | **2015/49** |
| CN | China | 01.01.2002 | 20.11.2008 | PCT application entry delivered by WIPO | 2009/43 |
| CZ | Czech Republic | 21.02.1995 | **03.10.2014** | PCT application entry and further legal events delivered by WIPO | **2014/50** |
| DE | Germany | 01.01.1993 | 18.08.2011 | PCT application entry delivered by WIPO | 2012/05 |
| EA | Eurasian Patent Organization | 18.04.2007 | **30.06.2014** | PCT application entry delivered by WIPO | **2014/31** |
| 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 | **31.12.2013** | PCT application entry delivered by WIPO | **2015/41** |
| GB | United Kingdom | 21.09.1989 | **30.10.2015** | PCT application entry delivered by WIPO | **2015/51** |
| GE | Georgia | 02.07.2007 | **23.10.2015** | PCT application entry delivered by WIPO | **2015/51** |
| HR | Croatia | 21.07.2000 | **14.08.2015** | PCT application entry delivered by WIPO | **2015/51** |
| HU | Hungary | 03.11.2006 | 06.04.2011 | PCT application entry delivered by WIPO | 2012/05 |
| IL | Israel | 02.01.2013 | **29.10.2015** | PCT application entry delivered by WIPO | **2015/49** |
| 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 | **21.08.2014** | PCT application entry delivered by WIPO | **2014/42** |
| US  | United States of America | 14.07.1992 | **28.08.2015** | PCT application entry delivered by WIPO | **2015/51** |
| 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 –PCT application entry loaded directly by the EPO

Updates to the report of 2014 are in bold.

Entries of Lithuania, Latvia and Slovenia were removed from the table, as the direct PCT route had been closed; entry data is available via EP route. Entries of US and NZ have been deleted from this table as data is provided to the EPO via WIPO.

**Week**: 2016/05

**Edition**: 05.02.2016

| **CC** | **Country** | **from** | **until** |  | **Last input week** |
| --- | --- | --- | --- | --- | --- |
| AT | Austria | 01.02.1995 | **13.08.2014** | PCT appl. entry into the national phase | **2014/37** |
| AU | Australia | 28.11.2002 | **04.02.2016** | PCT appl. entry into the national phase - via Gazette | **2016/05** |
| BG | Bulgaria | 02.01.2001 | 30.04.2010 | PCT appl. entry into the national phase | 2010/24 |
| BR | Brazil | 01.03.1995 | **02.02.2016** | PCT appl. entry into the national phase - via Gazette | **2016/05** |
| CA | Canada | 27.12.1979 | **03.02.2016** | PCT appl. entry into the national phase | **2016/05** |
| DE | Germany | 22.04.1971 | **04.02.2016** | PCT appl. entry/non-entry into the national phase | **2016/05** |
| EP | European Patent Office | 20.12.1978 | **03.02.2016** | PCT appl. entry/non-entry into the national phase | **2016/05** |
| ES | Spain | 30.05.1990 | 30.06.2011 | PCT appl. entry into the national phase | 2012/27 |
| GB | United Kingdom | 01.04.1998 | **22.01.2016** | PCT appl. entry into the national phase | **2016/05** |
| GE | Georgia | 31.08.1998 | **18.02.2015** | PCT appl. entry into the national phase | **2016/05** |
| JP | Japan | 01.09.1996 | **29.01.2016** | PCT appl. entry/non-entry into the national phase | **2016/05** |
| KE | Kenya | 11.12.1995 | 18.11.2013 | PCT appl. entry into the national phase | 2013/50 |
| KR | Republic of Korea | 01.01.2000 | **15.01.2016** | PCT appl. entry/non-entry into the national phase | **2016/04** |
| ~~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 | 31.01.2016 | PCT appl. entry into the national phase | 2016/05 |
| ~~NZ~~ | ~~New Zealand~~ | ~~29.06.2001~~ | ~~21.12.2012~~ | ~~Register Entries from Gazette~~ | ~~2013/05~~ |
| RO | Romania | 01.01.2002 | **30.04.2015** | PCT appl. entry into the national phase | **2015/37** |
| RU | Russian Federation | 30.01.2002 | **30.01.2015** | PCT appl. entry into the national phase | **2015/53** |
| ~~SI~~ | ~~Slovenia~~ | ~~01.01.2001~~ | ~~18.10.2011~~ | ~~PCT appl. entry into the national phase~~ | ~~2012/05~~ |
| SK | Slovakia | 01.01.1993 | **15.12.2015** | PCT appl. entry into the national phase | **2016/05** |
| ~~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]