

## **WIPO General Assembly**

**Forty-Seventh (22<sup>nd</sup> Ordinary) Session**  
**Geneva, October 5 to 14, 2015**

### **COOPERATION UNDER THE AGREED STATEMENTS BY THE DIPLOMATIC CONFERENCE REGARDING THE PATENT LAW TREATY (PLT)**

*Document prepared by the Secretariat*

#### **I. INTRODUCTION**

1. Item 4 of the Agreed Statements by the Diplomatic Conference for the Adoption of the Patent Law Treaty (PLT) (hereinafter referred to as the Agreed Statements), adopted on June 1, 2000, states the following:

“4. With a view to facilitating the implementation of Rule 8(1)(a) of this Treaty, the Diplomatic Conference requests the General Assembly of the World Intellectual Property Organization (WIPO) and the Contracting Parties to provide the developing and least developed countries and countries in transition with additional technical assistance to meet their obligations under this Treaty, even before the entry into force of the Treaty.

“The Diplomatic Conference further urges industrialized market economy countries to provide, on request and on mutually agreed terms and conditions, technical and financial cooperation in favor of developing and least developed countries and countries in transition.

“The Diplomatic Conference requests the WIPO General Assembly, once the Treaty has entered into force, to monitor and evaluate the progress of that cooperation every ordinary session.”

2. In accordance with the third paragraph of item 4 of the Agreed Statements, the WIPO General Assembly is requested to monitor and evaluate the progress of technical and financial cooperation in favor of developing and least developed countries (LDCs) and countries in transition, which facilitates the filing of communications in electronic form in those countries.

3. Against this backdrop, industrialized market economy countries referred to in item 4 of the Agreed Statements above are invited to provide information as set forth in that Agreed Statement to the forty-seventh (22<sup>nd</sup> Ordinary) session of the General Assembly so that it could monitor and evaluate the progress of the cooperation.

## II. ACTIVITIES OF WIPO

4. With respect to the relevant activities of WIPO, when adopting Rule 8 of the Regulations under the PLT at the Diplomatic Conference for the Adoption of the PLT, the Director General of WIPO stated that WIPO would remain committed to its technical cooperation program, and that it would further translate the content of Rule 8 into a meaningful capacity building for developing countries and countries in transition.<sup>1</sup>

5. In addition, the recommendations of the WIPO Development Agenda (DA) refer to development and improvement of infrastructure and other facilities, including those relating to information and communication technologies (ICT). In particular, the following recommendations appear to be relevant in this context:

“10. To assist Member States to develop and improve national intellectual property institutional capacity through further development of infrastructure and other facilities with a view to making national intellectual property institutions more efficient and promote fair balance between intellectual property protection and the public interest. This technical assistance should also be extended to sub-regional and regional organizations dealing with intellectual property.

“24. To request WIPO, within its mandate, to expand the scope of its activities aimed at bridging the digital divide, in accordance with the outcomes of the World Summit on the Information Society (WSIS) also taking into account the significance of the Digital Solidarity Fund (DSF).”

6. Specifically, between the previous ordinary session of the WIPO General Assembly in 2013 and the end of May 2015, the following developments in the context of the Patent Cooperation Treaty (PCT) should be noted, given the strong relationship between the PCT and the PLT. Since these activities have already been adopted in the framework of the PCT, they may have medium and long-term potential for application in the PLT context.

7. ePCT: The International Bureau (IB) has continued to develop and deploy the ePCT system. Following the pilot phase, there are now over 20,000 registered users from over 100 different countries using ePCT to file and/or subsequently manage international applications. The system has also been opened to national/regional offices, which can now access the service in their roles as receiving Office (RO), International Searching Authority (ISA) and International Preliminary Examining Authority (IPEA) as well as designated Office (DO). To date, the offices of the following countries and regional patent organizations have started to

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<sup>1</sup> See paragraphs 2556 and 2563 of the Summary Minutes of the Main Committee I contained in the Records of the Diplomatic Conference for the Adoption of the Patent Law Treaty (WIPO publication No. 327)

use these additional services: Algeria, Australia, Austria, Belgium, Brazil, Bulgaria, Canada, Chile, China, Colombia, Cuba, Czech Republic, Denmark, Egypt, Estonia, Eurasian Patent Office, European Patent Office, Finland, France, Germany, Hungary, Iceland, India, Israel, Italy, Japan, Kenya, Latvia, Malaysia, Mexico, Morocco, Netherlands, New Zealand, Nicaragua, Nordic Patent Institute, Norway, the Philippines, Poland, Portugal, Republic of Korea, Russian Federation, Saudi Arabia, Singapore, South Africa, Spain, Sweden, Switzerland, Thailand, Turkey, Ukraine, United Kingdom, United States of America. In addition, a web-based filing solution, ePCT-Filing, which is intended to supersede PCT-SAFE and provides all offices with the ability to offer an electronic filing solution to applicants, has been developed. After an initial pilot phase that was limited to English, in April 2015 the ePCT user interface became available in the other nine languages of international publication under the PCT: Arabic, Chinese, French, German, Japanese, Korean, Portuguese, Russian and Spanish.

8. ePCT hosted filing: The IB now offers fully hosted ePCT RO services compatible with the ePCT-Filing web filing solution. These services are available to offices of all Member States, which do not have the capacity or desire to develop, operate and maintain local IT infrastructure for RO operations, allowing them to offer their applicants the same level of service as that enjoyed at highly automated offices. Participating offices only require a standard web browser and Internet connection (plus scanner for handling documents filed on paper). The IB currently hosts ePCT servers for a number of ROs, namely, the offices of Australia, Brazil, Chile, Estonia, India, Latvia, Malaysia, New Zealand, Saudi Arabia and Singapore as well as the Eurasian Patent Office.

9. In addition to the services listed above, WIPO offers assistance to offices in their preparations for ePCT services to enter into effect. This includes technical assistance, e.g., providing test environments to the RO in order to test the end-to-end filing process, issuance of the digital certificate required by the RO to sign the record copy package before transmittal to the IB, as well as legal and procedural assistance. In addition, WIPO Certification Authorities (CA), which distribute and manage digital certificates, have continued to operate. One CA is used by applicants and another by offices to make security matches with the patent data they process.

10. Transitions away from legacy services: Following the emergence of more efficient and accessible alternatives, the following transitional activities should be noted for three legacy services that had been reported in document WO/GA/43/15:

(a) PCT-SAFE: With ePCT superseding PCT-SAFE as the IB's solution for electronic filing under the PCT, the number of ROs that accept electronic filings under the PCT using PCT-SAFE has reduced from 27 in 2013 to 26. Nevertheless, updated versions of the PCT-SAFE software have continued to be released in a timely manner in order to support the ongoing evolution of the legal and procedural framework of the PCT, such as various PCT Rule changes.

(b) PCT-EASY: Following consultations between the IB and Member States it was agreed that the PCT-EASY filing method, which has now been superseded by full electronic filing and ePCT filing services, be discontinued with effect from July 1, 2015.

(c) PCT Automated Document Ordering System (PADOS): The IB has requested the last two Offices (the Korean Intellectual Property Office and the Japan Patent Office) using the system to transition to PATENTSCOPE web services.

11. With respect to the general technical assistance activities of WIPO, the program for the IP Office Business Solutions provides assistance focusing on enhancing the efficiency of IP registration activities and improving services provided by IP institutions to their stakeholders.

12. Customized automation solutions are provided to a total of 68 IPOs, principally in developing countries, resulting in improved management of IP titles and related records, enhanced efficiency in business processing through increased use of IT and establishment of national IP databases. Emphasis is placed on capacity building through intensive training and knowledge transfer of the software to the IPO's systems administrators for better management and first level technical support, more focused user training to the staff for effective system usage and to ensure successful project delivery and sustainability. The following specific services are provided:

(a) As at the end of 2014, the Industrial Property Administration System (IPAS) was in use in 68 IPOs in developing countries from all regions (out of which 17 are LDCs). Of these, 46 offices were using the system for the receipt, examination, granting and publication of patent applications.

(b) The IP Office Business Solutions Program also provides assistance to many IPOs to provide online services such as online filing, online publication and data exchange with international databases.

*13. The WIPO General Assembly is invited to take note of the "Cooperation under the Agreed Statements by the Diplomatic Conference Regarding the Patent Law Treaty" (document WO/GA/47/15)*

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