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TECHNICAL ASSISTANCE AND COOPERATION REGARDING THE PATENT LAW TREATY (PLT)

Document prepared by the Secretariat

1. In its Agreed Statements regarding the Patent Law Treaty and the Regulations under the Patent Law Treaty, the Diplomatic Conference for the Adoption of the Patent Law Treaty (PLT), held in Geneva from May 11 to June 2, 2000, requested 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 that Treaty, with a view to facilitating the implementation of Rule 8(1)(a) of the PLT.¹ Specifically, the Diplomatic Conference requests the WIPO General Assembly to monitor and evaluate the progress of such cooperation at every ordinary session.

2. Based on the said Agreed Statements, the Secretariat has regularly submitted to the WIPO General Assembly information on the relevant technical assistance and cooperation activities, carried out by the WIPO Secretariat, to facilitate filing of communications in electronic form. The relevant activities for the period from June 2017 to May 2019 are included in Annex I to this document. A list of the PLT Contracting Parties, as of June 2019, is contained in Annex II, for information purposes.

¹ Item 4 of the Agreed Statements regarding the Patent Law Treaty and the Regulations under the Patent Law Treaty.

3. In addition, “industrialized market economy countries” referred to in paragraph 3, item 4 of the Agreed Statements are invited to provide information as set forth in that paragraph to the WIPO General Assembly so that it could monitor and evaluate the progress of the cooperation.

4. The WIPO General Assembly is invited to take note of the information on “Technical Assistance and Cooperation regarding the Patent Law Treaty (PLT)” (document WO/GA/51/16).

[Annexes follow]

TECHNICAL ASSISTANCE AND COOPERATION FOR DEVELOPING AND LEAST DEVELOPED COUNTRIES AND COUNTRIES IN TRANSITION TO FACILITATE THE IMPLEMENTATION OF RULE 8(1)(A) OF THE PATENT LAW TREATY (PLT) FOR THE PERIOD FROM JUNE 2017 TO MAY 2019

1. From June 2017 to May 2019, the WIPO Secretariat provided technical assistance and cooperation to developing and least developed countries and countries in transition² to facilitate the implementation of Rule 8(1)(a) of the Patent Law Treaty (PLT), i.e., facilitating the filing of electronic communications in those countries, with respect to the following areas: (a) technical infrastructure of national and regional IP Offices; and (b) electronic communications under the Patent Cooperation Treaty (PCT).
2. The activities were aligned with the Development Agenda recommendations aiming at strengthening institutional and technical infrastructure of IP offices and institutions.³
 - A. Technical Infrastructure of National and Regional IP Offices
3. During the reporting period, the Secretariat continued to support enhancement of national and regional IP Offices' IP business systems and technical infrastructure so as to help them provide more cost-effective and higher-quality services to their own stakeholders. A key focus of the Program for the current biennium is to upgrade the service level of IPOs by assisting them to move to online services for filing and for IP information dissemination. More information is available on the website of WIPO's technical assistance program for IPOs http://www.wipo.int/global_ip/en/activities/technicalassistance/.
4. The technical assistance and cooperation provided include technical consultancy; business needs assessment; project scoping and planning; business process analysis; ongoing development and deployment of customized business systems solutions for the administration of IP rights and for the exchange of priority documents, and of search and examination results; establishment of IP databases; assistance with digitization of IP records and preparation of data for online publications and electronic data exchange; training and knowledge transfer to staff of IP institutions; and support for the systems provided by WIPO. The assistance takes into account WIPO Standards on IP data and information where appropriate. On-site training, mentoring and regional training workshops account for a significant portion of the Secretariat's activities and are critical in achieving the desired results.
5. During this period, activities were undertaken with 70 IPOs, including 22 regional or sub-regional training workshops, in developing and least developed countries and countries in transition. To date, 84 IPOs from those countries in all regions are actively using WIPO Business Solutions for the administration of their IP rights, in which WIPO Standards are integrated.

² The technical assistance and cooperation was provided both to PLT members and to countries that are not yet members, independently of whether or not they were in the process of acceding to, or ratifying, the PLT.

³ See, in particular, Recommendations 10 and 24 of the WIPO Development Agenda.

B. Electronic Communications under the Patent Cooperation Treaty (PCT)

6. Given the strong relationship between the PLT and the PCT, the following developments during the reporting period in the context of the PCT should be noted.

7. The International Bureau (IB) has continued to develop and deploy the ePCT system. There are now over 58,000 registered users from over 100 different countries using ePCT to file and/or subsequently manage international applications. The system is also open 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, 86 IP Offices are using these additional services.

8. In addition, the 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, is accepted by 56 ROs (as of June 1, 2019). The ePCT user interface is available in all languages of international publication under the PCT: English, Arabic, Chinese, French, German, Japanese, Korean, Portuguese, Russian and Spanish.

9. Furthermore, the IB 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, including the Offices of Algeria, Azerbaijan, Brazil, Brunei Darussalam, Chile, Colombia, Costa Rica, Cuba, Dominican Republic, Egypt, Georgia, India, Indonesia, Iran (Islamic Republic of), Jordan, Kenya, Malaysia, Mexico, Morocco, Oman, Panama, Peru, Philippines, Qatar, Russian Federation, Saudi Arabia, Serbia, Singapore, South Africa, as well as the Eurasian Patent Office.

10. 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, transmittal of record copy packages to the IB, as well as legal and procedural assistance. In addition, the WIPO Certification Authorities (CA), which distribute and manage digital certificates, have continued to operate. One CA is used by applicants and office users for strong authentication access to ePCT services. In March 2017, two new strong authentication methods were implemented ('one time password' generated either by an application or *via* SMS) as part of the new ePCT Design deployment.

11. Following the emergence of more efficient and accessible alternatives, transitional activities have been carried out for three legacy services that had been reported in document WO/GA/43/15. In particular, 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 12 as of June 1, 2019. 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.

[Annex II follows]

Patent Law Treaty¹
(Geneva, 2000)
Status on June 2019

State	Date on which State became party to the Treaty
Albania	May 17, 2010
Antigua and Barbuda	June 25, 2019
Armenia	September 17, 2013
Australia	March 16, 2009
Bahrain	December 15, 2005
Belarus.....	October 21, 2016
Bosnia and Herzegovina	May 9, 2012
Croatia	April 28, 2005
Democratic People's republic of Korea	August 22, 2018
Denmark	April 28, 2005
Estonia	April 28, 2005
Finland.....	March 6, 2006
France	January 5, 2010
Hungary	March 12, 2008
Ireland.....	May 27, 2012
Japan.....	June 11, 2016
Kazakhstan	October 19, 2011
Kyrgyzstan.....	April 28, 2005
Latvia.....	June 12, 2010
Liberia	January 4, 2017
Liechtenstein.....	December 18, 2009
Lithuania.....	February 3, 2012
Montenegro.....	March 9, 2012
Netherlands	December 27, 2010
Nigeria	April 28, 2005
North Macedonia	April 22, 2010
Oman	October 16, 2007
Republic of Moldova	April 28, 2005
Romania.....	April 28, 2005
Russian Federation ²	August 12, 2009
Saudi Arabia	August 3, 2013
Serbia	August 20, 2010
Slovakia	April 28, 2005
Slovenia	April 28, 2005
Spain	November 6, 2013
Sweden.....	December 27, 2007
Switzerland	July 1, 2008
Ukraine	April 28, 2005
United Kingdom ³	March 22, 2006
United States of America ²	December 18, 2013
Uzbekistan	July 19, 2006

(Total: 41 States)

[End of Annex II and of document]

¹ Entered into force on April 28, 2005.

² With the reservation under Article 23(1).

³ Ratification in respect of the United Kingdom of Great Britain and Northern Ireland and the Isle of Man.