

Meeting of International Authorities under the Patent Cooperation Treaty (PCT)

**Twenty-Third Session
Santiago, January 20 to 22, 2016**

PCT DIRECT: A NEW SERVICE STRENGTHENING THE USE OF THE PCT

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1. On November 1, 2014 the European Patent Office (EPO) in its capacity as receiving Office and International Searching Authority launched a new PCT service, called “PCT Direct”. The PCT Direct service, which was initially only available for international applications filed with the EPO as receiving Office, was extended to all the other receiving Offices as of 1 July 2015 (see Notice from the EPO dated 22 June 2015 published in OJ EPO 2015, A51).
2. Under PCT Direct, an applicant filing an international application claiming priority from an earlier application already searched by the EPO is able to react to any objections raised in the search opinion drawn up for the priority application. This new service simplifies the assessment of the international application and adds to the value of the international search report and written opinion established by the EPO.
3. Applicants may request to have their international application processed under PCT Direct by filing a letter (“PCT Direct letter”) containing informal comments aimed at overcoming objections raised in the search opinion established by the EPO for the priority application. Such informal comments are to be understood as arguments regarding the patentability of the claims of the international application and also possibly as explanations regarding any modifications to the application documents, in particular to the claims, in comparison with the earlier application. PCT Direct letters do not form part of the international application.
4. Upon receipt of a PCT Direct letter, the international application is processed under PCT Direct only where the following two requirements are met:
 - (a) the informal comments are filed to the receiving Office together with the international application in the prescribed form (see point 3 of OJ EPO 2015, A51),

(b) the international application claims priority of an earlier application searched by the EPO (that is, a European *premiers dépôts* or certain national first filings).

5. The PCT Direct letter and any marked-up copy of the claims and/or description are to be submitted as a single document in PDF format and indicated by checking Box IX of the PCT request form (check list, Form PCT/RO/101). In particular, the words "PCT Direct / informal comments" should be specified under point 11, "Other", for filings on paper and as a remark for filings in electronic form using the EPO online filing software or the EPO new online filing (CMS). For filings in electronic form using WIPO's ePCT portal, the PCT Direct letter and any marked-up copy of the claims and/or description are to be uploaded by selecting the box "Applicant letter to ISA concerning earlier search ('PCT Direct')" from the "Other documents" options when specifying the earlier search to be taken into account.

6. From November 2014 to October 2015, the EPO received 2,064 PCT applications requesting the PCT Direct service (before November 2014, it was running as a limited pilot). Since November 2014, the EPO has been receiving around 200 PCT applications with PCT Direct letters per month. User groups have praised the launch of this new service as it brings more efficiency both for them and for the EPO as ISA.

7. In order to ensure a smooth prosecution of the PCT Direct letters from the part of the receiving Offices, information on the procedure to be followed in these cases was included in the PCT RO Guidelines (paragraphs 116E, F and G). In addition, specific information as to whether an ISA is offering this service is contained in the PCT Applicant's Guide, Annex D.

8. *The Meeting is invited to take note of the content of this document.*

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