

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

**Twenty-Seventh Session
Gatineau, February 6 and 7, 2020**

PCT COLLABORATIVE SEARCH AND EXAMINATION PILOT: PROGRESS REPORT

Document prepared by the European Patent Office

SUMMARY

1. This document reports on the progress of the third pilot project on collaborative search and examination under the PCT ("CS&E") among the IP5 Offices (the European Patent Office (EPO), the Japan Patent Office (JPO), the Korean Intellectual Property Office (KIPO), the China National Intellectual Property Administration (CNIPA) and the United States Patent and Trademark Office (USPTO)).

BACKGROUND

2. With the aim to improve the functioning of the PCT as listed in document PCT/WG/4/3, KIPO, the USPTO and the EPO launched two pilot projects on collaborative search and examination under the PCT (CS&E) in 2010 and 2012. Both pilots concluded with an overall very positive outcome in terms of quality and efficiency for both the participating Offices and users whose applications were treated under the collaborative scheme (see documents PCT/MIA/18/7, PCT/MIA/20/4 and PCT/MIA/24/3).

FRAMEWORK

3. On June 2, 2016, the IP5 Heads endorsed the "IP5 Cooperation Framework on Collaborative Search and Examination under the PCT", which is a document setting the underlying principles and main features of the third, applicant-driven pilot. The Collaborative Search and Examination Pilot Group ("CS&E Pilot Group") established on the basis of that document is in charge of developing and monitoring this project.

4. In this pilot project, the examiner from the Office acting as competent International Searching Authority under PCT Rule 35 for a given international application ("the main examiner") conducts the search and examination as for any other international application and establishes a provisional international search report and written opinion. These provisional work products are then transmitted to peer examiners from the other participating Offices in their capacity as International Searching Authorities. Peer examiners provide the main examiner with their contributions, taking into consideration the provisional international search report and written opinion. The final international search report and written opinion are established by the main examiner after consideration of the contributions from the peer examiners. Further details on the concept and framework of this CS&E pilot project and the requirements for participation are available on the respective IP5 Offices' websites.

STATE OF PLAY

5. This pilot project is divided in two main phases: a preparatory phase and an operational phase. The operational phase, which started on July 1, 2018, is dedicated to the processing of applications under the collaborative scheme, the monitoring of applications for evaluation purposes and the assessment of the outcome of the pilot. As part of the operational phase, the evaluation phase will start on July 1, 2020, when no new incoming CS&E files will be accepted in the pilot anymore and more focus will be given in assessing the results of the pilot and preparing the report for the IP5 Heads. It is expected that the evaluation phase will be extended by one more year than originally planned, namely up until June 1, 2022, in order to assess the entry of all CS&E files into the various national phases of the IP5 Offices. The information gathered at that stage will be critical when making the general evaluation of the CS&E concept.

6. On October 21, 2019, the CS&E Pilot Group held its eighth session in Beijing. The CS&E Pilot Group noted that the operational phase was running smoothly in spite of the operational challenges resulting from the need of manual workarounds to process CS&E files and especially peer contributions. Offices which have started accepting filings in other languages than English exchanged their experience with respect to translations into English, and reported that no particular issues have been detected. Furthermore, it was agreed to inform users about the status of the pilot at the next meeting with IP5 Industry in February 2020, and more information will progressively be made available. Figures giving a general overview of the progress of this pilot project on January 10, 2020, may be found in the table below.

Total number of accepted applications	Total number of provisional search reports	Total number of peer contributions	Total number of final search reports
397	383	1463	311

7. In general, applicants' interest for this pilot project is high, especially in the United States of America. As per January 15, 2020, the USPTO and KIPO had already reached their quota of 100 applications accepted into the pilot, the EPO had nearly reached its quota with 90 files, including 12 submitted in either French or German, while the JPO and CNIPA had each accepted nearly 60 files into the pilot. It is thus expected that the intended total number of 500 CS&E files will be met by June 2020 as planned.

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

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