

MEETING OF INTERNATIONAL AUTHORITIES UNDER THE PATENT COOPERATION TREATY (PCT)

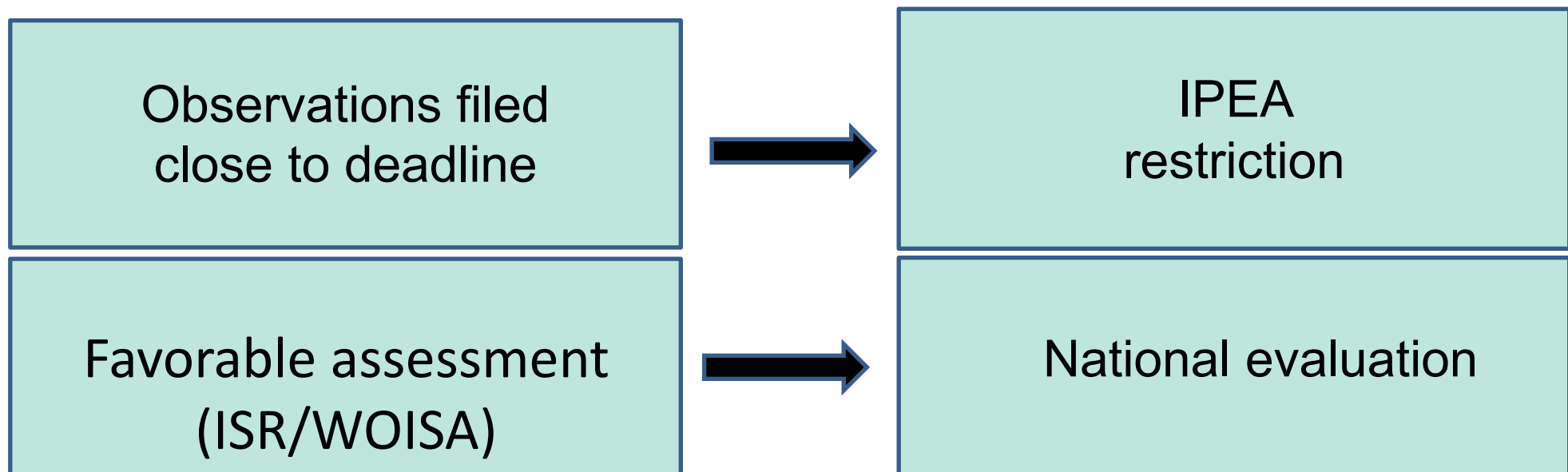
Thirty-Second Session

October 29 to 31, 2025

IMPROVEMENTS IN THE THIRD PARTY OBSERVATION SYSTEM – ANALYSIS OF AN OBSERVATION

Brazilian Delegation

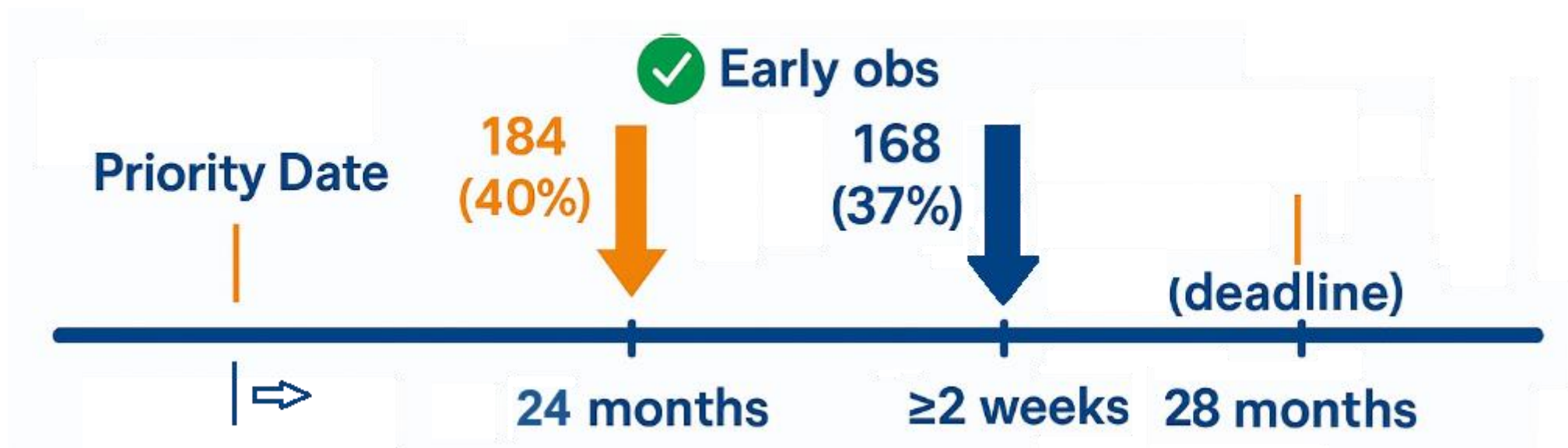
Introduction



- Since the PCT informs applicants of prior art for national phase decisions, third-party observations should be used more effectively.

Background

458 Third-Party Observations (435 applications, 2024)



- 8 comments from applicants were received in response
- 30 applications (6.9%) requested Chapter II, of which 9 demands were received after the first third-party observation
- 10 applications (10%) received an observation at least two weeks before 22 months, allowing for a demand:
 - ✓ 8 demands submitted after the observation
 - ✓ 2 applications received observations after the demand

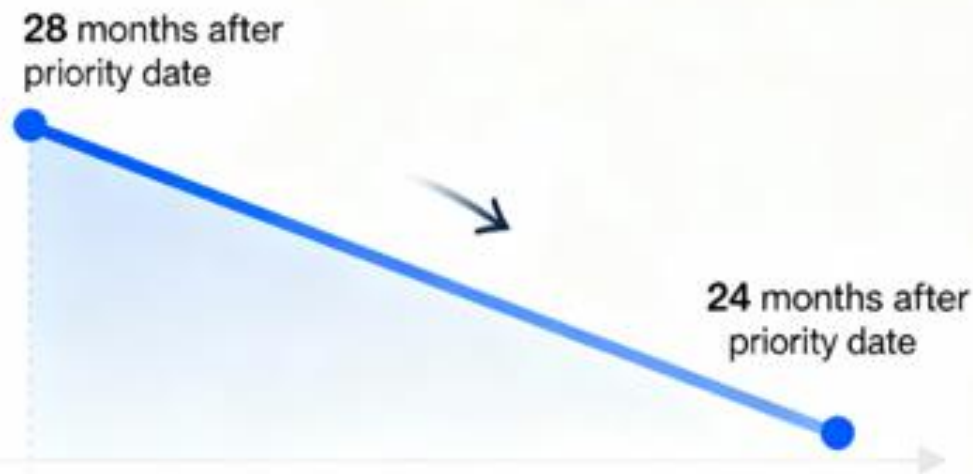
Background

- Time limit of 28 months from the priority date;
- Documents must be relevant to novelty and/or inventive step;
- Anonymous submission is allowed;
- Each observation may upload a maximum of 10 pieces of prior art with 5,000 characters per cited document on the “brief explanation of relevance”.

Contents of the Proposal

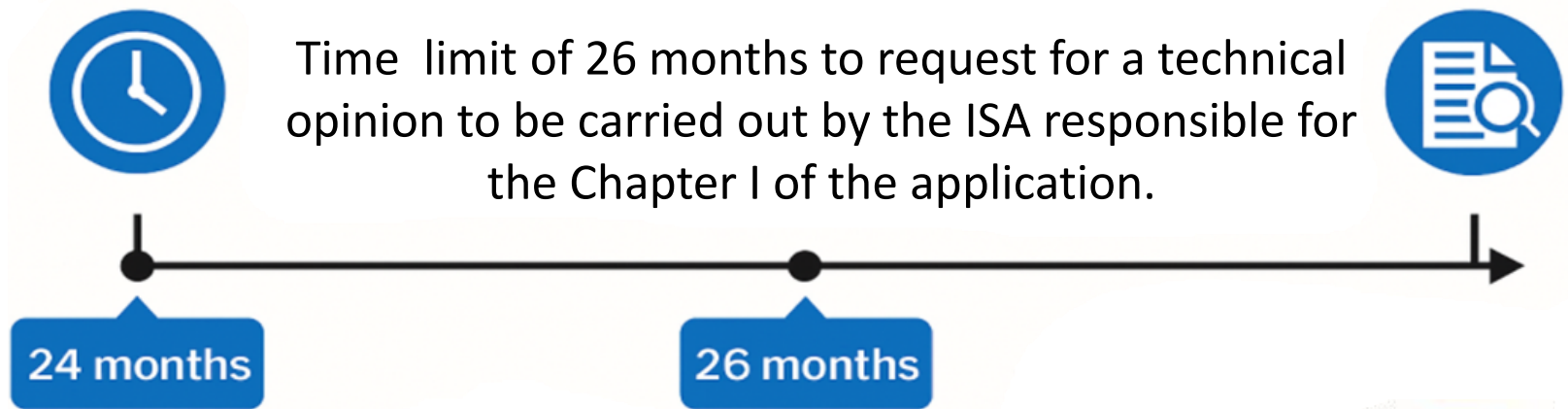
- The proposal aims to enhance the international third-party observations system by allowing applicants or third parties to submit previously unidentified prior art and request a technical opinion on it.

Third-Party Observations Deadline Timeline



Contents of the Proposal

Time limit of 24 months, instead of 28 months, from the priority date for submitting third party observations.



If there is a Chapter II demand, the applicant may request for a technical opinion to be carried out by the IPEA responsible for the Chapter II.



Making a request for analysis

- **A request for analysis of an observation shall be submitted directly:**
 - ✓ to the ISA responsible for the Chapter I by the applicant or the person submitting a third-party observation, or
 - ✓ to the IPEA by the applicant, if a Chapter II demand has been made
- **Each request for analysis shall refer to only one observation.**

Fees

- **The request for analysis shall be subject to payment of two fees:**
 - ✓ “handling fee” to cover the costs of the International Bureau
 - ✓ “analysis fee” to cover the costs of the International Authority
- **It is up to each Authority to require that the applicant pays a fee (analysis fee) for carrying out such analysis**
- **The Authority may set out limitations and conditions of the service in its agreement with the International Bureau**

Regarding the International Authority

- **Participation in the project.**
 - ✓ Each International Authority decides whether to participate in this proposal or not.

- **The time limit for establishing the report of the analysis is:**
 - ✓ 28 months from the priority date.

Benefits of the analysis of observations

- The applicant can assess an observation's relevance before the national phase if no Chapter II request is filed.
- Third-party observations enhance PCT quality and efficiency.
- Analysis improves completeness and accuracy of international reports.
- It guides the applicant in deciding on national phase entry

The background is a scenic view of Rio de Janeiro, Brazil, featuring the bay, the city, and the surrounding mountains. Overlaid on this image are various digital and technological elements. At the top, there are binary code strings (0s and 1s) and labels for continents: 'AMERICA', 'AFRICA', and 'ASIA'. Below these, there are icons for 'INTERNET', 'LIVE', 'PHOTOS', 'VIDEOS', and 'MUSIC'. A map of South America is visible, with Brazil highlighted. In the center, there are curved lines representing data flow or network connections. At the bottom, there are more binary code strings and labels for 'SHOW BUSINESS', 'NETWORK', 'MUSIC', 'CINEMA', 'BUSINESS/FINANCE', and 'WORLD NEWS'.

Thank you very much!

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