

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

Thirty-Third Session
Geneva, October 28 and 29, 2026

PROMOTING PCT-PPH IN THE INTERNATIONAL PHASE

Document prepared by the Canadian Intellectual Property Office

SUMMARY

1. This document outlines an approach that the Canadian Intellectual Property Office (CIPO) is currently considering in order to promote the PCT-Patent Prosecution Highway (PCT-PPH) program in the international phase to increase use in the national phase. The promotion would be made to applicants who have filed international applications that receive a positive opinion (on novelty, inventive step, industrial applicability for at least one claim) where CIPO is the International Searching or Preliminary Examining Authority (ISA/IPEA).

2. With this document, CIPO is sharing information with other International Authorities regarding our planned approach to promote the PCT-PPH to applicants with PPH-eligible international applications. We would also like feedback from other Offices on this concept and gauge interest in subsequent data sharing with other Offices. We would also like to encourage discussion around the idea of creating a separate electronic promotional channel similar to a mailing insert in the PCT.

BACKGROUND

3. In recent years, there have been ongoing efforts to make more effective use of the PCT in order to, inter alia, reduce duplication of work and leverage the high-quality search and patentability opinions provided during the international phase. One of the most established programs supporting these objectives is the Patent Prosecution Highway (PPH) program, which promotes the effective use of international work products in the national phase via the PCT-PPH stream. Today, most International Authorities, as well as many other Offices, participate in at

least one PPH partnership. As of September 2026, 56 intellectual property Offices offer PPH programs¹.

4. Under the PCT-PPH program, an applicant receiving a favorable written opinion or international preliminary report on patentability (IPRP) from an International Authority may generally request expedited examination of a corresponding national phase application provided that the claims in the national phase sufficiently correspond to those that received a positive indication in the written opinion or IPRP. Participating Offices may then leverage the international phase work products to support expediting national examination under the PPH.

5. The success of the PCT and PPH has demonstrated the value of work sharing among patent Offices while delivering tangible benefits for both Offices and applicants. The PPH significantly speeds up the examination process for corresponding applications filed in participating partner Offices by encouraging applicants to present applications that successfully address prior search and examination results from the earlier Office, thus allowing examiners at the later Office to take advantage of international work products and avoid unnecessary duplication of efforts. As a result, corresponding applications in PPH-participating IP offices are examined more quickly and efficiently. Some of the proven benefits include accelerated examination, significantly higher allowance rate, decreased prosecution cost due to fewer actions prior to allowance, and reduced overall pendency. Data documenting these efficiencies are provided by participating Offices and available through the [JPO PPH Portal - Statistics](#).

6. Discussions on strengthening the link between the international and national examination phases have been ongoing for more than a decade. The discussion was first initiated at the fifth session of the PCT Working Group, held in 2012. At this session, the United Kingdom and the United States of America presented a joint proposal entitled “PCT 20/20”, containing 12 proposals for further improvement of the PCT System ([PCT/WG/5/18](#)). The proposal included a specific proposal for “Formal Integration of the Patent Prosecution Highway into the PCT, Fast Track of National Phase Applications, Improve Reuse of PCT Work at the National Phase.” The discussion continued at the twentieth session of the Meeting of International Authorities (MIA) under the PCT in 2013 ([PCT/MIA/20/10](#)). Participants explored ways to strengthen the linkage between the international phase and the national phase, including increasing the participation in the PCT-PPH and considering options for integrating the PPH into the PCT System.

7. At the sixth session of the PCT Working Group in May 2013, the Japan Patent Office (JPO) made efforts to advance the concept of “linkage between the international phase and the national phase.” Through the PCT Working Group electronic forum, the JPO invited other IP Offices to share comments and ideas on useful measures for advancement of the linkage. At the twenty-first to twenty-sixth sessions of the MIA (2014 to 2019), International Authorities exchanged information on their experiences and practices relating to work sharing and the use of PPH. The paper entitled “Promoting Linkage Between the International Phase and the National Phase” presented by the JPO at the twenty-seventh session of the MIA in 2020 ([PCT/MIA/27/10](#)) documented exchanges in the e-forum where many Offices expressed support for utilizing the PCT-PPH and acknowledged that PCT-PPH is highly effective in enabling applicants to obtain timely patents in the national phase.

8. A revised approach was presented at the fifteenth session of the PCT Working Group in 2022 ([PCT/WG/15/16](#)) where Japan, the Republic of Korea, the United Kingdom, and the United States of America suggested holding information sessions at a future WG meeting. In 2024, the seventeenth session of the PCT Working Group included an information sharing

¹ A list of Offices participating in PPH is available on the [PPH Portal](#) hosted by the Japan Patent Office.

workshop on experiences with the PPH and the use of PCT work products during national examination².

9. CIPO acknowledges many of these previous efforts related to the formal integration of the PPH into the PCT System. At the same time, CIPO also recognizes the concerns raised by some Offices in the past. Accordingly, CIPO's goal is to strengthen collaboration between the international and national phases of PCT applications without considering the incorporation of the PPH into the PCT legal framework.

10. The planned approach described below builds on recent experience promoting applicant participation in the PPH and Global PPH (GPPH) programs. In 2024 and 2025 CIPO conducted a pilot project in which applicants who had recently requested examination for their Canadian patent application and had a patent family member granted by the United States Patent and Trademark Office (USPTO), were sent a letter informing them that the application was eligible for accelerated examination under the PPH. This pilot showed a significant positive response rate with around 10% of the letters resulting in an otherwise unexpected PPH request compared to a control group (i.e. applications that did not receive a letter). These findings were presented in 2026 at the [20th anniversary celebration of the PPH program](#) in the margins of the IP5 meeting in Tokyo.

PROMOTION OF THE PCT-PPH IN THE PCT SYSTEM

11. Building on the success of promoting the PPH in the national phase, CIPO would like to expand the pilot project to include applications in the international phase where it acts as the ISA/IPEA. As outlined above, this approach aligns well with the objectives of the 2012 "PCT 20/20" proposals, which sought to strengthen the bridge between the international and national phases to deliver more useful and actionable information to applicants. By notifying applicants of PCT-PPH eligibility when a positive written opinion or IPRP is sent, CIPO believes that this promotes the practical value and use of international phase work products in national phase examination. A secondary goal of this promotion initiative would be to increase applicant awareness of the PPH in general.

12. CIPO acknowledges that this approach would encourage applicants to make PCT-PPH requests at other designated and elected Offices (DO/EO) that participate in the PCT-PPH program. It is important to note that the use of the PCT-PPH mechanism remains entirely voluntary for applicants and there is no expectation that PCT-PPH partner Offices would make any changes, i.e. all PPH offices would continue to examine under the agreed-upon principles of the PPH, including respect for the sovereignty of each Office.

13. It is anticipated that the promotions would be directed to applications with at least one claim determined as novel, inventive and industrially applicable in PCT work products produced by CIPO (i.e. where the opinion states that at least one claim complies with PCT Articles 33(2) to (4)). CIPO receives approximately 2,200 to 2,400 international applications annually. It is estimated that only 5 to 10% of the promotions will result in applicants choosing to use the PCT-PPH, so the expected annual impact would be at most 240 applicants that choose to make PCT-PPH requests that they otherwise would not have made. Given the global average of around 2.5 national phase entries per PCT application, a maximum of 600 additional PCT-PPH requests could be expected in total, with the larger Offices receiving the majority.

² Presentations made during the information sharing session are available on the webpage of the [seventeenth session of the PCT Working Group](#).

14. CIPO has considered several options for implementing the promotion, such as sending Form PCT/ISA/224 or PCT/IPEA/424 (Communication in Cases for Which No Other Form Is Applicable), sending an ePCT notification, or including a statement directly in the written opinion or IPRP (e.g. in Box No. V or Box No. VIII).

15. Another potential avenue would be to work with the International Bureau and other International Authorities to add an electronic “Promotion” channel to the PCT System (e.g. in ePCT). While the transition from paper to electronic communication brings many advantages, it seems that there is currently no mechanism in the PCT System to include informal or promotional material along with official correspondence as may have been done in the past with a mailing insert. An informal channel that does not form part of the application record could enrich client touchpoints and wayfinding in the PCT and would be an ideal mechanism for this promotional activity among others.

16. While there is currently no perfect place to include the promotional statement, CIPO believes that, unless a new channel can be provided as described above, Box No. V is the most appropriate since it is directed to the related analysis and explanation on novelty, inventive step and industrial applicability. In this case, the statement could follow the analysis for all applications where at least one of the claims is indicated as being novel and inventive. The statement that CIPO is considering is as follows:

“Note: The claim(s) indicated as novel, inventive and industrially applicable according to PCT Articles 33(2) to (4) in [this Box/above] may be eligible for expedited examination under the PCT-Patent Prosecution Highway (PCT-PPH) at participating Offices during the national phase.”

17. While CIPO encourages clients to use existing work sharing and acceleration initiatives such as the PPH, CIPO continues to believe that the choice to participate in these initiatives must remain with each client. As well, the outlined approach to the promotion/notification described above does not require changes to the PCT Rules, Administrative Instructions, or International Search and Preliminary Examination Guidelines.

18. CIPO hopes to implement this pilot over the next months and report on early results at the MIA in 2027, with a follow up paper in 2028 to provide further findings.

19. In the future CIPO would be interested in cooperating with other interested Offices to share information to better understand if applicants of applications where CIPO was the International Authority that receive the proposed statement on PCT-PPH eligibility, subsequently submit PPH requests during their national phase.

20. *The Meeting is invited:*

(i) *to note the contents of this document;*

(ii) *to provide comments on developing a promotion channel within the PCT System;*

(iii) *to provide comments on the planned approach of CIPO to inform applicants of eligibility to the PCT-PPH program; and*

*(iv) to comment on interest in
collaborating on future information
sharing on the national phase of the
pilot applications.*

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