The National Institute of Industrial Property’s PPH agreements
PACTE ACT (2020)

A MAJOR ECONOMIC LAW – MANY CHANGES IN THE FIELD OF PATENTS

- **INTRODUCTION** of the ground of inventive step for rejecting patent applications: only novelty before the 22 May 2020

- **CREATION** of a patent opposition procedure (post-grant): similar to the EPO opposition procedure (from 1st of April 2020)

- **CREATION** of a provisional patent application: through a simple, affordable procedure, applicants can secure an early filing date and a priority (from 1st of July 2020)

- **EXTENSION** of the protection period of the utility certificate: from 6 to 10 years with the possibility of converting it into a patent application (from 10th of January 2020)

Same requirements for substantive examination as other patent offices that had signed PPH agreements
MAIN REASONS FOR ENTERING INTO A PPH AGREEMENT (2020):

- **HELP applicants' economic expansion:** faster granting, better granting rate, fewer notifications
- **MUTUALIZE efforts:** use of the results of a previous procedure, improved examination quality, better management of the stock of applications under examination
- **IMPROVING INPI's international influence:** making the most of the PACTE act, joining the 54 offices that already had at least one PPH agreement, forging closer relations with our counterparts

**Why not start with the Japan Patent Office?**
EIGHT PPH AGREEMENTS (2021-2024)

- NORMAL PPH with JPO: in force since 1st of January 2021 (expanded to Mottainai-PPH and PCT-PPH since the 1st of July 2023)
- MOTTAINAI & PCT-PPH with USPTO: in force since the 1st of December 2021
- MOTTAINAI & PCT-PPH with CIPO: in force since the 1st of February 2022
- MOTTAINAI & PCT-PPH with INPI BRAZIL: in force since the 1st of May 2022
- MOTTAINAI & PCT-PPH with KIPO: in force since the 1st of September 2022
- NORMAL PPH with CNIPA: in force since the 1st of June 2023
- MOTTAINAI PPH with OMPIC: in force since the 1st of November 2023
- MOTTAINAI & PCT-PPH with SAIP: in force from the 30th of April 2024

⚠️ No fee and no limits in terms of number/IPC classes for PPH requests
SOME OPERATIONAL IMPACTS

- **DRAFTING PPH guidelines**: in collaboration with our PPH partner offices
- **MODIFYING our IT tools**: to enable **PPH requests to be filed on our electronic patent filing portal** and internally to create **new PPH baskets** on our internal patent application management software for our examiners (so that they can easily see that the patent application under PPH request must be fast-tracked)
- **TRAINING OUR EXAMINERS and DRAFTING INTERNAL INSTRUCTIONS**: for our examiners to **process PPH requests autonomously**
- **COMMUNICATING with our applicants**: writing informative articles on our website, organizing training webinars
INTERACTIONS WITH PCT

- **INPI is not an International Searching and International Preliminary Examining Authority under the PCT:** INPI can nevertheless speed up the processing of national patent applications (which claim priority from a PCT application) by using **PCT work products** (WO-ISA, WO-IPEA or IPRP) notified to the applicant during the international phase of a PCT procedure.

- **France is a PCT contracting state for which only a regional patent (European patent) can be obtained via the PCT:** there is **no French PCT national phase**
ASSESSMENT OF THE PPH

PPH REQUESTS that have been submitted to each patent office (from 1 January 2021 to 31 December 2023)

- **ABROAD:** 62 PPH requests in total with INPI as OEE; 27 at the USPTO, 19 at INPI Brazil, 7 at the KIPO, 4 at the CNIPA, 3 at the JPO, 2 at the CIPO

- **AT INPI:** 11 requests in total, invoking the following agreements: 6 for JPO, 4 for USPTO, 1 for CNIPA

Satisfactory, but we are going to try to improve these figures still further (webinars, communication...)
Thank you for your attention!

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