

Overview of WIPO and its Activities – with a focus on the Patent Cooperation Treaty (PCT)



Matthew Bryan
Director
Patent Cooperation Treaty
Legal and User Relations Division





Who we are

- International intergovernmental organization
- 193 member states
- 350 + accredited observers
- 1300 staff from 120 countries
- 26 treaties

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WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

What we do



We help governments,
businesses and
individuals make
intellectual property
work for **innovation**
and **creativity**

How do we do it?

Make it easy
to protect IP
assets

Support
consistent IP
laws

Support
policymakers

Make IP
work
for
development

Improve
access to
the IP
system

Services



Protecting technologies in global markets



Protecting brands in global markets



Protect designs in global markets



Protect origin-based products

IP-related dispute resolution

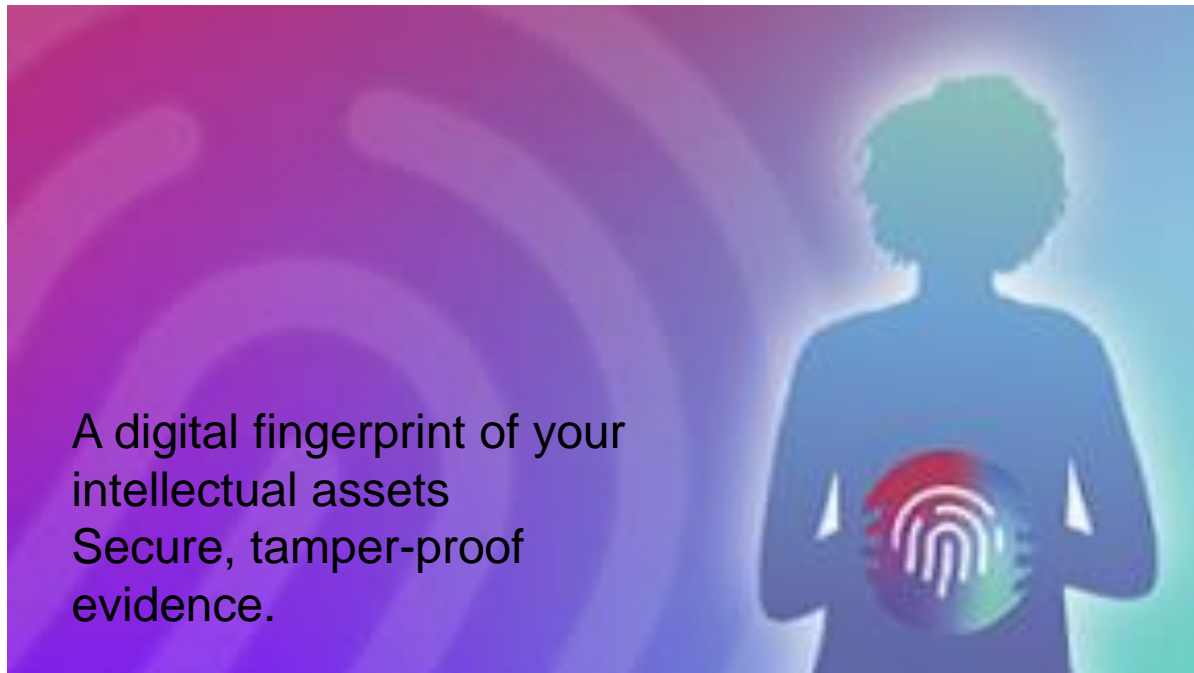


Domain names

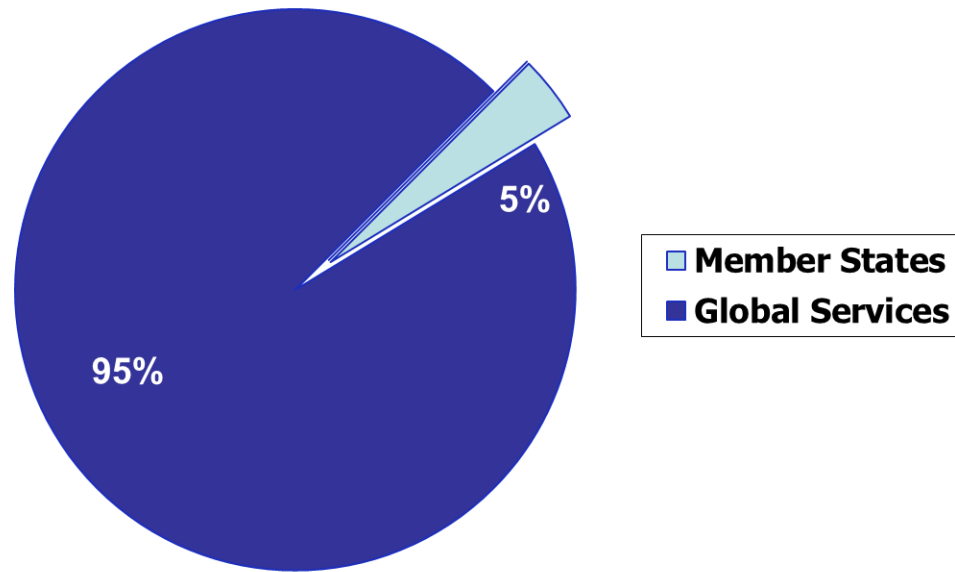


Record 4,204 cases filed by trademark owners under the UDRP in 2020.

WIPO Proof



Sources of Income/Expenditure



2020-2021:

Income: CHF 882.8 million (+6.4%)

Expenditure: CHF 768.4 million (+5.9%)

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International IP laws



Patent Law

- Patent quality
- Exceptions & Limitations
- Patents & health
- Client-patent attorney privilege
- Technology transfer

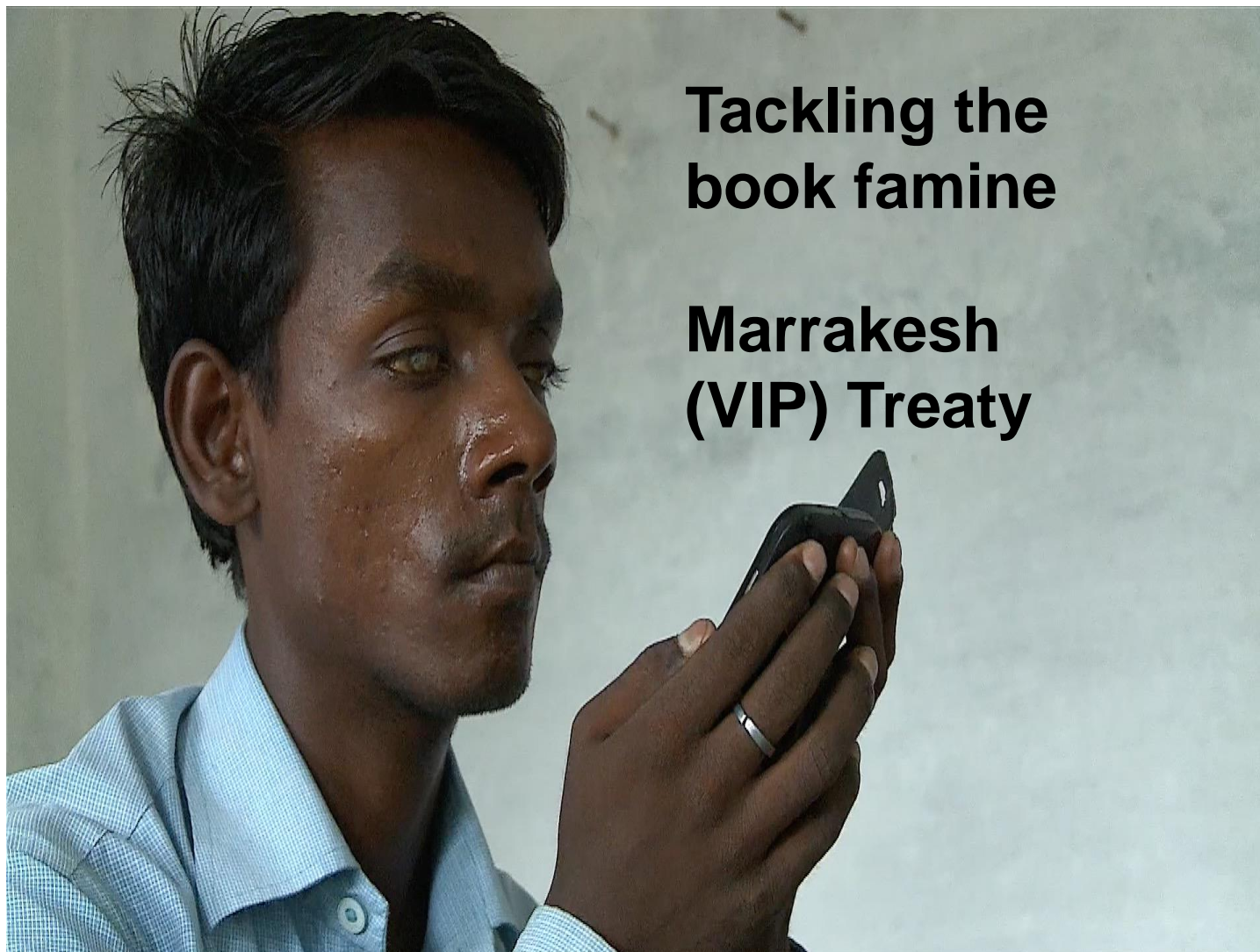


Laws for Trademarks, Designs, Geographical Indications



Copyright Law:

- Protection of broadcasting organizations
- Limitations and exceptions for:
 - Libraries, archives
 - Educational and research institutions



**Tackling the
book famine**

**Marrakesh
(VIP) Treaty**

Indigenous knowledge



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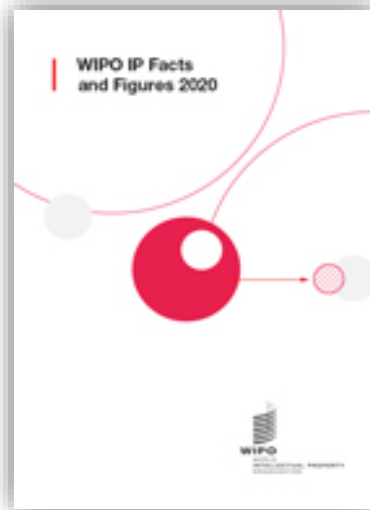
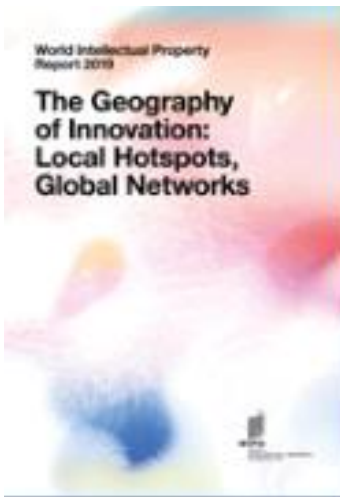
Support
policymakers

Make IP
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Improve
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Supporting policymakers

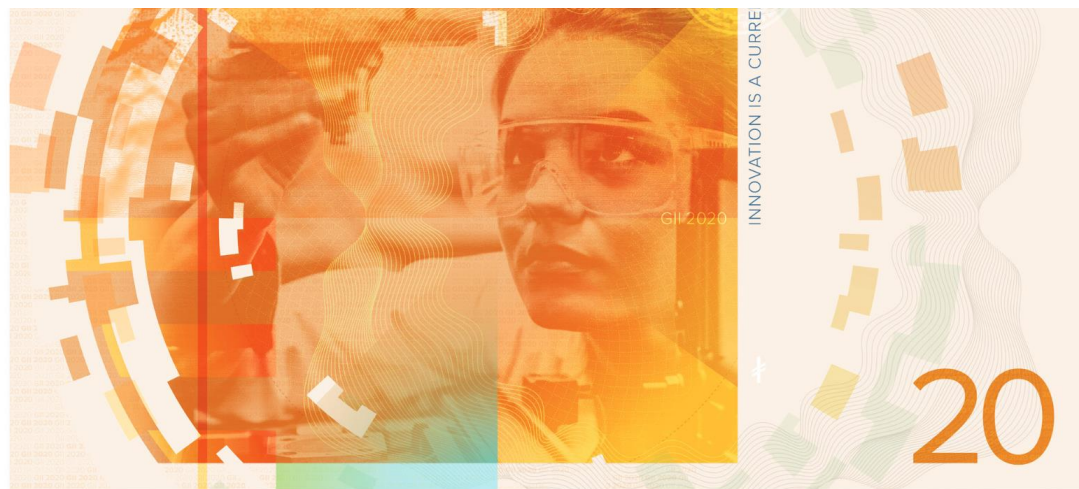
World-class economic analyses, statistics, data on IP



Every year WIPO produces research and analyses on a variety of topics relating to IP, innovation and creativity.

GLOBAL INNOVATION INDEX 2020

Who Will Finance Innovation?



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WIPO Technology Trends 2021: Assistive Technology

The second in a series from WIPO tracking the development of technologies through the analysis of data on innovation activities.



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Improve
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system

Making IP work for development



WIPO Development Agenda
Building national capacity

WIPO Academy

IP education and training

www.wipo.int/academy/en/



(PHOTO: WIPO/BERROD)

General and specialized courses on IP for:

- Policymakers and government officials
- Inventors and creators
- Business manager and IP professionals
- Students and teachers of IP
- Civil Society

How do we do it?

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assets

Support
consistent IP
laws

Support
policymakers

Make IP
work
for
development

Improve
access to
the IP
system

Improving IP service delivery & IP information access



- IPAS
- Databases

Advancing public policy goals

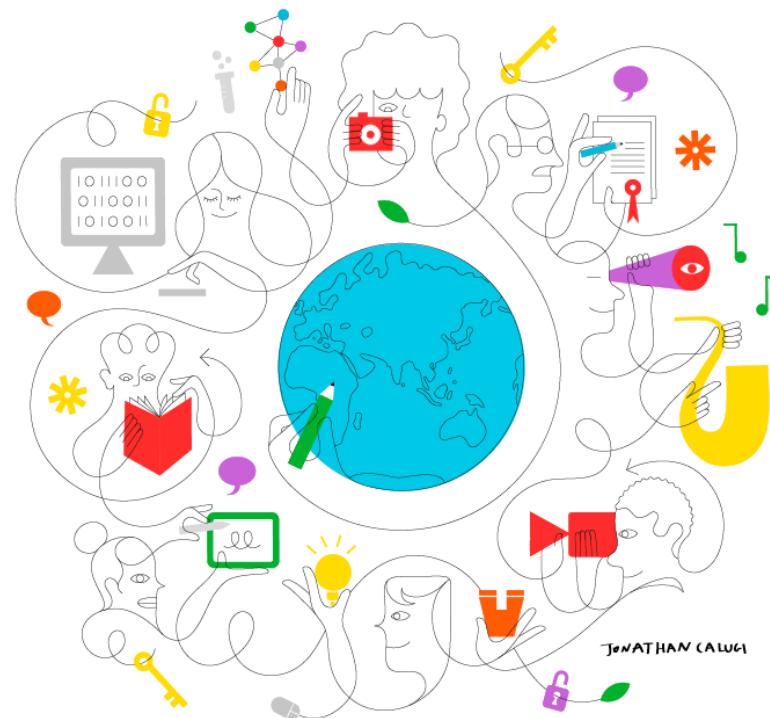
- WIPO GREEN
- WIPO Re:Search

IP and SMEs:

Taking your ideas to market

#worldipday
wipo.int/ipday

April 26, 2021



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www.wipo.int/newsletters/en



WIPO Knowledge Center (WKC)



WIPO Virtual Library

An authoritative source for global IP academic research ... all in one place.

Search

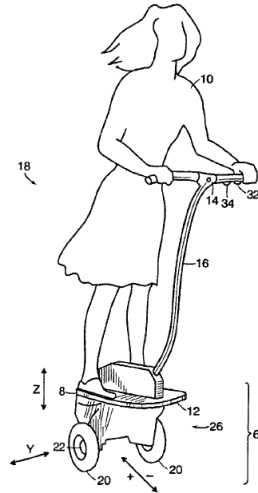
Links

- [WIPO Magazine](#)
- [Depository libraries](#)
- [WIPO documents](#)
- [WIPO Lex](#)
- [Historical Journal Collection](#)
- [ARDI – Research for Innovation](#)

The Patent Cooperation Treaty (PCT)

Context

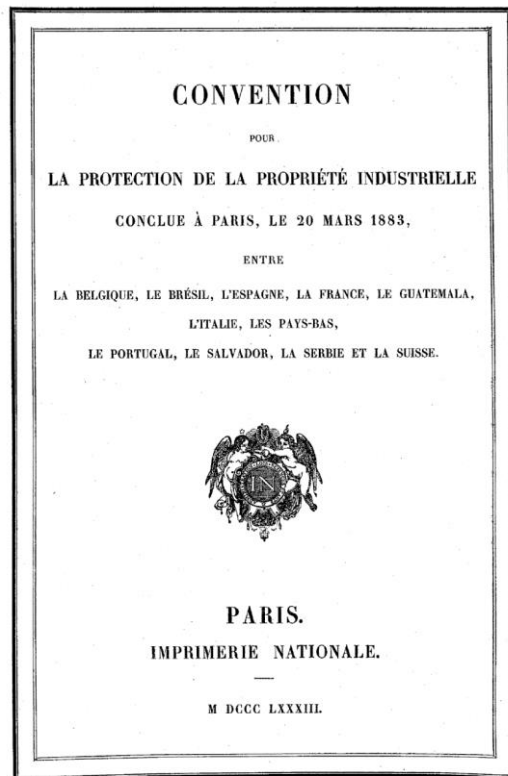
■ Inventions



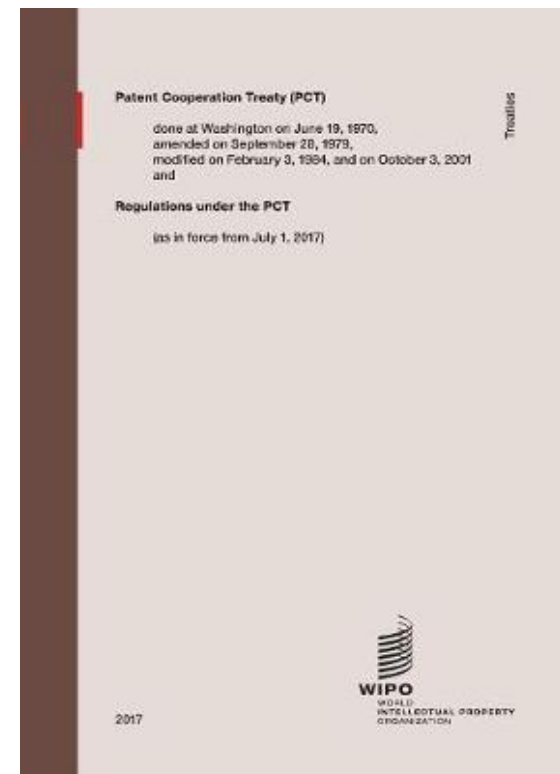
- Protecting inventions via the patent system
- Desire to at least investigate the possibility of obtaining patent protection for inventions in more than one country

Two routes for seeking multinational patent protection

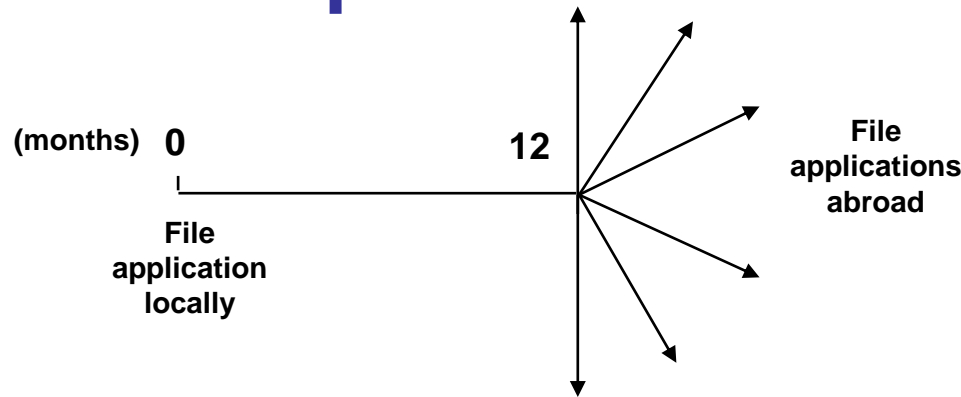
Paris Convention



Patent Cooperation Treaty



Using the traditional patent system (Paris Convention) to seek multinational patent protection



Local patent application followed within 12 months by multiple foreign applications claiming priority under the Paris Convention:

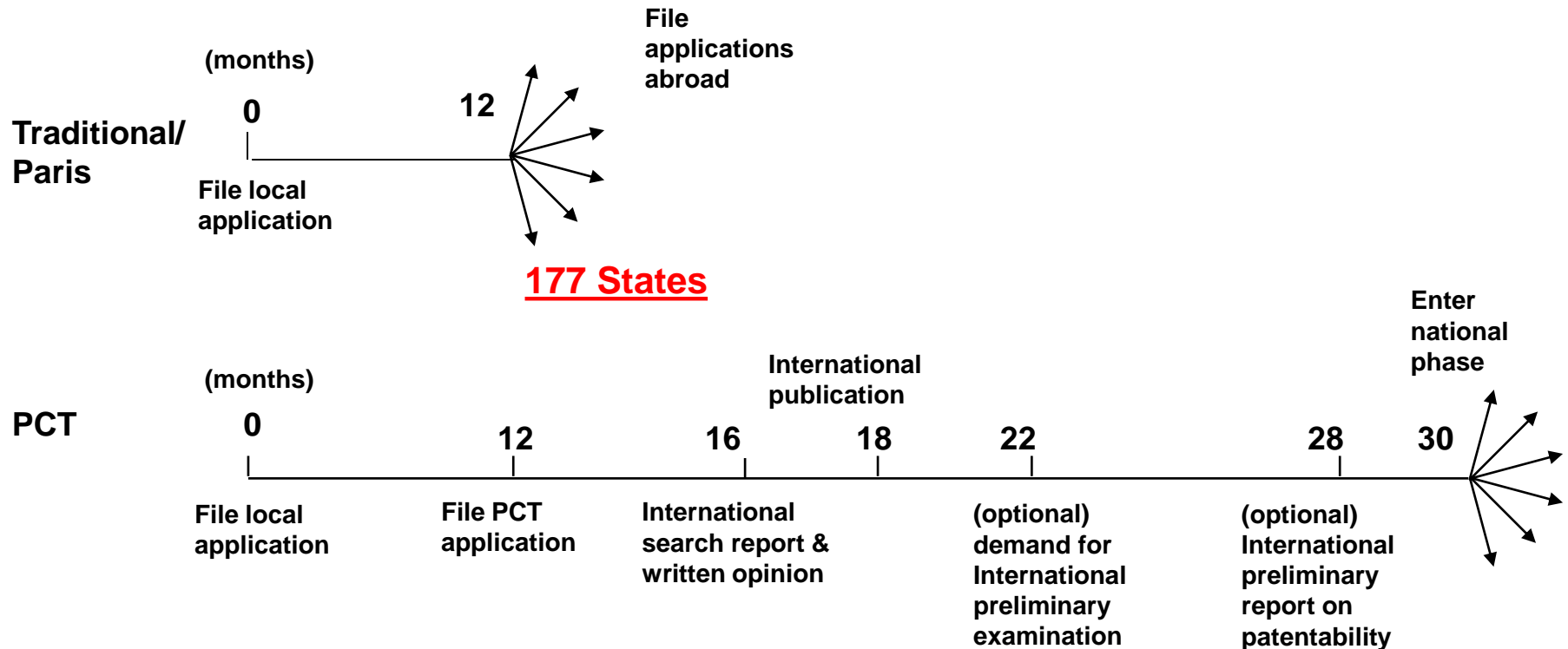
- multiple formality requirements
- multiple searches
- multiple publications
- multiple examinations and prosecutions of applications
- translations and national fees required at 12 months

Some rationalization because of regional arrangements: **WIPO**

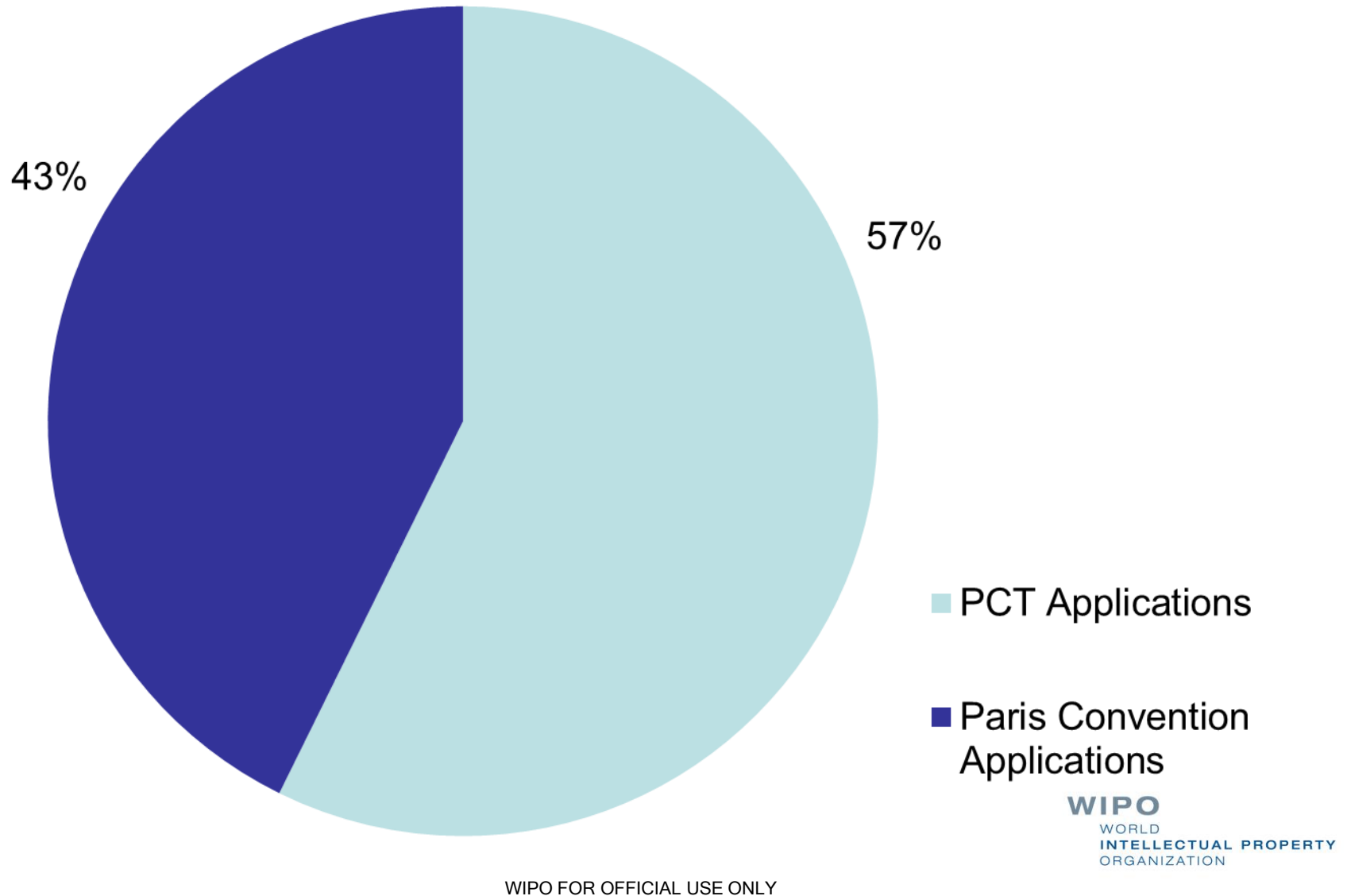
ARIPO, EAPO, EPO, OAPI

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Seeking patents multinationally: traditional patent system vs. PCT system



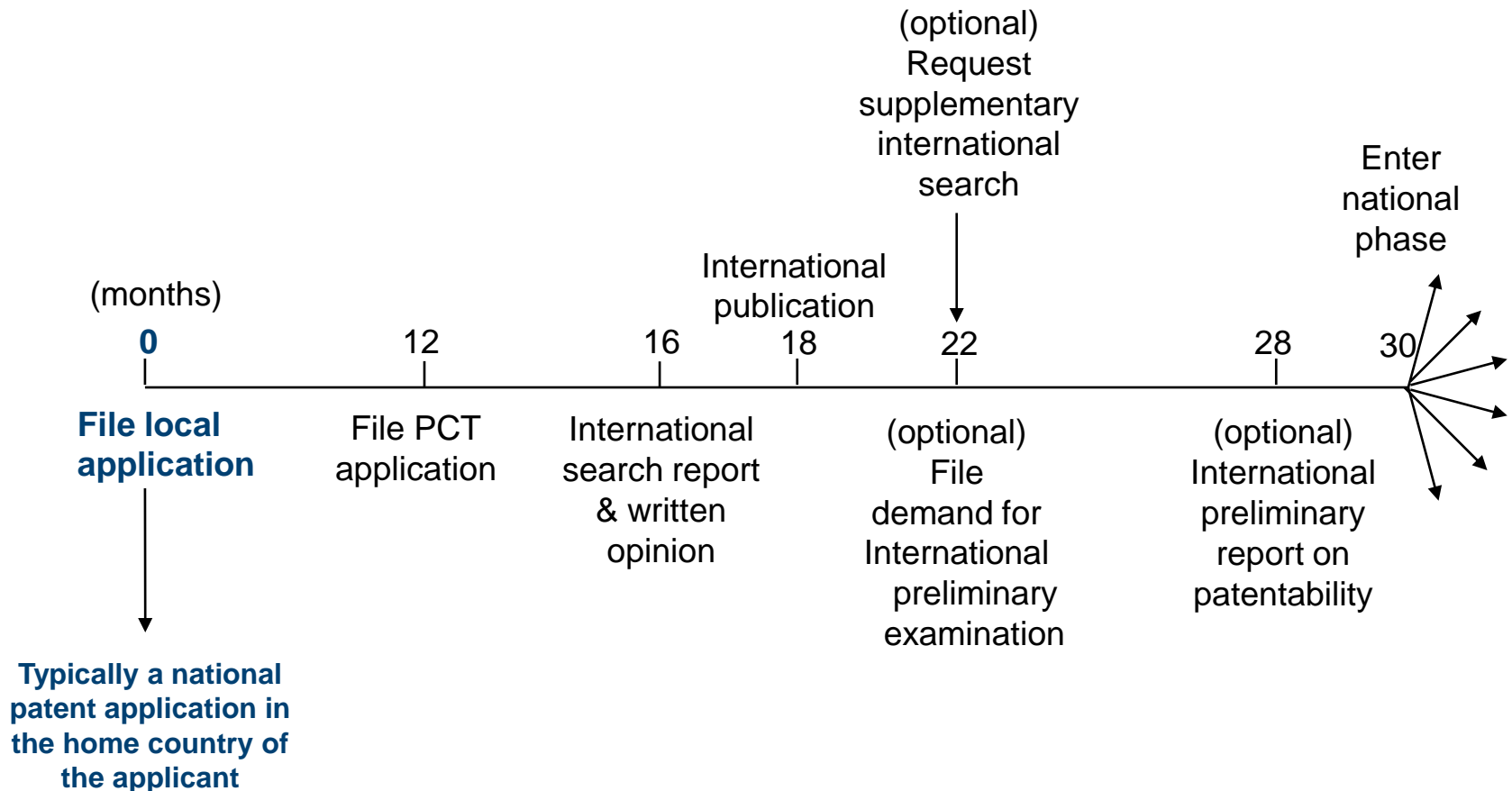
The majority of non-resident patent applications are filed through PCT



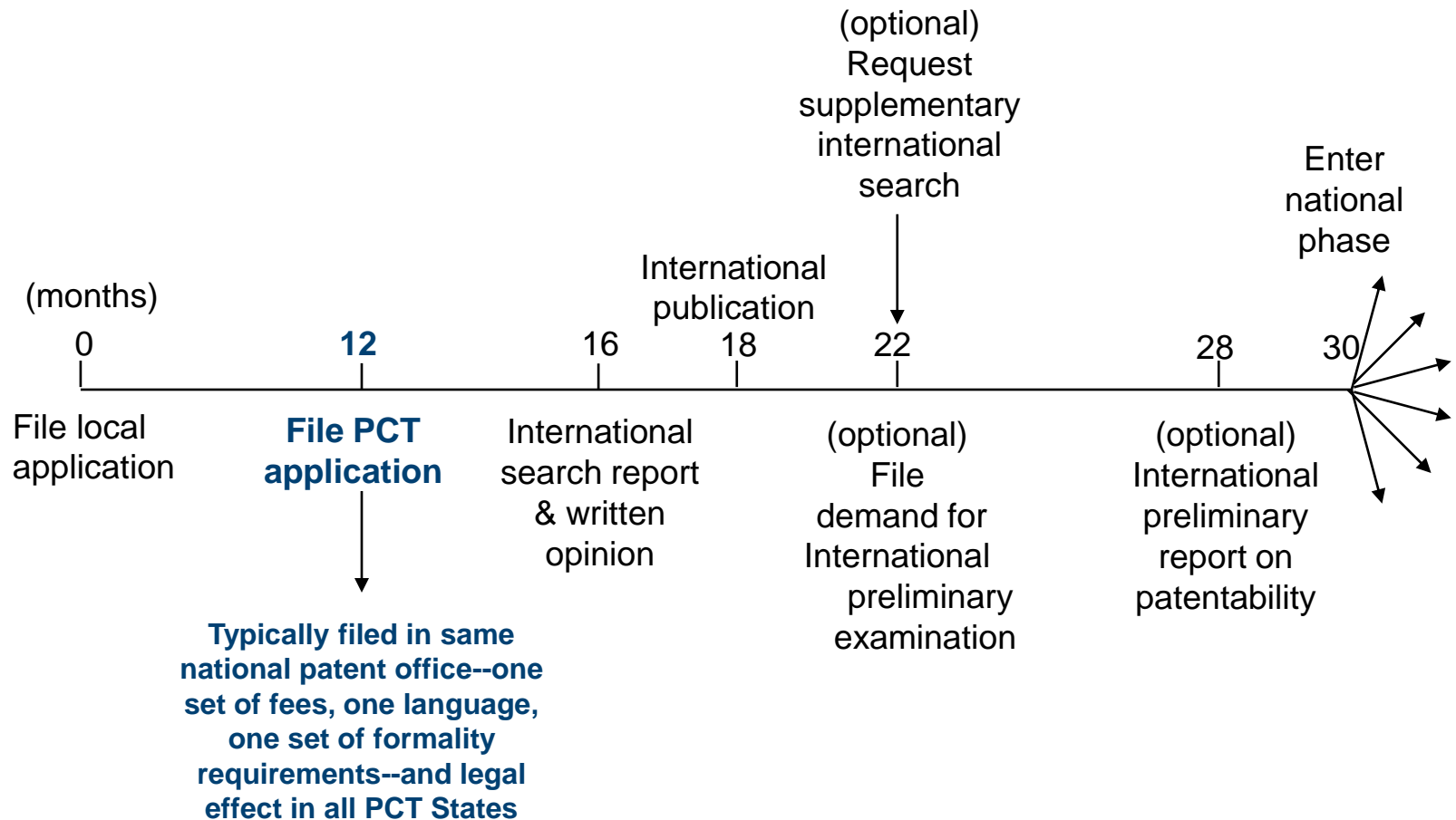
General remarks on the PCT system

- The PCT system is a patent application “filing” system, not a patent “granting” system; there is no “PCT patent,” “international patent” or “global patent”
- The decision on granting patents is made exclusively by national or regional Offices in the national phase
- Only inventions may be protected via the PCT by applying for patents, utility models and similar titles
- Design and trademark protection cannot be obtained via the PCT; there are separate international conventions dealing with these types of industrial property protection (the Hague Agreement and the Madrid Agreement and Protocol, respectively)

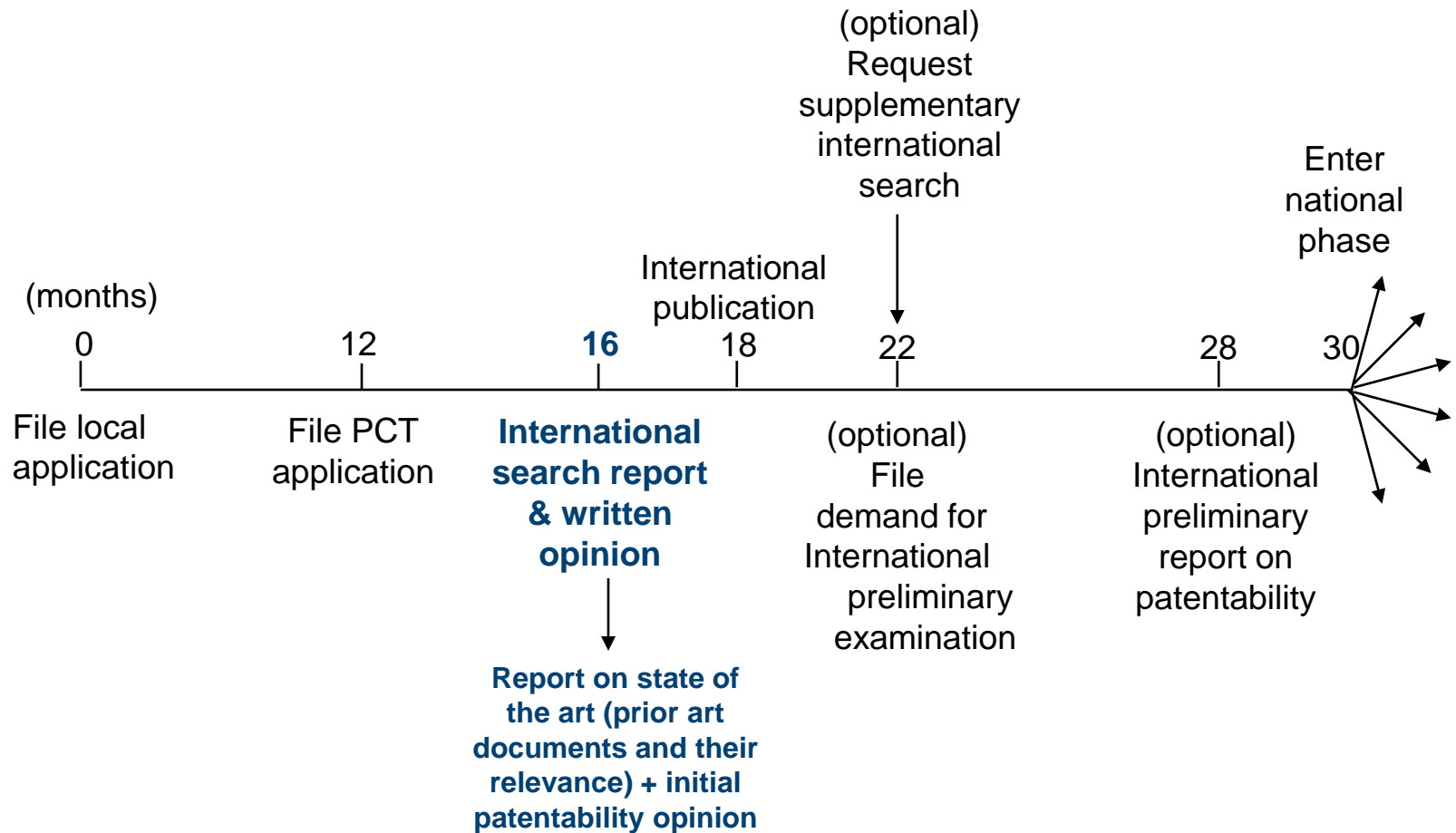
Using the PCT system to seek multinational patent protection



Using the PCT system to seek multinational patent protection



Using the PCT system to seek multinational patent protection

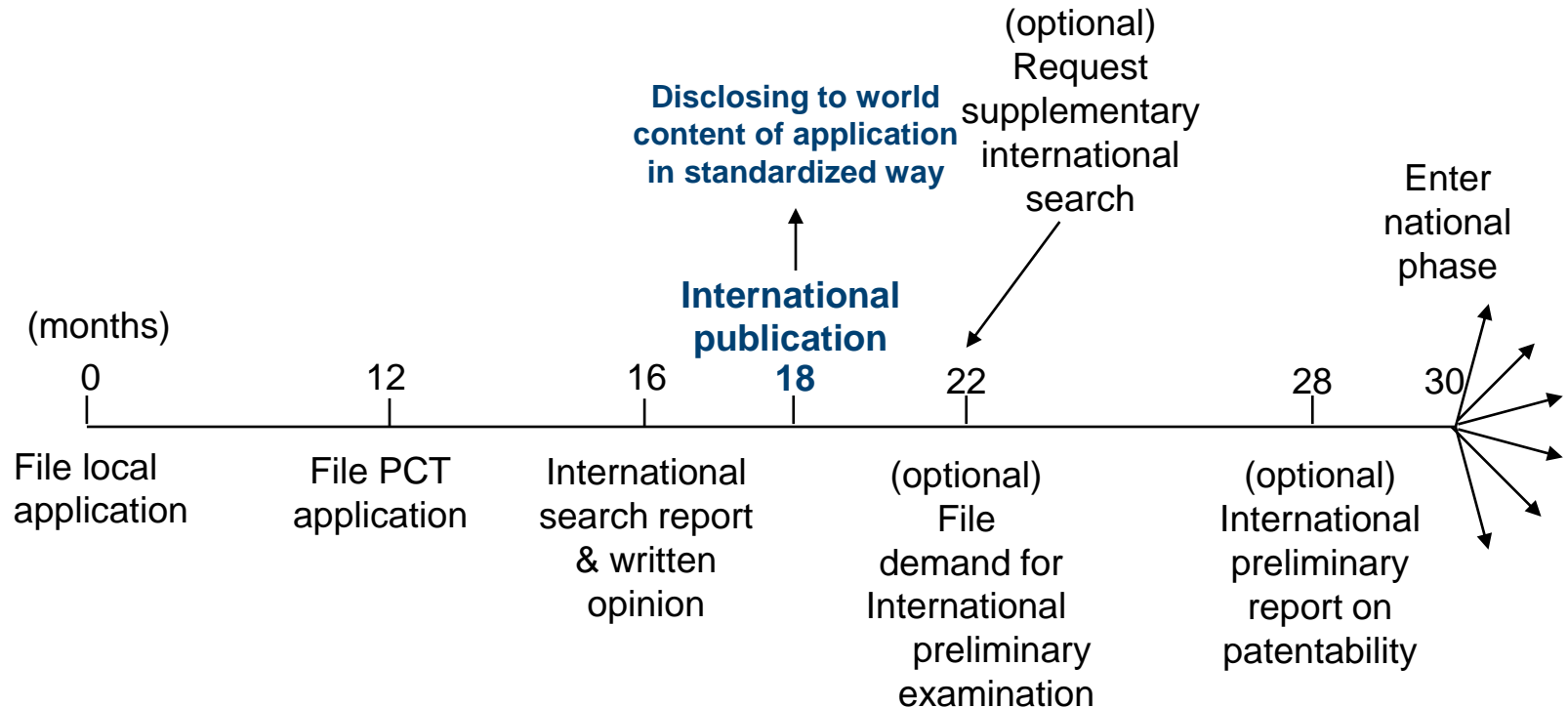


PCT International Searching Authorities

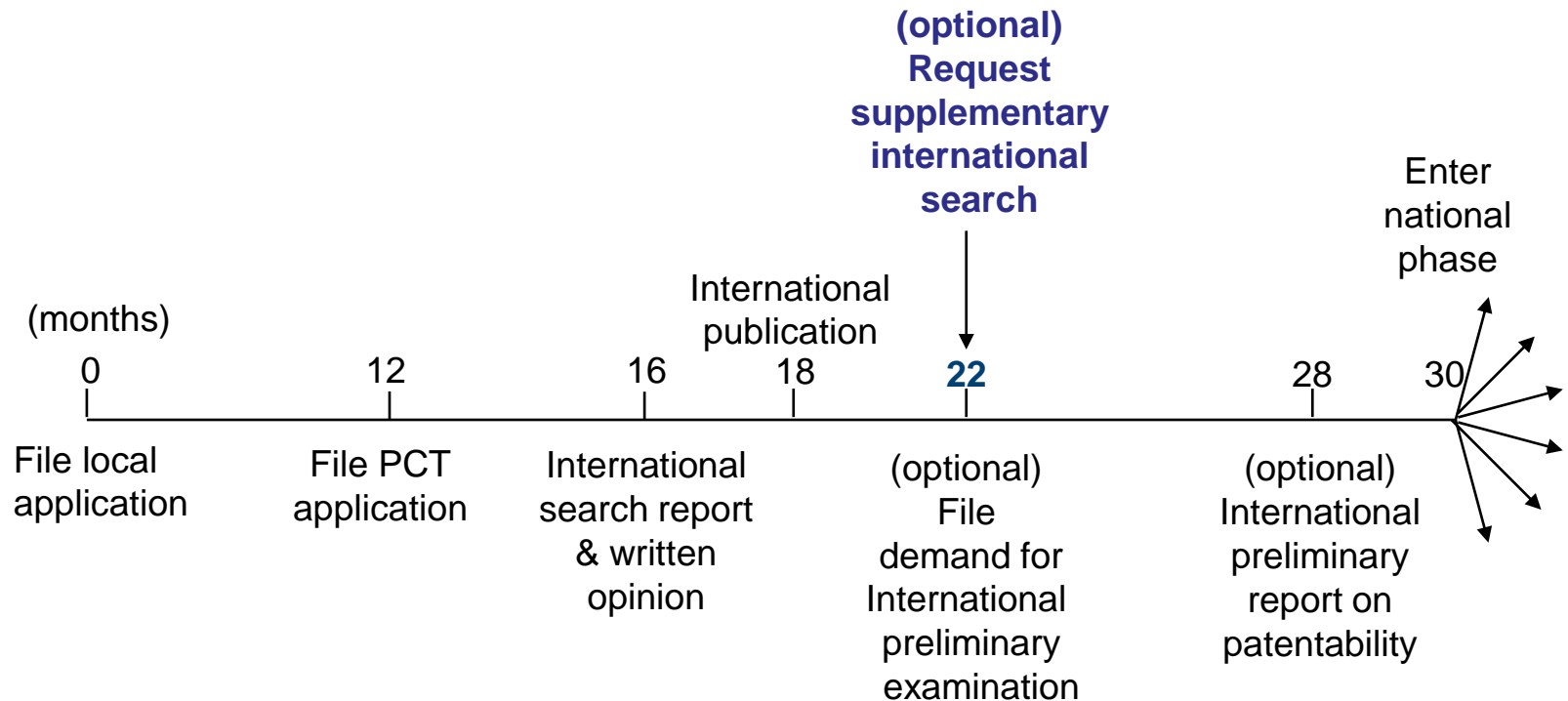
The appointed ISAs/IPEAs are the following 23 offices:

Australia
Austria
Brazil
Canada
Chile
China
Egypt
European Patent Office
Finland
India
Israel
Japan
Nordic Patent Institute
Philippines
Republic of Korea
Russian Federation
Singapore
Spain
Sweden
Turkey
Ukraine
United States of America
Visegrad Patent Institute

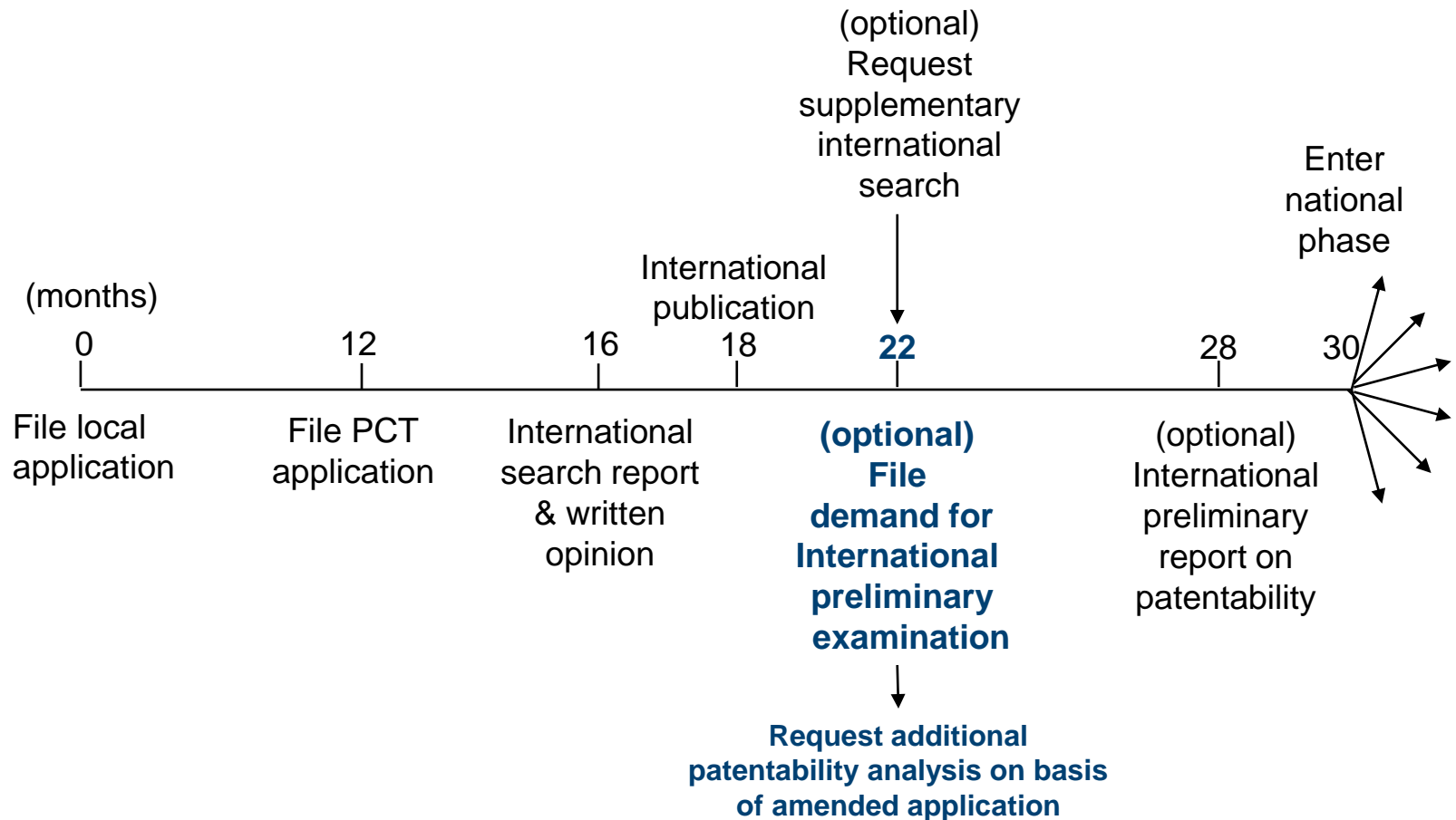
Using the PCT system to seek multinational patent protection



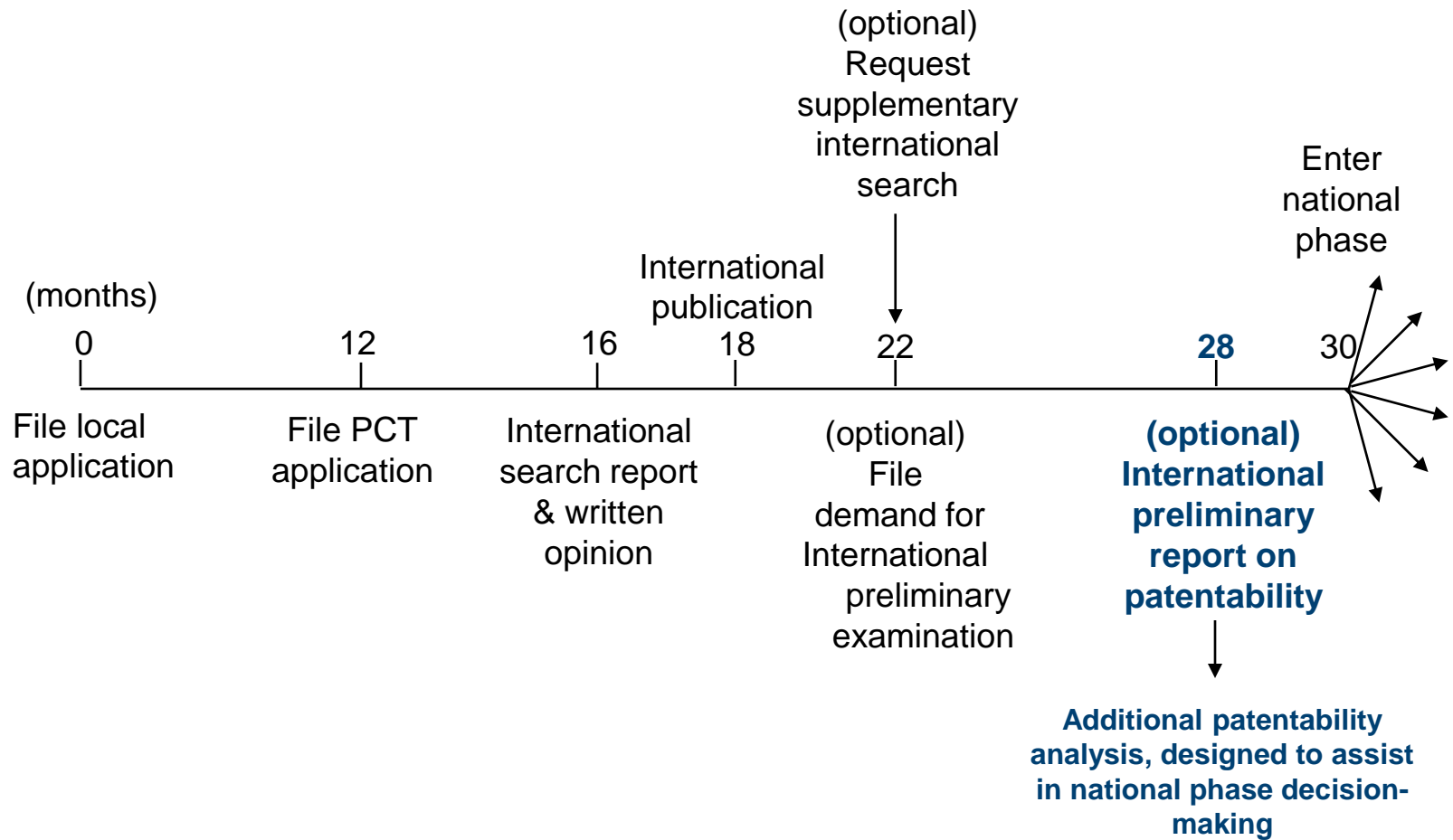
Using the PCT system to seek multinational patent protection



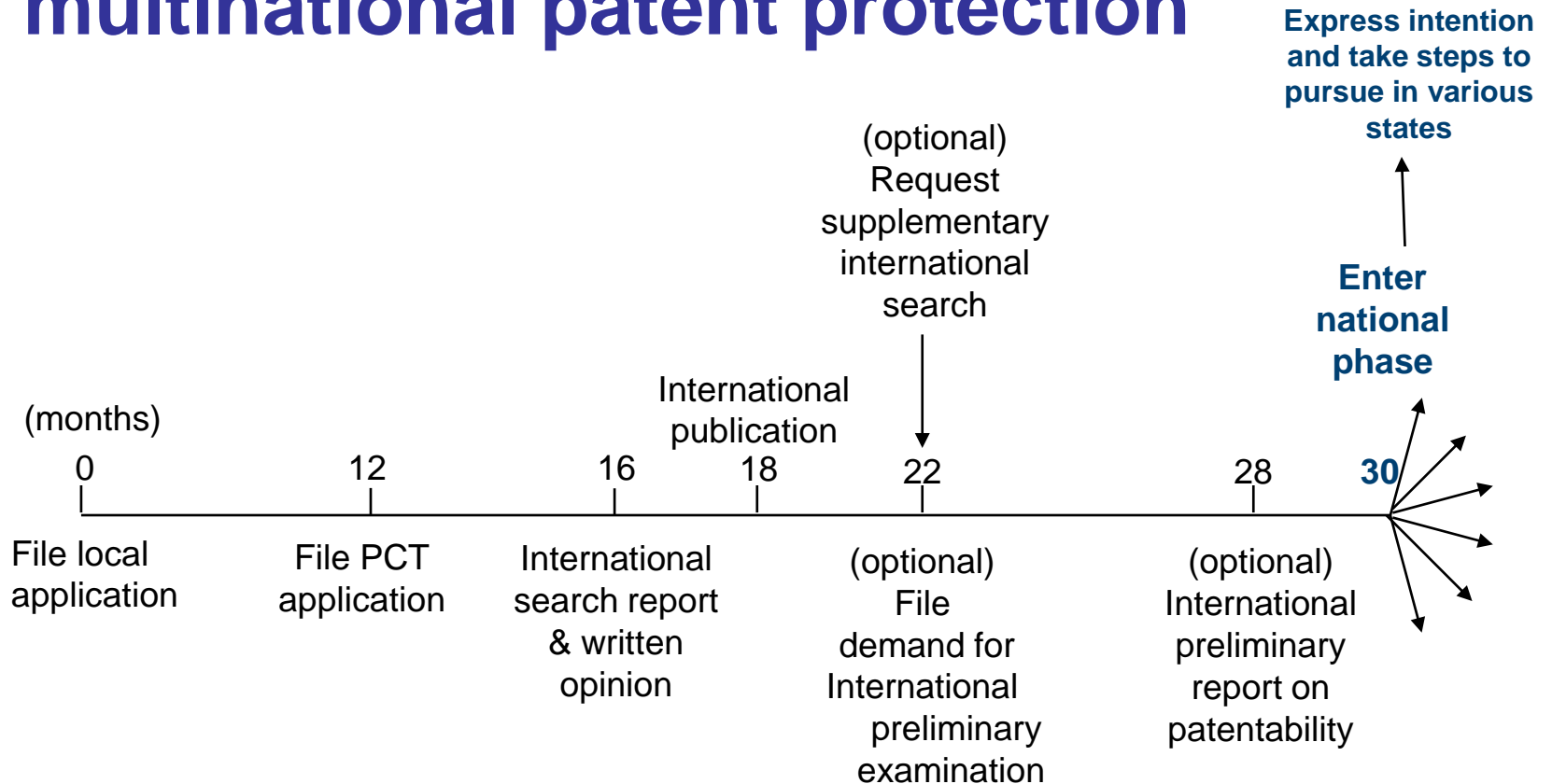
Using the PCT system to seek multinational patent protection



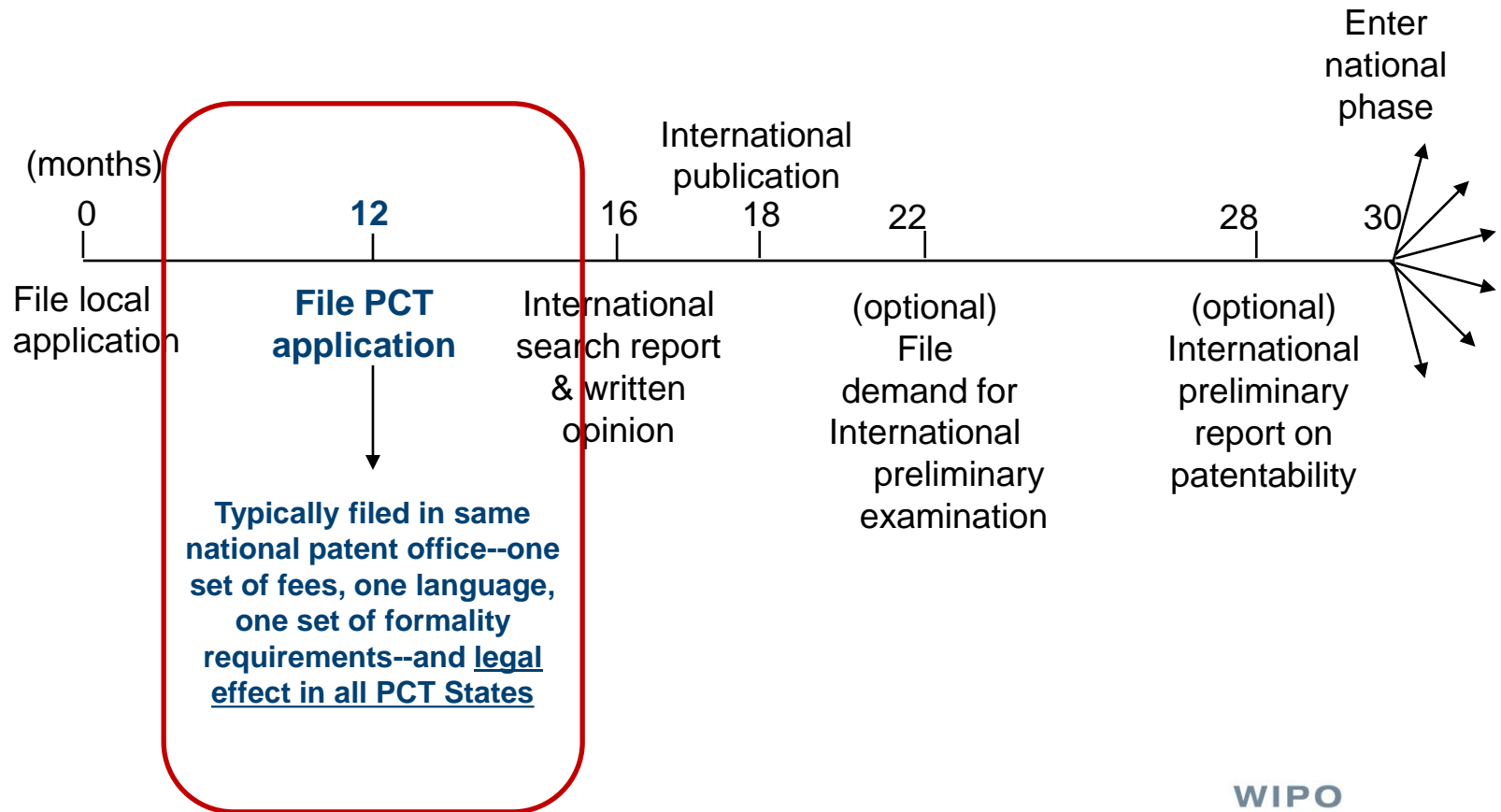
Using the PCT system to seek multinational patent protection



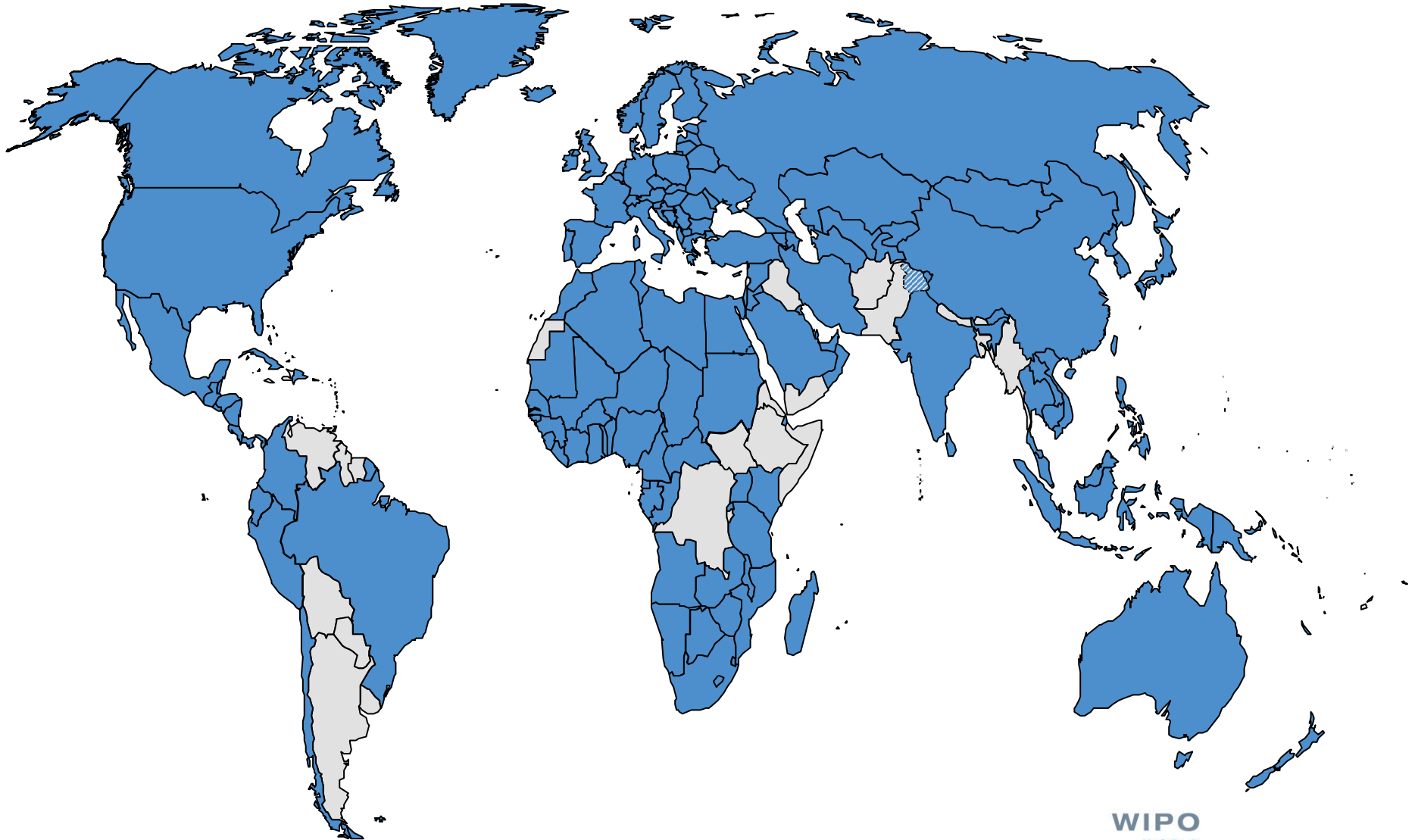
Using the PCT system to seek multinational patent protection



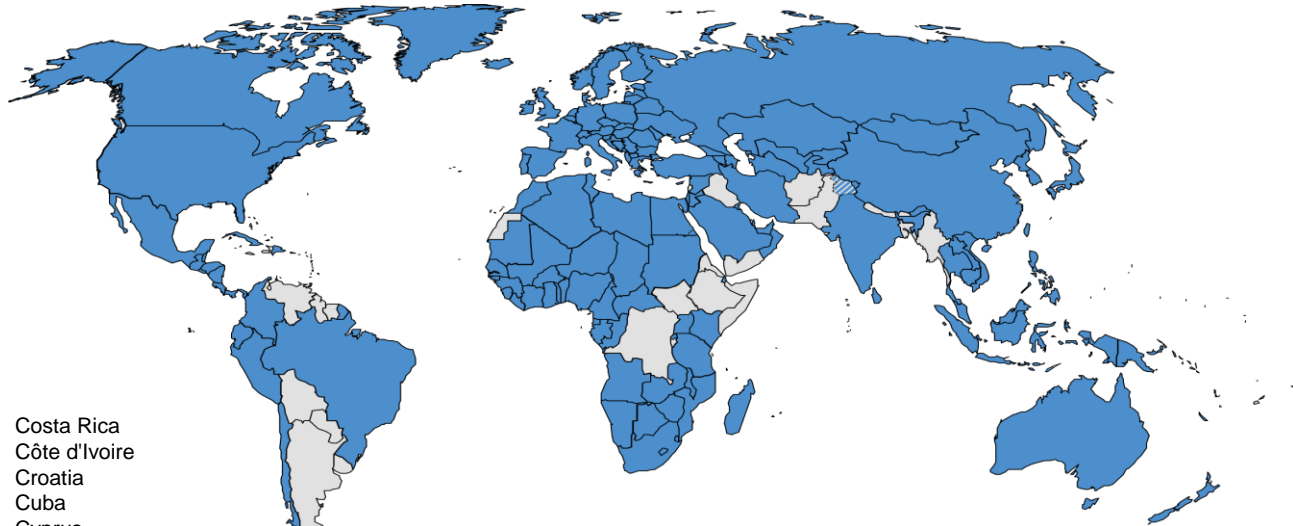
Using the PCT system to seek multinational patent protection



PCT Coverage Today



153 PCT States



Albania
Algeria
Angola
Antigua and Barbuda
Armenia
Australia
Austria
Azerbaijan
Bahrain
Barbados
Belarus
Belgium
Belize
Benin
Bosnia and Herzegovina
Botswana
Brazil
Brunei Darussalam
Bulgaria
Burkina Faso
Cambodia
Cameroon
Canada
Central African Republic
Chad
Chile
China
Colombia
Comoros
Congo

Costa Rica
Côte d'Ivoire
Croatia
Cuba
Cyprus
Czech Republic
Democratic People's Republic of Korea
Denmark
Djibouti
Dominica
Dominican Republic
Ecuador
Egypt
El Salvador
Equatorial Guinea
Estonia
Finland
France
Gabon
Gambia
Georgia
Germany
Ghana
Greece
Grenada
Guatemala
Guinea

Guinea-Bissau
Honduras
Hungary
Iceland
India
Indonesia
Iran (Islamic Republic of)
Ireland
Israel
Italy
Japan
Jordan
Kazakhstan
Kenya
Kuwait
Kyrgyzstan
Lao People's Dem Rep.
Latvia
Lesotho
Liberia
Libya
Liechtenstein
Lithuania
Luxembourg
Madagascar

Malawi
Malaysia
Mali
Malta
Mauritania
Mexico
Monaco
Mongolia
Montenegro
Morocco
Mozambique
Namibia
Netherlands
New Zealand
Nicaragua
Niger
Nigeria
Norway
Oman
Panama
Papua New Guinea
Peru
Philippines

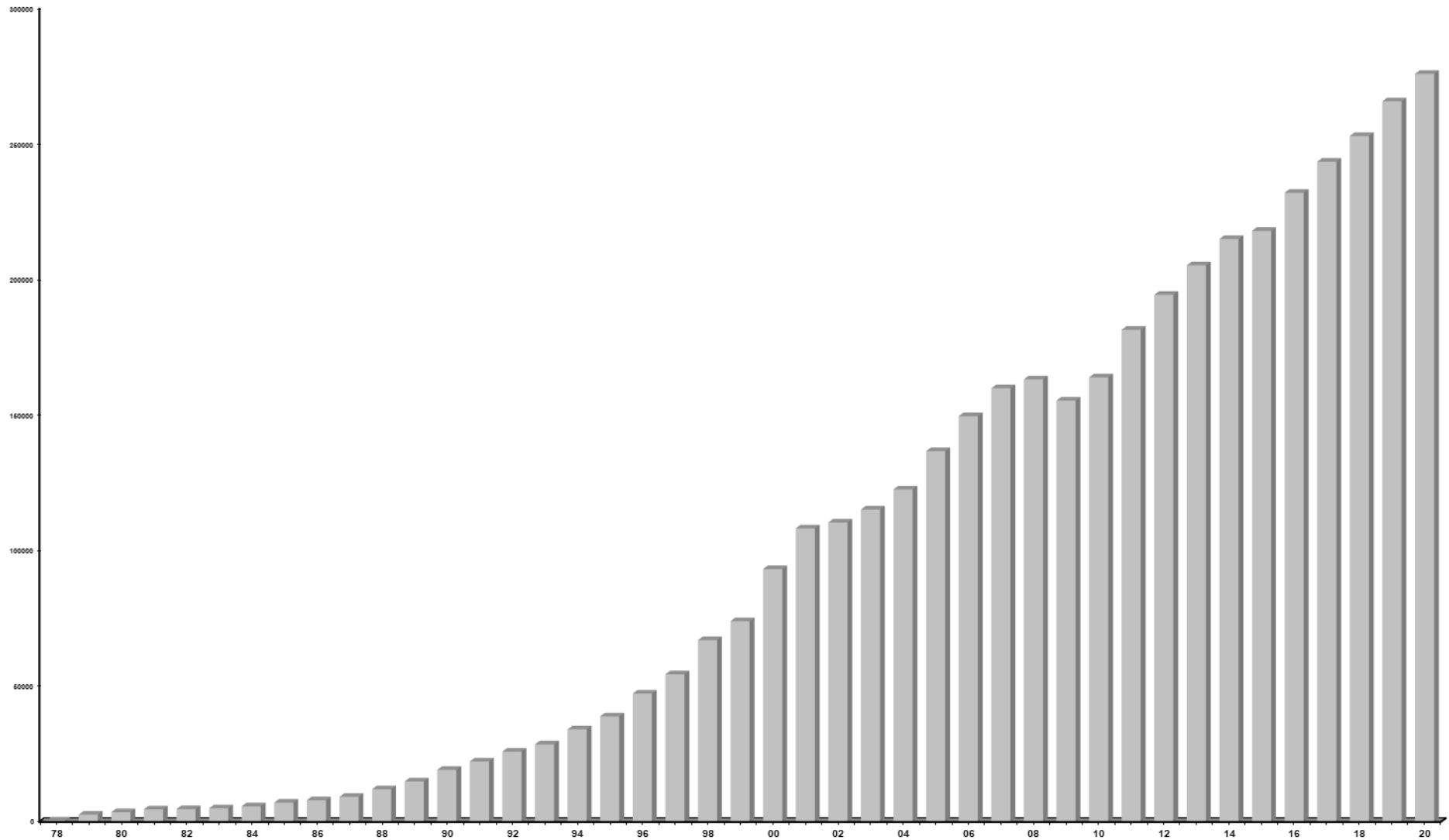
Poland
Portugal
Qatar
Republic of Korea
Republic of Moldova
Romania
Rwanda
Russian Federation
Saint Lucia
Saint Vincent and the Grenadines
Samoa
San Marino
Sao Tomé e Príncipe
Saudi Arabia
Senegal
Serbia
Seychelles
Sierra Leone
Singapore
Slovakia
Slovenia
South Africa
Spain
Sri Lanka
Sudan
Swaziland

St. Kitts and Nevis
Sweden
Switzerland
Syrian Arab Republic
Tajikistan
Thailand
The former Yugoslav Republic of Macedonia
Togo
Trinidad and Tobago
Tunisia
Turkey
Turkmenistan
Uganda
Ukraine
United Arab Emirates
United Kingdom
United Republic of Tanzania
United States of America
Uzbekistan
Viet Nam
Zambia
Zimbabwe

UN Member States not yet in PCT

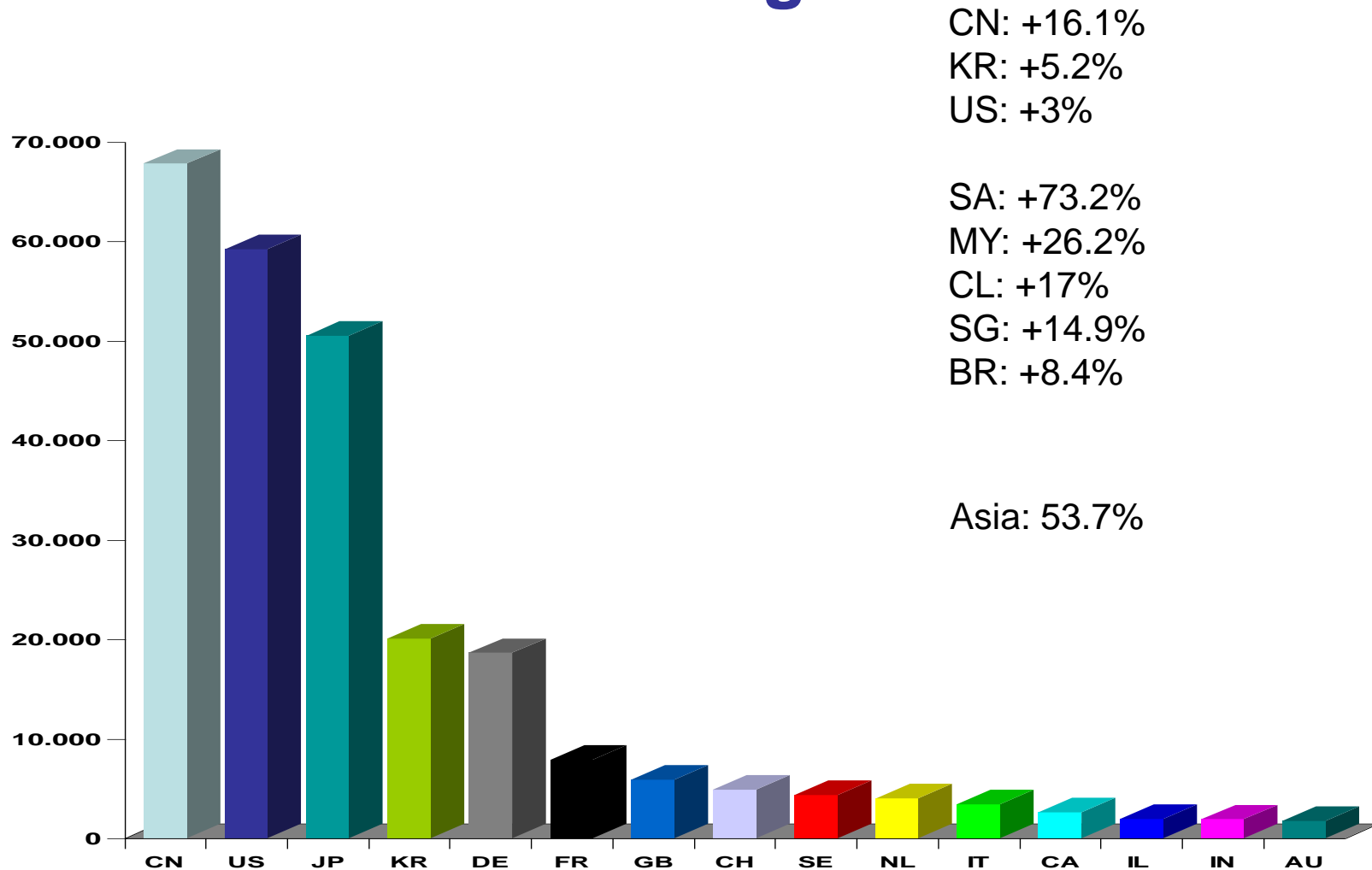
Afghanistan	Jamaica	Timor-Leste
Andorra	Kiribati	Tonga
Argentina	Lebanon	Tuvalu
Bahamas	Maldives	Uruguay
Bangladesh	Marshall Islands	Vanuatu
Bhutan	Mauritius	Venezuela
Bolivia	Micronesia	Yemen
Burundi	Myanmar	
Cape Verde	Nauru	(40)
Democratic Republic of Congo	Nepal	
Eritrea	Pakistan	
Ethiopia	Palau	
Fiji	Paraguay	
Guyana	Solomon Islands	
Haiti	Somalia	
Iraq	South Sudan	
	Suriname	

Growth in PCT applications since 1978



2020: 275,900 filed (+4%)

International applications in 2020 by country of origin



- 24.9% originating in China, 21.5% in US, 18.3% in Japan
- 64.7% from the top 3 countries, 78.8% from top 5 countries, 88.7% of filings from top 15 countries

PCT applications 2020 by technology field

Annex 4: International applications by field of technology (PCT System)

Technical Field		2018	2019	2020	Share (%)	Growth (%)
I	Electrical engineering					
1	Electrical machinery, apparatus, energy	16,556	17,194	17,363	6.6	1.0
2	Audio-visual technology	8,187	8,899	11,527	4.4	29.5
3	Telecommunications	6,132	5,861	6,442	2.4	9.9
4	Digital communication	20,233	19,050	22,068	8.3	15.8
5	Basic communication processes	1,712	1,554	1,610	0.6	3.6
6	Computer technology	19,181	21,495	24,332	9.2	13.2
7	IT methods for management	4,803	5,747	5,889	2.2	2.5
8	Semiconductors	7,183	8,048	8,863	3.4	10.1
II	Instruments					
9	Optics	7,610	8,018	8,369	3.2	4.4
10	Measurement	10,775	11,451	12,698	4.8	10.9
11	Analysis of biological materials	1,940	1,917	2,059	0.8	7.4
12	Control	5,212	5,363	5,456	2.1	1.7
13	Medical technology	15,798	16,916	17,493	6.6	3.4
III	Chemistry					
14	Organic fine chemistry	5,787	5,887	6,354	2.4	7.9
15	Biotechnology	6,640	7,404	7,988	3.0	7.9
16	Pharmaceuticals	9,130	9,785	10,763	4.1	10.0
17	Macromolecular chemistry, polymers	4,249	4,425	4,654	1.8	5.2
18	Food chemistry	2,104	2,214	2,381	0.9	7.5
19	Basic materials chemistry	5,573	5,589	5,710	2.2	2.2
20	Materials, metallurgy	4,334	4,416	4,681	1.8	6.0
21	Surface technology, coating	3,680	3,851	4,015	1.5	4.3
22	Micro-structural and nano-technology	395	390	456	0.2	16.9
23	Chemical engineering	4,886	5,074	5,279	2.0	4.0
24	Environmental technology	2,732	2,705	3,010	1.1	11.3
IV	Mechanical engineering					
25	Handling	5,889	5,954	6,409	2.4	7.6
26	Machine tools	4,077	4,299	4,310	1.6	0.3
27	Engines, pumps, turbines	5,656	5,366	5,122	1.9	-4.5
28	Textile and paper machines	2,757	2,769	2,952	1.1	6.6
29	Other special machines	6,959	7,235	7,474	2.8	3.3
30	Thermal processes and apparatus	3,866	4,085	4,306	1.6	5.4
31	Mechanical elements	6,187	5,952	5,843	2.2	-1.8
32	Transport	10,941	11,226	11,288	4.3	0.6
V	Other fields					
33	Furniture, games	4,669	4,625	4,715	1.8	1.9
34	Other consumer goods	5,403	5,444	6,044	2.3	11.0
35	Civil engineering	6,121	6,386	6,498	2.5	1.8

Note: For confidentiality reasons, data are based on published applications and on the publication date.

The PCT... and business

Most businesses worldwide which seek and use patents wish to:

- control costs while preserving options
- make informed business decisions
- use the best tools available when seeking protection

The PCT responds to these objectives

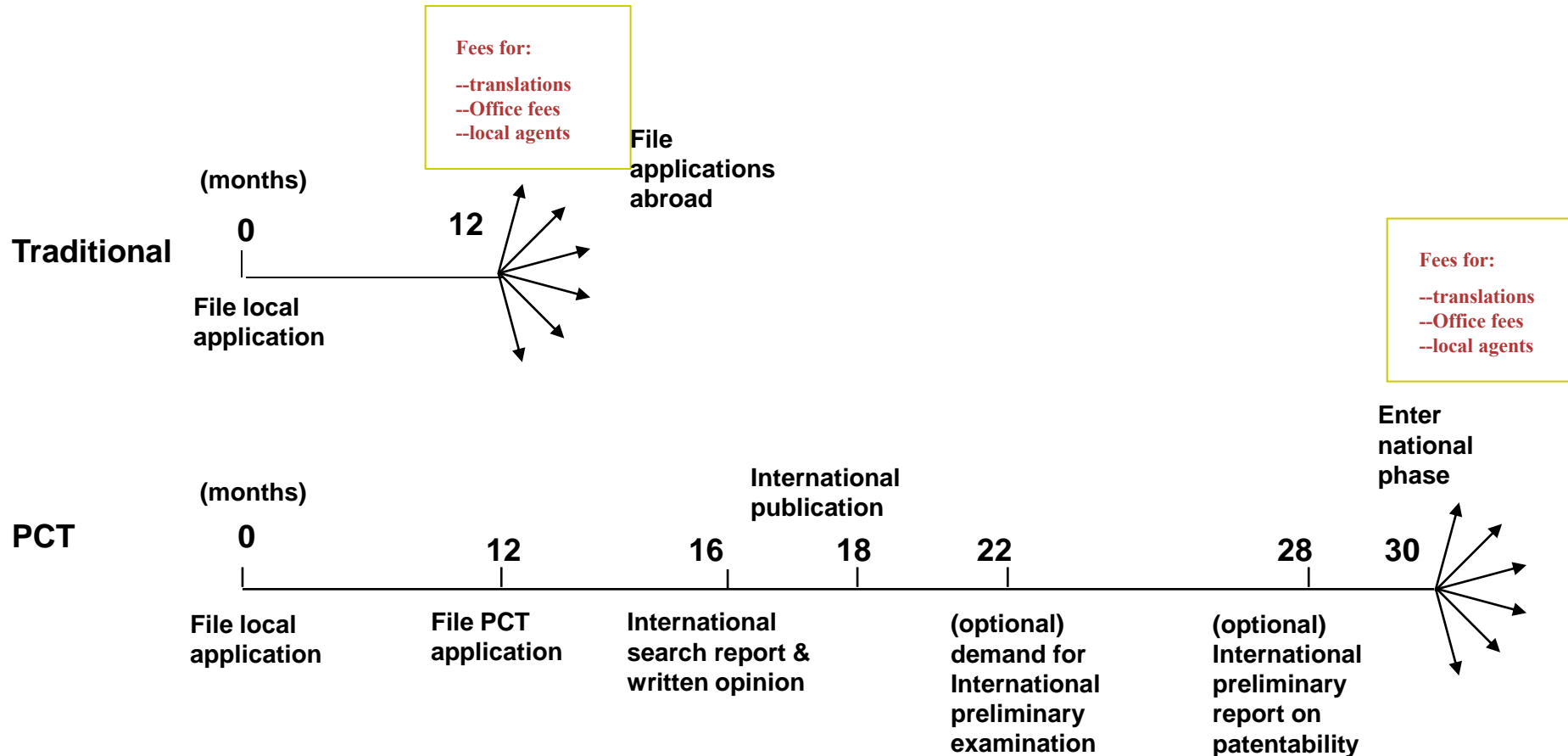
PCT Advantages

Certain PCT Advantages

The PCT, as the cornerstone of the international patent system, provides a worldwide system for simplified filing and processing of patent applications, which—

1. postpones the major costs associated with internationalizing a patent application

Traditional patent system vs. PCT system



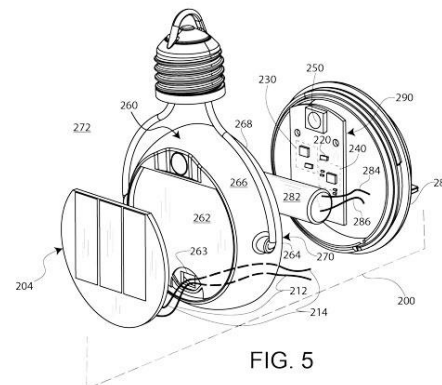
PCT Testimonial: Start-up

Nokero (produces solar-powered lights which replace kerosene lamps and candles used in developing and least-developed countries--it has so far distributed over 1.4 million lights in 120 countries and won a United States Patent and Trademark Office's Patents for Humanity Award)

“When it comes to patenting, because we operate in so many different markets, we use WIPO’s Patent Cooperation Treaty (PCT). Every start-up has limited funds and the PCT is a great mechanism for delaying patent filing costs, allowing time to test the market and overcome any unforeseen technical problems. Without the PCT, protecting an invention in international markets would be a high-risk strategy with huge upfront costs.”



Source: WIPO Magazine, February 2016



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PCT Testimonial: Inventor

- Professor Shuji Nakamura—co-winner of the 2014 Nobel Prize for Physics for his work on blue LED technology—is quoted in a December 2014 *WIPO Magazine* article:



“... The PCT is critical for these early stage technologies because it gives us the opportunity to protect our patents globally while allowing the market and the technology to mature further before determining which countries might be most valuable to commercial partners.”

Certain PCT Advantages

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2. provides a strong basis for patenting decisions

Example: PCT International Search Report

C. DOCUMENTS CONSIDERED TO BE RELEVANT		
Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	JP 50-14535 B (NCR CORPORATION) 28 May 1975 (28.05.75), column 4, lines 3 to 27	7-9, 11
X	GB 392415 A (JONES) 18 May 1933 (18.05.33) Fig. 1	1-3
Y		4, 10
A		11-12
X	GB 2174500 A (STC) 5 November 1986 (05.11.86) page 1, lines 5-15, 22-34, 46-80; Fig. 1	1-3
Y		4
A	US 4322752 A (BIXTY) 30 March 1982 (30.03.82) claim 1	1
A	GREEN, J.P. Integrated Circuit and Electronic Compass, IBM Technical Disclosure Bulletin, October 1975, Vol. 17, No. 6, pages 1344 and 1345	1-5

Symbols indicating which aspect of patentability the document cited is relevant to (for example, novelty, inventive step, etc.)

Documents relevant to whether or not your invention may be patentable

The claim numbers in your application to which the document is relevant

Example: PCT Written opinion of the International Searching Authority

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY		International application No.																								
Box No. V	Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement																									
<p>1. Statement</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30%; vertical-align: top; padding: 5px;">Novelty (N)</td> <td style="width: 10%; vertical-align: top; padding: 5px;">Claims</td> <td style="width: 50%; border-bottom: 1px solid black; padding: 5px;">Claim(s) 3-15</td> <td style="width: 10%; text-align: center; vertical-align: bottom; padding: 5px;">YES</td> </tr> <tr> <td></td> <td style="vertical-align: top; padding: 5px;">Claims</td> <td style="border-bottom: 1px solid black; padding: 5px;">Claim(s) 16</td> <td style="text-align: center; vertical-align: bottom; padding: 5px;">NO</td> </tr> <tr> <td style="vertical-align: top; padding: 5px;">Inventive step (IS)</td> <td style="vertical-align: top; padding: 5px;">Claims</td> <td style="border-bottom: 1px solid black; padding: 5px;">Claim(s) 8, 10-12</td> <td style="text-align: center; vertical-align: bottom; padding: 5px;">YES</td> </tr> <tr> <td></td> <td style="vertical-align: top; padding: 5px;">Claims</td> <td style="border-bottom: 1px solid black; padding: 5px;">Claim(s) 3-7, 9, 14-16</td> <td style="text-align: center; vertical-align: bottom; padding: 5px;">NO</td> </tr> <tr> <td style="vertical-align: top; padding: 5px;">Industrial applicability (IA)</td> <td style="vertical-align: top; padding: 5px;">Claims</td> <td style="border-bottom: 1px solid black; padding: 5px;">Claim(s) 3-16</td> <td style="text-align: center; vertical-align: bottom; padding: 5px;">YES</td> </tr> <tr> <td></td> <td style="vertical-align: top; padding: 5px;">Claims</td> <td style="border-bottom: 1px solid black; padding: 5px;"></td> <td style="text-align: center; vertical-align: bottom; padding: 5px;">NO</td> </tr> </table>			Novelty (N)	Claims	Claim(s) 3-15	YES		Claims	Claim(s) 16	NO	Inventive step (IS)	Claims	Claim(s) 8, 10-12	YES		Claims	Claim(s) 3-7, 9, 14-16	NO	Industrial applicability (IA)	Claims	Claim(s) 3-16	YES		Claims		NO
Novelty (N)	Claims	Claim(s) 3-15	YES																							
	Claims	Claim(s) 16	NO																							
Inventive step (IS)	Claims	Claim(s) 8, 10-12	YES																							
	Claims	Claim(s) 3-7, 9, 14-16	NO																							
Industrial applicability (IA)	Claims	Claim(s) 3-16	YES																							
	Claims		NO																							
<p>2. Citations and explanations:</p> <p>INDEPENDENT CLAIM 3</p> <p>Document US-A-5 332 238, which is considered to represent the most relevant state of the art, discloses (cf. relevant passages indicated in the ISR) a device from which the subject-matter of INDEPENDENT CLAIM 3</p> <p>Document US-A-5 332 238, which is considered to represent the most relevant state of the art</p>																										

Reasoning supporting the assessment

Patentability assessment of claims

Certain PCT Advantages

The PCT, as the cornerstone of the international patent system, provides a worldwide system for simplified filing and processing of patent applications, which—

1. postpones the major costs associated with internationalizing a patent application
2. provides a strong basis for patenting decisions
3. harmonizes formal requirements

Harmonization of formal requirements

PCT Article 27(1): “No national law shall require compliance with requirements relating to the form or contents of the international application different from or additional to those which are provided for in this Treaty and Regulations.”

PCT Applicant’s Guide, paragraph 4.011: “There is a prescribed form for the international application. This form must be accepted by all designated Offices for the purposes of the national phase, so that there is no need to comply with a great variety of widely differing formal requirements in the many countries in which protection may be sought.”

Certain PCT Advantages

The PCT, as the cornerstone of the international patent system, provides a worldwide system for simplified filing and processing of patent applications, which—

1. postpones the major costs associated with internationalizing a patent application
2. provides a strong basis for patenting decisions
3. harmonizes formal requirements
4. protects applicant from certain inadvertent errors

Protection from inadvertent errors

Examples of procedures added to PCT which protect applicants from mistakes they sometimes make:

invited corrections of defects & fee payments

non-competent receiving Office

double formality review

restoration of priority

missing parts/incorporation by reference

rectification of obvious mistakes

excuse of national phase entry delay

removal of sensitive information

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5. evolves to meet stakeholder needs

PCT Meetings

Meeting of International Authorities—annual (usually first quarter)

PCT Working Group—annual (usually second quarter)

PCT Assembly—September/October

Conferences/seminars/webinars/presentations/training sessions for PCT users

Constant contact with PCT users

➤ And these all result in ideas and proposals for improving the PCT system legally, procedurally, and practically

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4. protects applicant from certain inadvertent errors
5. evolves to meet user needs
6. is used by the world's major corporations, universities and research institutions when they seek multinational patent protection

PCT Testimonial: Large Company

Qualcomm:

- Started in 1985 with 7 people
- Today more than 170 offices in more than 40 countries, and 33,000 employees
- \$25.3 billion in revenue in FY 2015
- #5 user of PCT in 2020: 2,173 PCT applications published



“Over the past 25 years, Qualcomm has been one of the largest users of the PCT system. To date we have filed more than 9,000 patent applications. International patent applications are important to the protection of innovations around the globe. The PCT helps put innovation into practice by providing a simple and cost-effective way to file international patent applications. The PCT is critical for Qualcomm because we are, above all, an innovation company....[PCT] has been a vital partner in the success of our company and the growth of the wireless industry.” CEO Paul Jacobs, 2011

Top PCT applicants in 2020

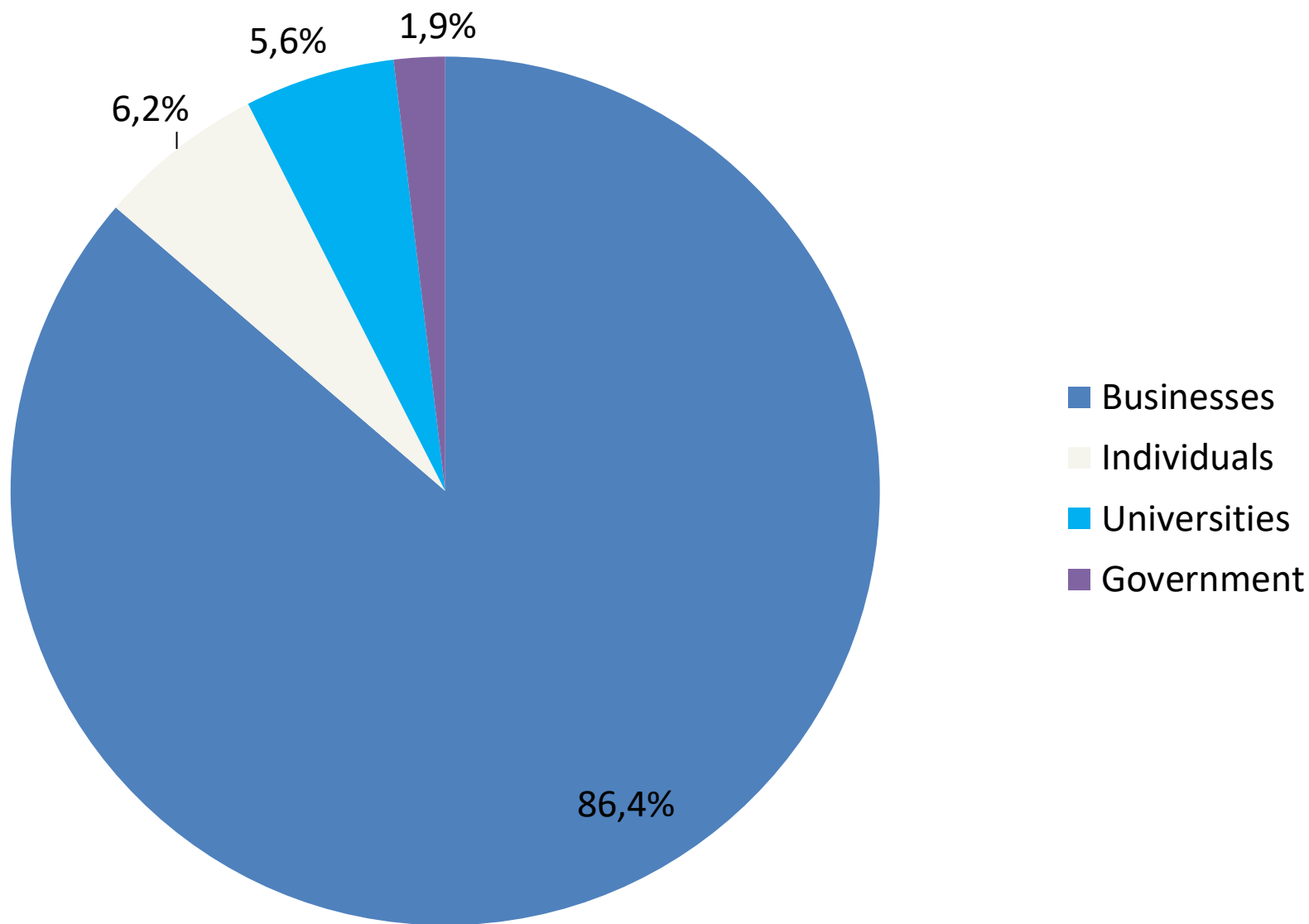
1. Huawei Technologies—CN (5,464)
2. Samsung—KR (3,093)
3. Mitsubishi Electric—JP (2,810)
4. LG Electronics—KR (2,759) (+67.6%)
5. Qualcomm—US (2,173)
6. Ericsson—SE (1,989)
7. BOE Technology Group—CN (1,892)
8. Guang Dong Oppo Mobile Telecom—CN (1,801)
9. Sony—JP (1,793)
10. Panasonic—JP (1,611)
11. Hewlett-Packard—US (1,595)
12. Microsoft—US (1,529)
13. Bosch—DE (1,375)
14. LG Chem, Ltd.—KR (1,374)
15. Nippon Telegraph & Telephone—JP (1,372)

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PCT applications*

Top PCT University applicants in 2020

1. University of California (US)
2. Massachusetts Institute of Technology (US)
3. Shenzhen University (CN)
4. Tsinghua University (CN)
5. Zhejiang University (CN)
6. University of Texas (US)
7. Dalian University of Technology (CN)
8. South China University of Technology (CN)
9. Stanford University(US)
10. University of Tokyo (JP)
11. China University of Mining and Technology (CN)
12. Seoul National University (KR)
13. Northeastern (CN)
14. Jiangnan University (CN)
15. Osaka University (JP)

PCT Applicants in 2019



Certain PCT Advantages

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2. provides a strong basis for patenting decisions
3. harmonizes formal requirements
4. protects applicant from certain inadvertent errors
5. evolves to meet user needs
6. is used by the world's major corporations, universities and research institutions when they seek multinational patent protection
7. can result (if PCT reports are positive) in accelerated national phase processing

PCT-Patent Prosecution Highway (PPH)

- Accelerated national phase examination based on positive work product of PCT International Authority (written opinion of the ISA or the IPEA, IPRP (Ch. I or II))



- Reduction in # of office actions can result in savings between USD 2,500 & 6,500 per application (2009 AIPLA Survey)

WIPO's role in the PCT

■ Legal development & policy:

- overall coordination of PCT system
- Secretariat to the PCT Contracting States, including in the PCT bodies (such as the PCT Assembly, PCT Working Group, Committee on Technical Cooperation, etc.)

■ Operational:

- process all applications, including international publication, secondary formality check, translation of certain elements, communication to designated Offices, etc.
- develop and maintain electronic tools and systems for use by users and Offices
- universal “receiving Office” with which all PCT applicants may in theory file their PCT applications

■ Training/outreach/user and Office relations

- provide PCT training, support, information and advisory functions to Offices and users

Summary

The PCT:

- embodies numerous advantages for users, including:
 - more time
 - more information on potential patentability
- also embodies advantages for national and regional patent Offices, including a significant potential for worksharing
- continues to experience strong growth, in countries and applications
- is quite possibly the most successful example of true international cooperation in the intellectual property space
 - ...and in the view of some “the greatest advance in foreign patent practice and patent portfolio management since the Paris Convention came into force in 1883”

Thank you!

