The Basics of the Patent Cooperation Treaty

Matthias Reischle-Park
PCT Legal and User Relations Division

January 29, 2026

WIPO PCT Webinar Series

Mastering Time Limits within the PCT

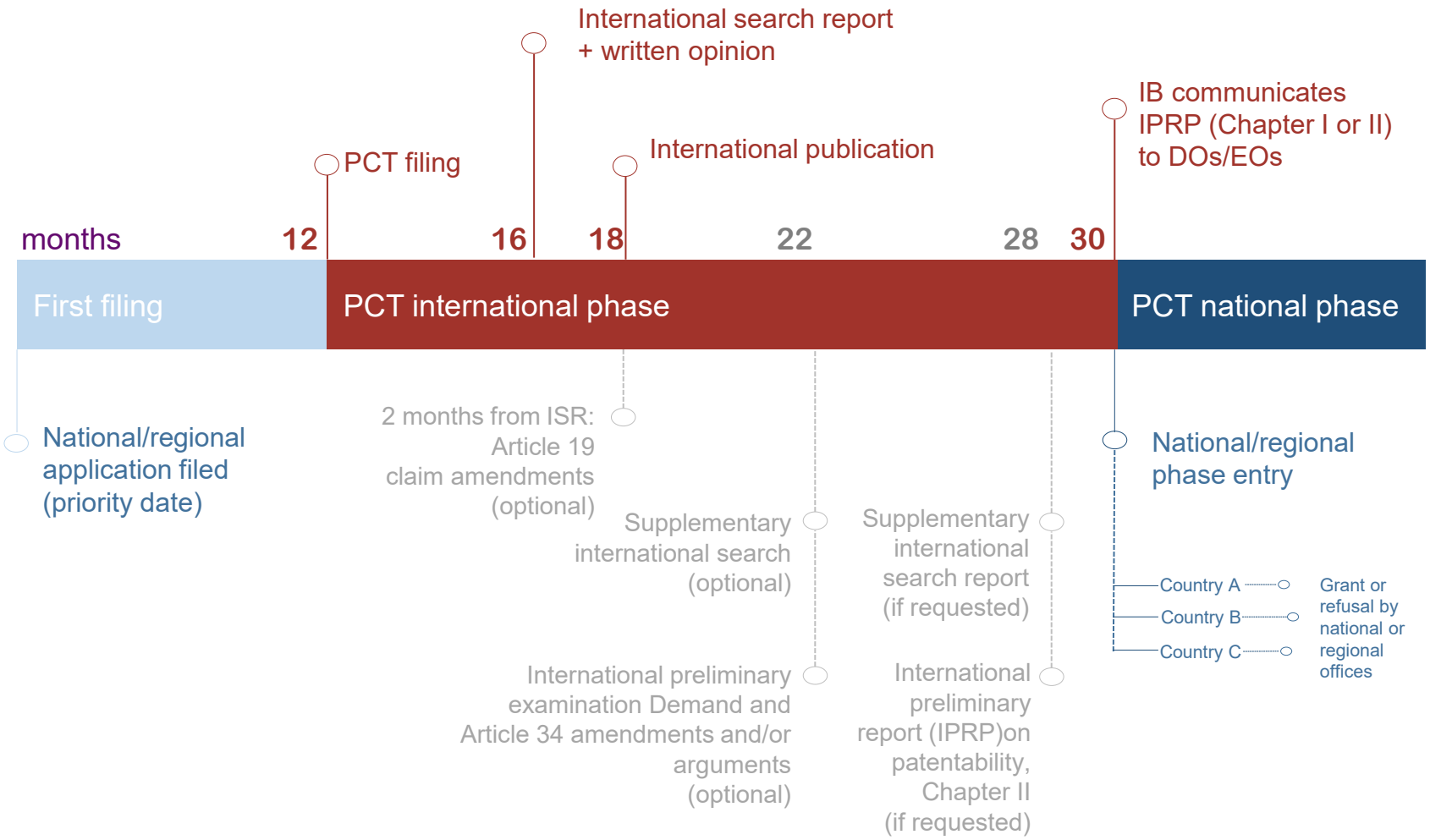
(Episode 3)

What we will discuss

- What types of time limits exist in the PCT?
- Docketing time limits
- How are time limits calculated?
- Can time limits be extended?
- What if I missed a time limit?

WIPO | PCT
The International Patent System

PCT TIMELINE



WIPO | PCT
The International
Patent System

Types of time limits under the PCT (1)

- "X" months from the priority date
  - How is the priority date defined in the PCT? Article 2(xi)
  - Examples: 12-month priority period;
    18-month publication;
    30-month time limit to enter national phase
- "X" months from the international filing date (IFD)/date of receipt of the international application
  - Example: 1 month from the date of receipt of the international application to pay the international filing fee;
    4 months from the IFD to correct priority claims

WIPO | PCT
The International Patent System

Types of time limits under the PCT (2)

- "X" months from the date of transmittal of a PCT Form
  - Date of mailing matters, not date of receipt
  - Examples: 2 months from date of transmittal of Form PCT/RO/106
- Combo time limits
  - Example: 4 months from the IFD or 16 months from earliest priority date to correct or add a priority claim; 3 months from date of transmittal of the ISR and WO or 22 months from the priority date
  - Example: 2 months from date of transmittal of ISR or 16 months from priority date whichever expires later and in any event before completion of technical preparations for international publication (Rule 46.1)

Docketing time limits

- Every applicant should have at least one well-functioning docketing system
  - Ideally, two independent docketing systems
- Any docketing system is only as good as the person operating it
- Where possible, consider review by a second person
- The most crucial time limits in the PCT are set by the filing date of the priority application
- Other time limits need to be added later

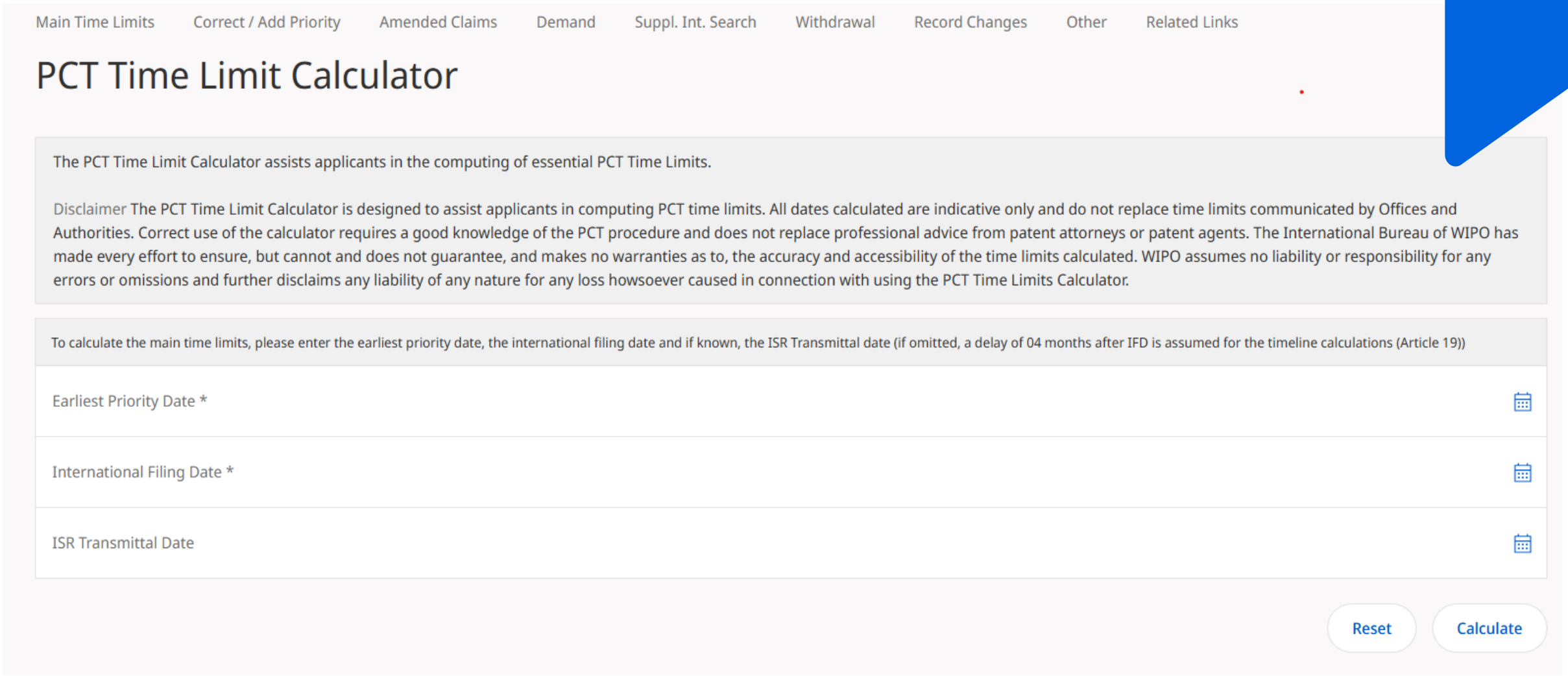
WIPO | PCT
The International Patent System

Calculating PCT time limits (1)

- Starting date of a time limit
  - Rules 80.1 to 80.3: time limit starts to run from the date following the relevant event
  - Relevant event: priority date, date of mailing of a Form, etc.
- End of time limit
  - Most PCT time periods are expressed in months
  - Time limit ends on the day with the same number as that of the relevant event (exception: where the same day does not exist in a particular month, it is the last day of that month)
  - Local time, where action needs to be taken, applies
  - End of working day or midnight, up to each Office to decide
  - Example: relevant event: date of mailing of a Form: 2 April 2025;
    - 2-month time limit expires on 2 June 2025

WIPO | PCT
The International Patent System

Calculating PCT time limits (2)



https://pct.wipo.int/ePCTExternal/pages/PctTimeline.xhtml

WIPO | PCT
The International Patent System

Can PCT time limits be extended? (1)

- Special case of formality corrections
  - PCT/RO/106 time limit: 2 months from the date of mailing of the Form
  - This time limit can be extended by the RO
- In rare cases, Offices/Authorities may apply some discretion
  - Time limit to pay fees
- Most time limits in the PCT are fixed and cannot be extended
  - Examples: to correct or add a priority claim; to file a PCT; to file Article 19 amendments, etc.

WIPO | PCT
The International Patent System

Can PCT time limits be extended? (2)

- Time limits expiring on a non-working day or official holiday
  - Article 4C(3) Paris Convention for the filing of an international application
  - Rule 80.5 for time limits under the Regulations
- Take advantage of healable defects
  - File relevant action within time limit even if signature is missing (however, be careful with withdrawals)
  - File 92*bis* request even if proof or evidence required is missing
  - Rule 17.1(c): priority document can still be furnished directly to each designated Office
  - Indicate in the demand that amendments are submitted together with demand but without attaching the amendments

WIPO | PCT
The International Patent System

What if time limit has been missed?

- Rule 26*bis*.3 - Restoration of the Priority Right (if priority period was missed)
- Rule 82 - Irregularities or Loss in the Mail (5-day Rule)
- Rule 80.6 - Date of Documents (7-day Rule)
- Rule 82*quater* - Excuse of Delay in Meeting Time Limits or Extension of Time Limits (force majeure-type of events)
- Rule 49.6 - Reinstatement of Rights (national phase entry time limit)
- Review by DO/EO: Articles 24, 25 and 26, Rules 82*bis* and 82*ter* (applicable national law applies)

PCT Resources

Check all resources on the PCT website
https://www.wipo.int/en/web/pct-system
(available in 10 languages)

More about:

PCT Treaty

PCT Regulations

PCT Applicant's Guide

WIPO | PCT
The International Patent System

Reach out to us

PCT Information Service
pct.infoline@wipo.int
+41 22 338 8338

WIPO | PCT
The International Patent System