



WIPO Press Release PCT/97  
Geneva, January 31, 1996

### **The Patent Cooperation Treaty (PCT) in 1995**

The World Intellectual Property Organization (WIPO), Geneva, announces the main events which occurred in 1995 in relation to the Patent Cooperation Treaty (PCT) and the results of operations under the PCT for the same year.

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1. Since 1978, the PCT system has offered inventors and industry an advantageous route for obtaining patent protection internationally. By filing one “international” application under the PCT, protection for an invention can be sought simultaneously in each of a large number of countries.
2. The worldwide use of the PCT route continued to increase considerably during 1995. In that year, the International Bureau of WIPO received 38,906 international applications filed worldwide, which represents an increase over 1994 of 14.1%. These 38,906 international applications had the effect of 916,273 national applications, and of 68,206 regional patent applications which were the equivalent of 890,943 applications for patent protection in the member States of the regional patent systems, that is, a total of 1,807,216 national applications.
3. During 1995, Albania, Azerbaijan, Iceland, Lesotho, Mexico, Singapore, The former Yugoslav Republic of Macedonia, Turkmenistan and Uganda (9 States) became PCT Contracting States.

*Mexico* became bound by the PCT on January 1, 1995.

*Uganda* became bound by the PCT on February 9, 1995.

*Singapore* became bound by the PCT on February 23, 1995.

*Turkmenistan* became bound by the PCT upon the filing, on March 1, 1995, of a declaration of continuation of the PCT with effect from December 25, 1991, as a successor State of the former Soviet Union.

*Iceland* became bound by the PCT on March 23, 1995.

*The former Yugoslav Republic of Macedonia* became bound by the PCT on August 10, 1995.

*Albania* became bound by the PCT on October 4, 1995.

*Lesotho* became bound by the PCT on October 21, 1995.

*Azerbaijan* became bound by the PCT on December 25, 1995.

4. The 82 States party to the PCT on December 31, 1995, were the following:

Albania	Denmark	Madagascar	Sudan
Armenia	Estonia	Malawi	Swaziland
Australia	Finland	Mali	Sweden
Austria	France	Mauritania	Switzerland
Azerbaijan	Gabon	Mexico	Tajikistan
Barbados	Georgia	Monaco	The former Yugoslav
Belarus	Germany	Mongolia	Republic of
Belgium	Greece	Netherlands	Macedonia
Benin	Guinea	New Zealand	Togo
Brazil	Hungary	Niger	Trinidad and Tobago
Bulgaria	Iceland	Norway	Turkmenistan
Burkina Faso	Ireland	Poland	Uganda
Cameroon	Italy	Portugal	Ukraine
Canada	Japan	Republic of Korea	United Kingdom
Central African Republic	Kazakstan	Republic of Moldova	United States of
Chad	Kenya	Romania	America
China	Kyrgyzstan	Russian Federation	Uzbekistan
Congo	Latvia	Senegal	Viet Nam
Côte d'Ivoire	Lesotho	Singapore	
Czech Republic	Liberia	Slovakia	
Democratic People's Republic of Korea	Liechtenstein	Slovenia	
	Lithuania	Spain	
	Luxembourg	Sri Lanka	

5. An instrument of accession to the PCT was deposited on October 1, 1995 by *Turkey*, which became bound by the PCT on January 1, 1996, as the 83rd Contracting State.

6. The Eurasian Patent Convention (EAPC), a new regional patent treaty within the meaning of PCT Article 45(1), entered into force on August 12, 1995. In order for a State to become a member of that Convention, it must also be a Contracting State of the PCT. At the end of 1995, those PCT Contracting States which were also bound by the Eurasian Patent Convention were: Azerbaijan, Belarus, Kazakstan, Russian Federation, Tajikistan and Turkmenistan. The following PCT Contracting States became, or will become, bound by the EAPC during the months of January and February 1996: Armenia, Kyrgyzstan and the Republic of Moldova. The Eurasian Patent Office (EAPO), which is located in Moscow and which was established under the EAPC, commenced operations, including receiving Eurasian patent applications under the EAPC, on January 1, 1996. From that date, nationals and residents of member States of the EAPC have been entitled to file international applications with the EAPO as a PCT receiving Office. Moreover, in international applications filed on or after January 1, 1996, it is possible to include a designation for a Eurasian patent having effect in member States of the EAPC. Those PCT Contracting States which are also party to the EAPC can be designated either for a national patent or for a Eurasian patent, or for both. (It is not possible, however, to designate only some of the Contracting States of the EAPC for a Eurasian patent, since a Eurasian patent can only be granted for all Contracting States of that Convention.)

7. With effect from April 1, 1995, the “national route” in respect of the Netherlands was closed and consequently it is no longer possible to designate the Netherlands for a national patent. Therefore, in international applications filed on or after April 1, 1995, the Netherlands may be designated only for a European patent.

8. On September 1, 1995, Liechtenstein and Switzerland became bound by Chapter II of the PCT, following the withdrawal of their reservations under PCT Article 64(1)(a). Consequently, as from September 1, 1995, nationals and residents of Liechtenstein and Switzerland have been entitled to file demands for international preliminary examination of their international applications and Liechtenstein and Switzerland may be elected in demands for international preliminary examination.

9. In October 1995, a proposal to reduce by 75% the basic fee, the designation fee, the confirmation fee and the handling fee in respect of international applications filed by certain applicants was adopted by the Assembly of the PCT Union, with effect from January 1, 1996. A proposal to increase the maximum number of designation fees payable with effect from January 1, 1996, from 10 to 11, was also adopted. (See paragraph 29 for details.)

10. ***Summary of the procedure under the PCT.*** The system of patent cooperation under the PCT means that, by filing only one international application with one office, the PCT applicant can obtain the effect of regular national filings in any or all PCT Contracting States without initially having to furnish a translation of the application or to pay national fees. The national patent granting procedure and the related high expenses are postponed, in the majority of cases, by up to 18 months or even longer in the case of some offices.

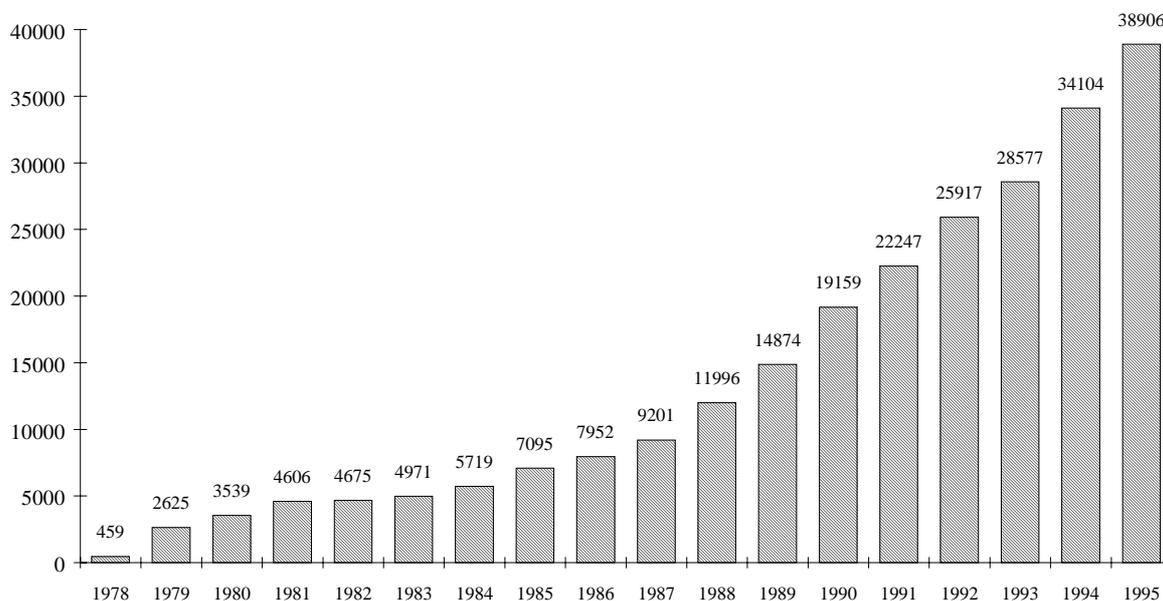
11. During that period, each international application is subjected to an international search carried out by one of the major patent offices of the world acting as an International Searching Authority under the PCT which establishes an international search report setting out the relevant prior art. That report is received by the applicant about 16 months from the priority date. The international application is published by the International Bureau 18 months after the priority date and is then transmitted to the designated Offices and to the applicant.

12. If the applicant so requests, and most do so (see paragraph 22, below), the international application is also subjected to international preliminary examination under Chapter II of the PCT carried out by one of the offices which act as International Preliminary Examining Authorities under the PCT. That examination results in a report as to whether the claimed invention fulfills the criteria of novelty, inventive step and industrial applicability. The report is received by the applicant about 28 months from the priority date.

13. With the international search report, and, where requested, the international preliminary examination report, the applicant is in a much better position to decide whether to initiate the national patent granting procedure before the various designated patent offices. It is only if the applicant is convinced, in the light of such reports, that it is worthwhile to seek patent protection in the various countries, that he will normally decide to pay national fees, the cost of preparing translations and professional fees for patent agents abroad. This need not be done until 8 or 18 months later than under the traditional system (when the PCT is not used), depending on whether there is only an international search report or also an international preliminary examination report. At that later time, the applicant is also in a much better position to decide about the need for patent protection having regard to increased knowledge of the technical and economic prospects of the invention.

14. ***Statistics.*** As already indicated, the number of international applications received by the International Bureau in 1995 amounted to 38,906 (1994: 34,104). The corresponding numbers in each calendar year since the beginning of PCT operations are as follows:

### Number of international applications received since 1978



15. The following table shows, by country of origin, the number of international applications received by the International Bureau<sup>1</sup> in 1995, and the corresponding percentages, as compared with 1994:

<i>Country of origin</i> <sup>2</sup>	<i>Number of applications</i>		<i>Percentage</i>	
	<b>1995</b>	<b>(1994)</b>	<b>1995</b>	<b>(1994)</b>
US United States of America	16,588	(14,798)	42.64	(43.39)
DE Germany	5,054	(4,294)	12.99	(12.59)
GB United Kingdom <sup>3</sup>	3,425	(3,212)	8.80	(9.42)
JP Japan	2,700	(2,290)	6.94	(6.71)
FR France	1,808	(1,631)	4.65	(4.78)
SE Sweden	1,572	(1,250)	4.04	(3.67)
NL Netherlands	1,297	(780)	3.33	(2.29)
AU Australia	877	(803)	2.25	(2.35)
CA Canada	786	(748)	2.02	(2.19)
CH Switzerland <sup>4</sup>	786	(640)	2.02	(1.88)
FI Finland	718	(592)	1.85	(1.74)
IT Italy	570	(518)	1.47	(1.52)
DK Denmark	554	(523)	1.42	(1.53)
AT Austria	332	(258)	0.85	(0.76)
RU Russian Federation	288	(343)	0.74	(1.01)
NO Norway	246	(216)	0.63	(0.63)
BE Belgium	232	(205)	0.60	(0.60)
KR Republic of Korea	192	(190)	0.49	(0.56)

[continued on next page]

1. Figures based on the number of copies of international applications sent, under PCT Article 12, to the International Bureau by PCT receiving Offices (including by the International Bureau itself as a receiving Office).

2. Of the international applications received by the International Bureau, 4,953 (=12.7%) were received from the European Patent Office (EPO) as receiving Office and 1,143 (=2.9%) were received from the International Bureau as receiving Office; those applications are included in the figures concerning the country of origin of the applicant.

3. Includes figures for Hong Kong and the Isle of Man, since the national Office of the United Kingdom also acts as receiving Office for residents of Hong Kong and the Isle of Man.

4. Includes figures for Liechtenstein, since the national Office of Switzerland also acts as receiving Office for nationals and residents of Liechtenstein.

[number of international applications received by the International Bureau in 1995, continued]

Country of origin <sup>5</sup>		Number of applications		Percentage	
		1995	(1994)	1995	(1994)
ES	Spain	170	(142)	0.44	(0.42)
NZ	New Zealand	140	(147)	0.36	(0.43)
CN	China	106	(98)	0.27	(0.29)
IE	Ireland	76	(76)	0.20	(0.22)
HU	Hungary	68	(75)	0.17	(0.22)
BR	Brazil	66	(48)	0.17	(0.14)
SI	Slovenia	32	(20)	0.08	(0.06)
LU	Luxembourg	31	(42)	0.08	(0.12)
CZ	Czech Republic	28	(27)	0.07	(0.08)
GR	Greece	25	(28)	0.06	(0.08)
PL	Poland	22	(23)	0.06	(0.07)
SG	Singapore	21	(-)	0.05	(-)
RO	Romania	16	(9)	0.04	(0.03)
BG	Bulgaria	12	(13)	0.03	(0.04)
BY	Belarus	11	(5)	0.03	(0.01)
UA	Ukraine	10	(27)	0.03	(0.08)
SK	Slovakia	10	(5)	0.03	(0.01)
MX	Mexico	10	(-)	0.03	(-)
PT	Portugal	6	(13)	0.02	(0.04)
IS	Iceland	3	(-)	0.01	(-)
MC	Monaco	3	(3)	0.01	(0.01)
KE	Kenya	2	(0)	0.01	(0.00)
LR	Liberia	2	(0)	0.01	(0)
MD	Republic of Moldova	2	(0)	0.01	(0)
MW	Malawi	2	(0)	0.01	(0)
OA	OAPI States	2	(0)	0.01	(0.00)
BB	Barbados	1	(3)	<0.01	(0.01)
GE	Georgia	1	(1)	<0.01	(<0.01)
KZ	Kazakstan	1	(1)	<0.01	(<0.01)
LK	Sri Lanka	1	(4)	<0.01	(0.01)
UZ	Uzbekistan	1	(0)	<0.01	(0)
AM	Armenia	0	(1)	0.00	(<0.01)
LT	Lithuania	0	(1)	0.00	(<0.01)
TT	Trinidad and Tobago	0	(1)	0.00	(<0.01)
TOTAL		38,906	(34,104)	100.00	(100.00)

16. In 1995, the average number of designations made per international application was 25.3 (1994: 19.5). This figure is much higher than the number of States where patent protection will eventually be sought, because the applicants in respect of 46.1% (1994: 41.4%) of all international applications received by the International Bureau in 1995 used the possibility of paying the maximum of 10 designation fees while designating any number of (frequently all) PCT Contracting States in order to extend the effects of the international application to as many States as might be of interest to them, retaining the option of deciding at a later stage in which States they wish to proceed. (As from January 1, 1996, the maximum number of designation fees payable is 11, see paragraph 29, below.) The 25.3 designations had, on average, per international application, the effect of national or regional applications in 46.5 (1994: 38.7) Contracting States. The difference between the number of designations and their effect as national or regional applications is due to the fact that each

5. Of the international applications received by the International Bureau, 4,953 (=12.7%) were received from the European Patent Office (EPO) as receiving Office and 1,143 (=2.9%) were received from the International Bureau as receiving Office; those applications are included in the figures concerning the country of origin of the applicant.

designation for a regional (European, ARIPO or OAPI) patent covers several States. In 1995, a European patent was sought in 37,588 international applications, which represents 96.6% (1994: 32,823 = 96.2%) of the total.

17. In 1995, the International Bureau of WIPO as PCT receiving Office received 1,151 (1994: 447) international applications from 32 countries, including 164 which benefited from the procedure for the transmittal by "non-competent" receiving Offices to the International Bureau in its capacity as receiving Office, allowing applicants to retain the date of receipt by the non-competent receiving Office as the international filing date.

18. A copy of every international application is sent to the competent International Searching Authority for carrying out the international search. Where more than one International Searching Authority is competent, the applicant chooses that which he prefers. The number of international applications sent to each International Searching Authority in 1995 is indicated below:

<i>International Searching Authority</i>	<i>Number of applications</i>		<i>Percentage</i>	
	<b>1995</b>	<b>(1994)</b>	<b>1995</b>	<b>(1994)</b>
European Patent Office	21,541	(18,718)	55.4	(54.9)
United States of America	9,628	(8,976)	24.7	(26.3)
Sweden	3,490	(2,578)	8.9	(7.6)
Japan	2,522	(2,156)	6.5	(6.3)
Australia	1,011	(939)	2.6	(2.7)
Russian Federation	302	(373)	0.8	(1.1)
Austria	244	(266)	0.6	(0.8)
China	108	(98)	0.3	(0.3)
Spain <sup>6</sup>	60	(-)	0.2	(-)
<b>TOTAL</b>	<b>38,906</b>	<b>(34,104)</b>	<b>100.0</b>	<b>(100.0)</b>

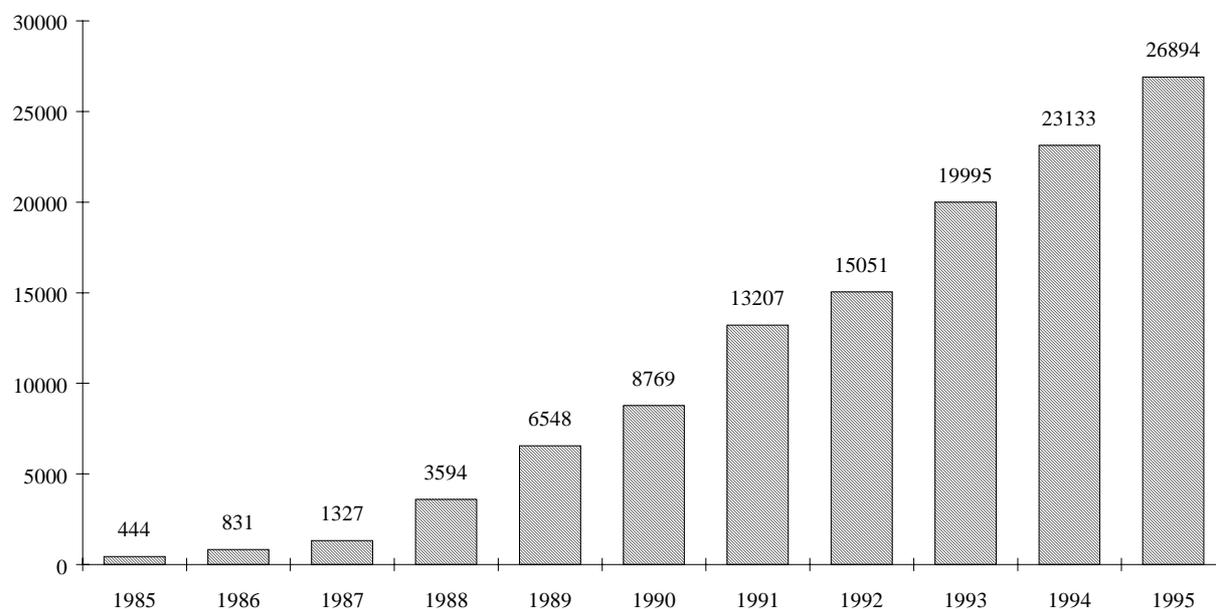
19. The international applications of which record copies were received by the International Bureau in 1995 were filed in the following languages:

<i>Language of filing</i>	<i>Number of applications</i>		<i>Percentage</i>	
	<b>1995</b>	<b>(1994)</b>	<b>1995</b>	<b>(1994)</b>
English	26,519	(23,340)	68.1	(68.4)
German	5,733	(4,848)	14.7	(14.2)
Japanese	2,526	(2,160)	6.5	(6.3)
French	1,895	(1,768)	4.9	(5.2)
Swedish	744	(620)	1.9	(1.8)
Finnish	387	(319)	1.0	(1.0)
Russian	302	(366)	0.8	(1.1)
Dutch	225	(170)	0.6	(0.5)
Danish	175	(174)	0.4	(0.5)
Spanish	160	(135)	0.4	(0.4)
Norwegian	143	(110)	0.4	(0.3)
Chinese	97	(94)	0.3	(0.3)
<b>TOTAL</b>	<b>38,906</b>	<b>(34,104)</b>	<b>100.0</b>	<b>(100.0)</b>

6. The Spanish Patent and Trademark Office started acting as International Searching Authority on January 1, 1995.

20. The number of demands for international preliminary examination received by the International Bureau from the International Preliminary Examining Authorities in 1995 amounted to 26,894, which represents an increase over 1994 of 16.3%. The numbers of demands in each calendar year since 1985 are as follows:

### Number of demands filed worldwide



21. Those demands were received by the International Bureau from the Offices indicated below in their capacity as International Preliminary Examining Authorities:

<i>International Preliminary Examining Authority</i>	<i>Number of demands</i>		<i>Percentage</i>	
	<b>1995</b>	<b>(1994)</b>	<b>1995</b>	<b>(1994)</b>
European Patent Office	14,428	(12,261)	53.7	(53.0)
United States of America	8,178	(7,578)	30.4	(32.8)
Sweden	1,969	(1,575)	7.3	(6.8)
Japan	1,110	(730)	4.1	(3.1)
Australia	864	(732)	3.2	(3.2)
Austria	138	(116)	0.5	(0.5)
Russian Federation	127	(109)	0.5	(0.5)
China	80	(30)	0.3	(0.1)
United Kingdom <sup>7</sup>	(-)	(2)	(-)	(<0.1)
<b>TOTAL</b>	<b>26,894</b>	<b>(23,133)</b>	<b>100.0</b>	<b>(100.0)</b>

22. The demands for international preliminary examination received in 1995 relate mainly to international applications filed in 1994. Applicants are increasingly (between 70 and 80% of all applicants) taking advantage of the benefits of the procedure under Chapter II of the PCT.

7. The United Kingdom Patent Office ceased to be an International Preliminary Examining Authority in respect of demands for international preliminary examination made on or after June 1, 1993.

23. **Publications under the PCT.** The publication of the *PCT Gazette*, in separate English and French editions, continued on a weekly basis (rather than every two weeks) from January 5, 1995. In addition to a substantial volume of information of a general character concerning new Contracting States and the requirements of the various offices and international authorities, the *PCT Gazette* included entries relating to the 35,638 (1994: 30,003) international applications which were published in 1995 in the form of PCT pamphlets (in Chinese, English, French, German, Japanese, Russian or Spanish, depending on the language of filing) on the same day as the relevant issue of the *PCT Gazette*. In January 1995 and July 1995, two special issues of the *PCT Gazette* were published, containing consolidated general information relating to Contracting States, national and regional Offices and international authorities (No. 01/1995 and No. 28/1995). In October 1995, a special issue of the *PCT Gazette* was published, containing consolidated texts of the Agreements between WIPO and the International Searching Authorities and International Preliminary Examining Authorities under the PCT.

24. The numbers of international applications published in 1995 as pamphlets in each of the above-mentioned languages are as follows:

<i>Language of publication</i>	<i>Number of applications</i>		<i>Percentage</i>	
	<b>1995</b>	<b>(1994)</b>	<b>1995</b>	<b>(1994)</b>
English	26,004	(21,959)	73.0	(73.2)
German	5,082	(4,281)	14.3	(14.3)
Japanese	2,267	(1,884)	6.4	(6.3)
French	1,799	(1,520)	5.0	(5.0)
Russian	273	(240)	0.7	(0.8)
Spanish	129	(91)	0.4	(0.3)
Chinese	84	(28)	0.2	(0.1)
<b>TOTAL</b>	<b>35,638</b>	<b>(30,003)</b>	<b>100.0</b>	<b>(100.0)</b>

25. The *PCT Applicant's Guide*, which contains information on the filing of international applications and the procedure during the international phase as well as information on the national phase and the procedure before the designated (or elected) Offices, was updated in 1995 to include the many changes that occurred during the year in respect of the PCT.

26. Twelve issues of the *PCT Newsletter* were published in 1995. This monthly publication (in English only) provides up-to-date news for users of the PCT. It contains information on the essential items included in Section IV of the *PCT Gazette* and supplements the *PCT Applicant's Guide*, with practical advice for applicants and agents, a list of forthcoming PCT seminars, consolidated tables of PCT fees in various currencies, and other items of general interest. It also includes tear-out provisional sheets permitting easy inclusion of certain important changes in the *PCT Applicant's Guide* prior to the issuance of bi-yearly updates.

27. In 1995, the International Bureau continued, in cooperation with the European Patent Office, the production of *ESPACE WORLD* CD-ROMs, each disk containing the full text and the drawings of about 500 published international applications as well as the corresponding bibliographic data in coded, searchable form. All international applications published since 1978 are available in CD-ROM format (a total of 426 CD-ROMs).

28. **Meetings.** The PCT Committee for Technical Cooperation (PCT/CTC) held its eighteenth session from May 15 to 19, 1995, in Geneva, and considered the draft of a revised PCT Minimum Documentation List pursuant to PCT Rule 34.1(b)(iii). The International Searching Authorities which were represented at the session approved the revised PCT list consisting of 135 periodicals and technical journals to be used for search and examination, now also including their titles abbreviated

according to the International Serials Data System (ISDS) Register. The PCT/CTC agreed that the revised PCT list, which took effect as from January 1, 1996, would be published in the *PCT Gazette* and in the *WIPO Handbook on Industrial Property Information and Documentation*.

29. The Assembly of the PCT Union held its twenty-third (tenth ordinary) session from September 25 to October 3, 1995. It decided, with effect from January 1, 1996, to reduce by 75% the basic fee, the designation fee, the confirmation fee and the handling fee in respect of international applications filed by any applicant who is a natural person and who is a national of and resides in a State whose per capita national income is below 3,000 US dollars (according to the average per capita national income figures used by the United Nations for determining its scale of assessments for the contributions payable for the years 1995, 1996 and 1997).<sup>8</sup> If there are several applicants, each must satisfy those criteria. The fee reduction will be available even if one or more of the applicants are not from PCT Contracting States, provided that each of them satisfies the above-mentioned criteria and that at least one of them is a national or resident of a PCT Contracting State and thus is entitled to file an international application. The Assembly also decided not to increase PCT fees generally but to increase the maximum number of designation fees payable, with effect from January 1, 1996, from 10 to 11. (It should be noted that the number of PCT Contracting States had increased from 35, when the maximum of 10 designation fees payable was first introduced in 1984, to more than 80.)

30. In 1995, officials of the International Bureau participated in numerous meetings and seminars which dealt with the use and advantages of the PCT. Those meetings and seminars, which were held in Azerbaijan, Bahrain, Bangladesh, Belarus, Belgium, Bhutan, Bolivia, Brazil, Chile, Cuba, Denmark, Egypt, Ethiopia, France, Germany, Guyana, India, Japan, Jordan, Kuwait, Kyrgyzstan, Laos, Luxembourg, Mongolia, the Netherlands, Pakistan, Peru, the Republic of Moldova, the Russian Federation, Singapore, Slovakia, Slovenia, South Africa, Sri Lanka, Switzerland, Thailand, The former Yugoslav Republic of Macedonia, Tunisia, Ukraine, the United Arab Emirates, the United Kingdom, the United States of America, Uruguay and Venezuela, included 59 seminars and presentations given to over 4,600 users and potential users of the PCT system.

31. **Ordering of PCT Publications.** PCT publications may be purchased from WIPO, Publications Sales and Distribution Unit, Post Office Box 18, CH-1211 Geneva 20, Switzerland, Facsimile No. (41 22) 740 18 12 or (41 22) 733 54 28. Publications of particular interest include:

- the *PCT Applicant's Guide*, a five-binder loose-leaf publication of more than 1,000 pages (available in English and French from WIPO; also available from other sources in German and in Japanese—contact WIPO for details);
- PCT pamphlets containing the published international applications (in various languages—see paragraph 23, above—containing the title and the abstract (also) in English);
- the *PCT Gazette* (available in English and French);
- the *PCT Newsletter* (available in English);
- booklets containing the text of the PCT and the PCT Regulations (in Arabic, English, French, German, Italian, Portuguese, Russian and Spanish);

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8. Natural persons who are nationals of and reside in the following PCT Contracting States are eligible: Albania, Armenia, Azerbaijan, Belarus, Benin, Brazil, Bulgaria, Burkina Faso, Cameroon, Central African Republic, Chad, China, Congo, Côte d'Ivoire, Czech Republic, Democratic People's Republic of Korea, Estonia, Gabon, Georgia, Guinea, Hungary, Kazakstan, Kenya, Kyrgyzstan, Latvia, Lesotho, Liberia, Lithuania, Madagascar, Malawi, Mali, Mauritania, Mexico, Mongolia, Niger, Poland, Republic of Moldova, Romania, Russian Federation, Senegal, Slovakia, Sri Lanka, Sudan, Swaziland, Tajikistan, The former Yugoslav Republic of Macedonia, Togo, Turkey, Turkmenistan, Uganda, Ukraine, Uzbekistan and Viet Nam.

– special issues of the *PCT Gazette* (see paragraph 23, above) (in English and French).

32. A leaflet entitled *Basic Facts about the Patent Cooperation Treaty (PCT)* is available free of charge in English, French, German, Portuguese and Spanish.

33. The *ESPACE WORLD* CD-ROMs containing published international applications may be ordered from the European Patent Office, Schottenfeldgasse 29, Postfach 82, A-1072 Vienna, Austria. However, the CD-ROMs containing the international applications published between 1978 and 1989 can be obtained only from WIPO, at the address indicated in paragraph 31, above.

[End]