

WORLD INTELLECTUAL PROPERTY
ORGANIZATION

世界知识产权组织

ORGANIZACION MUNDIAL
DE LA PROPIEDAD INTELECTUAL



ORGANISATION MONDIALE
DE LA PROPRIÉTÉ INTELLECTUELLE

المنظمة العالمية للملكية الفكرية

ВСЕМИРНАЯ ОРГАНИЗАЦИЯ
ИНТЕЛЛЕКТУАЛЬНОЙ СОБСТВЕННОСТИ

Geneva, February 19, 2002

INFORMATION NOTE

The Patent Cooperation Treaty (PCT) in 2001

The World Intellectual Property Organization (WIPO), Geneva, announces the main events which occurred in 2001 in relation to the Patent Cooperation Treaty (PCT) and the results of operations under the PCT for that year.

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1. The PCT system offers inventors and industry an advantageous route for obtaining patent protection internationally. By filing one “international” patent application under the PCT, protection for an invention can be sought simultaneously in each of a large number of countries. Both applicants and patent Offices of PCT member States benefit from the uniform formality requirements, the international search and preliminary examination reports, and the centralized international publication provided by the PCT system.

Developments in 2001

2. During 2001, the International Bureau of WIPO received a total of 103,947 applications filed worldwide,¹ which not only represented a 14.3% increase over the number of applications filed in 2000, but also made it the first time ever that the milestone of 100,000 international applications had been reached in one year. If applicants had filed separate applications nationally or regionally, this would have involved the filing of millions of applications worldwide to achieve the same level of protection as is afforded by those 103,947 applications.

1. Figures in this information note for international applications filed in 2001 are based on the number of record copies of international applications received, under PCT Article 12, by the International Bureau in 2001 from PCT receiving Offices (including the Receiving Office Section of the International Bureau).

3. During 2001, seven new Contracting States became bound by the PCT (on the dates shown in parentheses):

Colombia (February 28, 2001);
Ecuador (May 7, 2001);
Equatorial Guinea (July 17, 2001);
Philippines (August 17, 2001);
Oman (October 26, 2001);
Zambia (November 15, 2001);
Tunisia (December 10, 2001).

4. By December 31, 2001, the following 115 Contracting States were bound by the PCT:

Albania	Democratic People's	Liberia	South Africa
Algeria	Republic of Korea	Liechtenstein	Spain
Antigua and Barbuda	Denmark	Lithuania	Sri Lanka
Armenia	Dominica	Luxembourg	Sudan
Australia	Ecuador	Madagascar	Swaziland
Austria	Equatorial Guinea	Malawi	Sweden
Azerbaijan	Estonia	Mali	Switzerland
Barbados	Finland	Mauritania	Tajikistan
Belarus	France	Mexico	The former Yugoslav
Belgium	Gabon	Monaco	Republic of
Belize	Gambia	Mongolia	Macedonia
Benin	Georgia	Morocco	Togo
Bosnia and	Germany	Mozambique	Trinidad and Tobago
Herzegovina	Ghana	Netherlands	Tunisia
Brazil	Greece	New Zealand	Turkey
Bulgaria	Grenada	Niger	Turkmenistan
Burkina Faso	Guinea	Norway	Uganda
Cameroon	Guinea-Bissau	Oman	Ukraine
Canada	Hungary	Philippines	United Arab Emirates
Central African	Iceland	Poland	United Kingdom
Republic	India	Portugal	United Republic of
Chad	Indonesia	Republic of Korea	Tanzania
China	Ireland	Republic of Moldova	United States of
Colombia	Israel	Romania	America
Congo	Italy	Russian Federation	Uzbekistan
Costa Rica	Japan	Saint Lucia	Viet Nam
Côte d'Ivoire	Kazakhstan	Senegal	Yugoslavia
Croatia	Kenya	Sierra Leone	Zimbabwe
Cuba	Kyrgyzstan	Singapore	Zambia
Cyprus	Latvia	Slovakia	
Czech Republic	Lesotho	Slovenia	

5. On July 17, 2001, Equatorial Guinea became bound by the PCT. Since Equatorial Guinea is a member State of the African Intellectual Property Organization (OAPI), the designation (or election) of that State has the effect of a designation (or election) of that State

for the purposes of a regional patent issued by OAPI; it is not possible to designate Equatorial Guinea for a national patent. On November 15, 2001, Zambia became bound by the PCT. Since Zambia is also party to the Harare Protocol on Patents and Industrial Designs within the framework of the African Regional Industrial Property Organization (ARIPO), PCT applicants may designate Zambia for an ARIPO patent, as well as for a national patent.

Summary of the procedure under the PCT

6. The system of patent cooperation established by the PCT means that, by filing only one international application with one Office, an applicant can obtain the effect of regular national filings in any of the designated PCT Contracting States without initially having to furnish a translation of the application or 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), as compared with the traditional patent system.

7. In addition to designations of PCT Contracting States for the purpose of obtaining national patents, an international application may include designations for regional patents: ARIPO (African Regional Industrial Property Organization) patents have effect in those States party to the Harare Protocol on Patents and Industrial Designs within the framework of ARIPO which are also Contracting States of the PCT; Eurasian patents have effect in States party to the Eurasian Patent Convention; European patents have effect in States party to the European Patent Convention; and OAPI (African Intellectual Property Organization) patents have effect in States party to the revised Bangui Agreement Relating to the Creation of an African Intellectual Property Organization.

8. Each international application is subjected to an international search carried out by one of the major patent Offices, acting as an International Searching Authority under the PCT, which establishes a report setting out the relevant prior art. That report is received by the applicant about 16 months after the priority date. Eighteen months after the priority date, the international application is published by the International Bureau, together with the international search report and any amendments of claims which may be made by the applicant, and is then transmitted to the applicant and the designated Offices.

9. If the applicant so requests (by filing a “demand” for international preliminary examination), and most do so (see paragraph 30), the international application is then subjected to international preliminary examination under PCT Chapter II by one of the Offices that act as International Preliminary Examining Authority. Provided such demand is submitted before the expiration of 19 months, the entry into the national phase of the procedure is also postponed from 20 months after the priority date² until 30 months after that date (later time limits apply in some cases) and the applicant is given an additional opportunity to amend the application. The examination results in a report that includes an opinion as to whether the claimed invention fulfills the criteria of novelty, inventive step and industrial applicability. The international preliminary examination report is usually received by the applicant about 28 months after the priority date, and is also sent to the designated Offices which were elected under Chapter II.

10. With the international search report and the international preliminary examination report, the applicant is in a much better position to decide whether to proceed with the national patent granting procedure before the various designated patent Offices. If the

2. See paragraph 14 for information concerning the modification, with effect from April 1, 2002, of that time limit for entry into the national phase under PCT Article 22(1), from 20 to 30 months.

applicant considers, in the light of those reports, that it is worthwhile to continue seeking patent protection in several countries, he may then decide to pay the national fees and professional fees for patent agents abroad, and to incur the cost of preparing translations. This need not be done until 20 months or more after the priority date³ (that is, eight months later than under the traditional system), or, if the applicant has filed a demand for international preliminary examination in time, until 30 months or more after the priority date (that is, 18 months later than under the traditional patent system). 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 value and commercial prospects of the invention.

Rule and procedure changes

11. On January 11, 2001, following the promulgation of new Administrative Instructions under the PCT, it became possible for applicants filing international applications with certain receiving Offices to file, for the purposes of all steps of the international phase, the nucleotide and/or amino acid sequence listing part of the description of such applications either only on an electronic medium in computer readable form or both on an electronic medium and on paper in written form. This change is of considerable benefit, both practically and financially, to applicants who file international applications containing very lengthy sequence listings, as well as being of practical benefit to patent Offices and Authorities. Since the beginning of August 2001, such sequence listing parts which are furnished on an electronic medium are no longer published on paper with the rest of the pamphlet, but are published on the Internet, with the possibility of ordering CD-ROMs containing electronic copies of those sequence listings. For further information, see the following page on the WIPO Internet site:

<http://www.wipo.int/pct/en/sequences/index.htm>

12. Amended Regulations which had been adopted by the PCT Assembly in March 2000 entered into force on March 1, 2001, including, in particular, amendments to PCT Rule 4.17, which simplify the national phase both for applicants and for national and regional patent Offices (in their capacity as designated/elected Offices) by allowing applicants to complete, when filing their international applications, declarations—containing standardized wording—relating to the identity of the inventor, the right to apply for a patent, the right to claim priority, inventorship and non-prejudicial disclosures. By submitting such declarations with their international application, applicants may avoid having to submit, upon entry into the national phase, documents or evidence required for the purposes of the national law of the designated/elected States concerned.

Meetings

13. Reform of the PCT

– The **Committee on Reform of the Patent Cooperation Treaty**, which was convened pursuant to a decision of the PCT Assembly in October 2000, held its first session in Geneva from May 21 to 25, 2001. The Committee agreed on the objectives on which the reform of the PCT system should be based, the recommendation to the PCT Assembly that a working group be established, and the matters that should be referred to that working group for its consideration and advice.

3. See paragraph 14 for information concerning the modification, with effect from April 1, 2002, of that time limit for entry into the national phase under PCT Article 22(1), from 20 to 30 months.

– Following the approval by the PCT Assembly (see below) of the above-mentioned recommendations, the first session of the **Working Group on Reform of the PCT** was held in Geneva from November 12 to 16, 2001. The topics of discussion included:

(a) A proposal to change the current PCT system so that, for all international applications, an expanded international search (EIS) procedure would be followed, under which, in addition to the international search report, the International Searching Authority (ISA) would issue an opinion of the examiner as to whether the claims of the application appear to satisfy the criteria of novelty, inventive step and industrial applicability, similar to the written opinion which the applicant currently receives sometimes after he files a demand for international preliminary examination.

(b) A proposal for reform of the designation system, so that the filing of an international application would automatically have the effect of making all possible designations under the PCT, deferring to the national phase all decisions and choices by the applicant as to the countries in which protection is sought and as to the kinds of protection which are sought. Furthermore, a single “flat” international filing fee would be introduced, replacing the current separate basic fee and designation fee(s).

(c) Changes relating to the Patent Law Treaty (PLT): it was agreed that certain of the principles of the PLT should so far as possible be taken up in the PCT in order to achieve the same benefits for applicants and Offices in the filing and processing of international applications as would be available for national applications.

After further meetings of the Working Group and of the Committee on Reform of the PCT to be held during the course of 2002, the first proposals for reform-related amendments to the PCT Regulations are expected to be submitted to the PCT Assembly in September 2002. Further information relating to the proceedings, as well as background information relating to the proposals submitted to the Working Group, is available on WIPO’s Internet site at:

<http://www.wipo.int/pct/en/meetings/meetings.htm>

14. The **Assembly of the PCT Union** held its thirtieth (13th ordinary) session in Geneva from September 24 to October 3, 2001, the results of which are as follows:

– it was decided, with effect from April 1, 2002, to modify the time limit under PCT Article 22(1) for performing the acts necessary to enter the national phase from 20 to 30 months from the priority date. As a result, the time limit for national phase entry under PCT Article 22(1) will be the same as that which applies under PCT Article 39(1)(a) (that is, the time limit which applies where the applicant files a demand for international preliminary examination within 19 months from the priority date). Since a number of countries will have to change their national laws in order to implement the modification, transitional arrangements will enable postponement of the entry into force of the modification in respect of the designated Offices concerned. As a consequence of the modification of the time limit under PCT Article 22(1), PCT Rules 90*bis*.1, 90*bis*.2 and 90*bis*.3, which deal with the withdrawal of the international application, any designation, and any priority claim, respectively, will, with effect from April 1, 2002, refer only to the time limit of 30 months from the priority date;

– it was decided to amend the Schedule of Fees with effect from January 1, 2002, to further decrease the maximum number of designation fees payable, from six to five, making it the fifth consecutive year in which the fee payable for designating States has been reduced;

– the Spanish Patent and Trademark Office, which has been an International Searching Authority since 1993, was appointed as an International Preliminary Examining Authority

(IPEA); that Office will thus become the 10th Office to function as an IPEA under the PCT. The appointment is expected to have effect later in 2002;

- approval was given of an amendment, with effect from November 1, 2001, of the text of the Agreement between the European Patent Organisation and the International Bureau of WIPO relating to the functioning of the European Patent Office (EPO) as an International Searching Authority (ISA) and International Preliminary Examining Authority (IPEA) under the PCT. The amended Agreement enables the EPO to determine, in a more flexible way, which international applications it is competent to act for as ISA and IPEA;
- the PCT Assembly noted the report of the Committee on Reform of the PCT (see paragraph 13, above) and approved the Committee's recommendation concerning the establishment of a working group, the matters to be referred to the working group and the work program of both the Committee and the working group between the September 2001 and September 2002 sessions of the Assembly. It also took note of progress in the PCT automation project (IMPACT) and in the PCT Electronic Filing Project (see paragraphs 16 to 18, below).

Detailed background information is available under "PCT Meetings" on the PCT website:

<http://www.wipo.int/pct/en/index.html>

Seminars

15. In 2001, officials of the International Bureau participated in 114 seminars and presentations that dealt with the use and advantages of the PCT and the promotion of accession to it. Those seminars and presentations were held in Algeria, Antigua and Barbuda, Argentina, Barbados, Belgium, Brazil, Cambodia, China, Colombia, Cuba, Denmark, Djibouti, Dominica, Ecuador, Egypt, El Salvador, Equatorial Guinea, Finland, France, Germany, Guatemala, India, Indonesia, Ireland, Italy, Japan, Kenya, Mali, Mexico, Mozambique, Norway, Paraguay, the Philippines, Portugal, the Republic of Korea, Saint Lucia, South Africa, Spain, Sri Lanka, Sweden, Switzerland, Trinidad and Tobago, the United Kingdom, the United States of America and Viet Nam. They were given to about 7,650 users and potential users of the PCT system in the following languages: Arabic, Chinese, English, Finnish, French, German, Japanese, Portuguese, Spanish and Swedish. They included 10 specialized presentations that were given to some 530 people on the use of the PCT-EASY software.

Developments in PCT Automation

16. **PCT IMPACT** (Information Management for the Patent Cooperation Treaty): work on the Project continued in 2001. To ensure an early completion for the Project, all three phases (the IMPACT Communication System phase, the IMPACT/IB (International Bureau) phase and the IMPACT/RO/IB (receiving Office of the International Bureau) phase) began running in parallel. The objective of the IMPACT/IB and the IMPACT/RO/IB phases is to establish a new system for processing of international applications within the International Bureau (including the automated publication of international applications) and within the International Bureau as receiving Office, respectively.

17. The IMPACT Communication System phase of the Project, the objective of which is to establish a new system for the communication of certain PCT-related documents, entered its deployment phase with the setting up of the IMPACT Scanning Office where, since September 2001, priority documents have been scanned and sent to selected

designated/elected Offices in electronic form on DVD. As the Project progresses, more and more documents will be scanned and furnished to Offices and PCT Authorities in this way. Early in 2001, an IMPACT External User Focus Group, composed of a cross-section of designated/elected Offices, was established, and now serves as a forum for future users to test and give feedback on online functionality.

18. **PCT electronic filing project:** The project, now known under the new acronym “PCT-SAFE” (Secure Applications Filed Electronically), has two distinct objectives, namely, the adoption of a standard for the electronic filing and processing of international applications and the development of a system for the electronic filing of international applications. The first of these objectives was met in December 2001 when the legal framework and technical standard necessary to enable the implementation of electronic filing and processing of international applications were published as modifications of the *Administrative Instructions under the PCT*. A succession of five rounds of consultation and revision were required to achieve this milestone. Progress towards the development of a system for the electronic filing of international applications, which is expected to be fully operational in December 2003, has been steady. At the end of 2001, the project had completed its prototyping activities and was starting the analysis and design of first release (‘beta’) software.

19. **PCT-EASY**, which is a software designed to facilitate the preparation of the request part of international applications in electronic form is an established product that is the stepping stone to the PCT electronic filing system. In June 2001, a new version of the software was released, incorporating new PCT Contracting States, updated fee schedules, accommodating new Administrative Instructions relating to the filing of a sequence listing part of the international application in computer readable form and, as a result of changes in PCT Regulations, incorporating the declarations functionality. (See paragraph 12.) In December 2001, another new version was released, incorporating new PCT Contracting States, updated fee schedules, as well as the implementation of the ‘Abstract Editor’ for the Chinese, Japanese and Russian language versions. During the course of 2001, seven receiving Offices notified the International Bureau that they were prepared to accept the filing of international applications containing requests prepared using PCT-EASY together with PCT-EASY diskettes, bringing the number of receiving Offices which have made such notifications to 65 (out of the 86 PCT receiving Offices), and over 2,500 new users were registered, bringing the total number of registered users to over 7,500. The software, which is available, together with supporting documentation, in Chinese, English, French, German, Japanese, Russian and Spanish, was distributed via more than 18,000 downloads from the PCT-EASY website, and the distribution of approximately 3,000 CD-Rs. It can be downloaded from the Internet from the PCT-EASY home page (<http://pcteasy.wipo.int>), and may also be obtained from the PCT-EASY Help Desk:

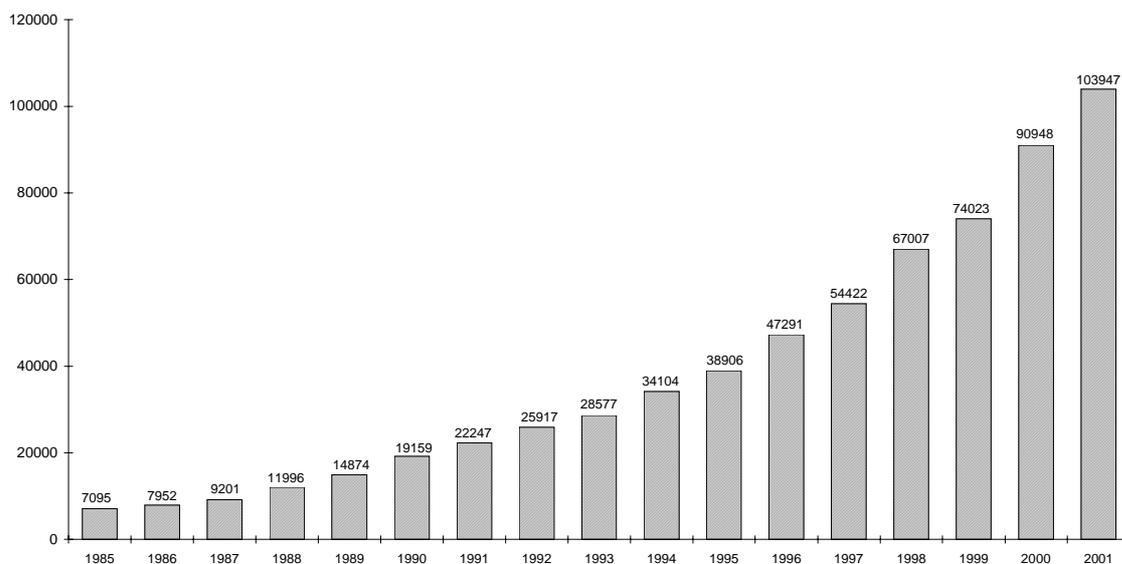
by telephone: (41–22) 338 95 23
by fax: (41–22) 338 80 40
by e-mail: pcteasy.help@wipo.int

For statistics relating to the filing of international applications using the PCT-EASY software, see paragraph 23.

Statistics

20. The following graph shows the number of international applications received by the International Bureau in each calendar year since 1985:

Number of international applications received since 1985



21. The following table shows, by country of origin, the number of international applications filed, and the corresponding percentages of the total, in 2001 as compared with 2000:

<i>Country of origin</i> ⁴		<i>Number of applications</i>		<i>Percentage</i>	
		2001	(2000)	2001	(2000)
US	United States of America	40,003	(38,171)	38.5	(42.0)
DE	Germany	13,616	(12,039)	13.1	(13.2)
JP	Japan	11,846	(9,402)	11.4	(10.3)
GB	United Kingdom	6,233	(5,538)	6.0	(6.1)
FR	France	4,619	(3,601)	4.4	(4.0)
SE	Sweden	3,502	(3,071)	3.4	(3.4)
NL	Netherlands	3,187	(2,587)	3.1	(2.8)
KR	Republic of Korea	2,318	(1,514)	2.2	(1.7)
CA	Canada	2,030	(1,600)	1.9	(1.8)
CH&LI	Switzerland and Liechtenstein ⁵	2,011	(1,701)	1.9	(1.9)
AU	Australia	1,754	(1,627)	1.7	(1.8)
CN	China	1,670	(579)	1.6	(0.6)
FI	Finland	1,623	(1,437)	1.6	(1.6)
IT	Italy	1,574	(1,354)	1.5	(1.5)
IL	Israel	1,248	(924)	1.2	(1.0)

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4. Figures relate to receiving Offices with which international applications were filed, except that applications filed with regional Offices or with the International Bureau as receiving Offices are included under the applicant's country of residence. Of the total, 14,492 (= 13.9%) were filed with the European Patent Office (EPO) as receiving Office and 2,665 (= 2.6%) were filed with the International Bureau as receiving Office.

5. The national Office of Switzerland also acts as receiving Office for nationals and residents of Liechtenstein.

<i>Country of origin⁶</i>		<i>Number of applications</i>		<i>Percentage</i>	
		2001	(2000)	2001	(2000)
DK	Denmark	929	(789)	0.9	(0.9)
BE	Belgium	681	(574)	0.7	(0.6)
AT	Austria	630	(476)	0.6	(0.5)
ES	Spain	575	(519)	0.6	(0.6)
RU	Russian Federation	551	(590)	0.5	(0.7)
NO	Norway	525	(470)	0.5	(0.5)
ZA	South Africa	418	(386)	0.4	(0.4)
IN	India	316	(156)	0.3	(0.2)
NZ	New Zealand	279	(264)	0.3	(0.3)
SG	Singapore	271	(225)	0.3	(0.3)
IE	Ireland	212	(184)	0.2	(0.2)
BR	Brazil	193	(161)	0.2	(0.2)
HU	Hungary	130	(140)	0.1	(0.2)
MX	Mexico	107	(71)	0.1	(0.1)
PL	Poland	105	(104)	0.1	(0.1)
LU	Luxembourg	95	(93)	0.1	(0.1)
CZ	Czech Republic	79	(91)	0.1	(0.1)
TR	Turkey	72	(70)	0.1	(0.1)
HR	Croatia	55	(49)	0.1	(0.1)
GR	Greece	54	(50)	0.1	(0.1)
UA	Ukraine	48	(44)	0.1	(0.1)
SI	Slovenia	41	(38)	<0.1	(<0.1)
PT	Portugal	36	(19)	<0.1	(<0.1)
YU	Yugoslavia	31	(22)	<0.1	(<0.1)
RO	Romania	30	(27)	<0.1	(<0.1)
SK	Slovakia	29	(31)	<0.1	(<0.1)
IS	Iceland	28	(18)	<0.1	(<0.1)
BG	Bulgaria	22	(29)	<0.1	(<0.1)
BY	Belarus	18	(10)	<0.1	(<0.1)
CY	Cyprus	18	(12)	<0.1	(<0.1)
AM	Armenia	15	(5)	<0.1	(<0.1)
CO	Colombia	14	n.a.	<0.1	n.a.
CU	Cuba	10	(5)	<0.1	(<0.1)
LV	Latvia	9	(4)	<0.1	(<0.1)
AL	Albania	8	(0)	<0.1	(0)
EE	Estonia	8	(5)	<0.1	(<0.1)
KZ	Kazakhstan	6	(5)	<0.1	(<0.1)
BB	Barbados	5	(7)	<0.1	(<0.1)
CR	Costa Rica	5	(8)	<0.1	(<0.1)
GE	Georgia	5	(4)	<0.1	(<0.1)
ID	Indonesia	5	(10)	<0.1	(<0.1)
MC	Monaco	5	(6)	<0.1	(<0.1)
PH	Philippines	5	n.a.	<0.1	n.a.
AE	United Arab Emirates	4	(1)	<0.1	(<0.1)
BA	Bosnia and Herzegovina	4	(4)	<0.1	(<0.1)

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6. Figures relate to receiving Offices with which international applications were filed, except that applications filed with regional Offices or with the International Bureau as receiving Offices are included under the applicant's country of residence. Of the total, 14,492 (= 13.9%) were filed with the European Patent Office (EPO) as receiving Office and 2,665 (= 2.6%) were filed with the International Bureau as receiving Office.

<i>Country of origin</i> ⁷		<i>Number of applications</i>		<i>Percentage</i>	
		2001	(2000)	2001	(2000)
DZ	Algeria	4	(3)	<0.1	(<0.1)
SD	Sudan	4	(5)	<0.1	(<0.1)
MK	The former Yugoslav Republic of Macedonia	3	(3)	<0.1	(<0.1)
AZ	Azerbaijan	2	(2)	<0.1	(<0.1)
CI	Côte d'Ivoire	2	(1)	<0.1	(<0.1)
LK	Sri Lanka	2	(4)	<0.1	(<0.1)
LT	Lithuania	2	(1)	<0.1	(<0.1)
MA	Morocco	2	(0)	<0.1	(0)
SN	Senegal	2	(0)	<0.1	(0)
ZW	Zimbabwe	2	(0)	<0.1	(0)
AG	Antigua and Barbuda	1	(0)	<0.1	(0)
TT	Trinidad and Tobago	1	(0)	<0.1	(0)
CM	Cameroon	0	(2)	0	(<0.1)
LS	Lesotho	0	(1)	0	(<0.1)
MD	Republic of Moldova	0	(2)	0	(<0.1)
UZ	Uzbekistan	0	(2)	0	(<0.1)
VN	Viet Nam	0	(1)	0	(<0.1)
TOTAL		103,947	(90,948)	100.0	(100.0)

22. Applicants from the United States of America filed the largest number of PCT applications in 2001, having filed 38.5% of all applications, followed by Germany (13.1%), Japan (11.4%), the United Kingdom (6.0%) and France (4.4%), thus repeating the trend of recent years. The filing of PCT applications in developing countries that are members of the PCT increased overall by 70.6% over 2000, with a particularly high increase in applications filed by applicants from China (188.4%), India (102.6%), the Republic of Korea (53.1%) and Mexico (50.7%). A total of 5,379 international applications originated from developing countries, the highest number originating from the Republic of Korea (2,318), China (1,670), South Africa (418), India (316) and Singapore (271).

23. An increasing number of applicants are taking advantage of the benefits of filing international applications containing requests prepared using the PCT-EASY software. Of the 103,947 international applications filed in 2001, 36,428 (35.0%) were prepared using the PCT-EASY software (2000: 27.4%).

24. In 2001, the average number of States designated per international application was 107 (2000: 93). This figure is much higher than the number of States for which patent protection will eventually be sought, because the applicants in respect of 77.0% of international applications filed in 2001 (2000: 68.4%) used the possibility of paying the maximum of six designation fees⁸ while making as many as all possible designations. Such applicants extend the effects of their international applications to as many States as might later be of interest to them, deferring the decision as to which States they wish to proceed in. Most applicants make

7. Figures relate to receiving Offices with which international applications were filed, except that applications filed with regional Offices or with the International Bureau as receiving Offices are included under the applicant's country of residence. Of the total, 14,492 (= 13.9%) were filed with the European Patent Office (EPO) as receiving Office and 2,665 (= 2.6%) were filed with the International Bureau as receiving Office.

8. With effect from January 1, 2002, the maximum number of designation fees payable is five.

designations for regional patents, which designations themselves have effect in a number of States. For example, in 2001, a European patent was sought in 97.5% of all international applications.

25. In 2001, international applications were filed in the following languages:

<i>Language of filing⁹</i>	<i>Number of applications</i>		<i>Percentage</i>	
	2001	(2000)	2001	(2000)
English	66,993	(60,571)	64.5	(66.6)
German	14,198	(12,869)	13.7	(14.1)
Japanese	11,129	(8,854)	10.7	(9.7)
French	4,488	(3,588)	4.3	(3.9)
Chinese	1,576	(501)	1.5	(0.6)
Korean	1,445	(786)	1.4	(0.9)
Swedish	1,077	(985)	1.0	(1.1)
Spanish	624	(548)	0.6	(0.6)
Finnish	541	(508)	0.5	(0.6)
Russian	525	(575)	0.5	(0.6)
Dutch	493	(479)	0.5	(0.5)
Italian	372	(240)	0.4	(0.3)
Norwegian	258	(250)	0.2	(0.3)
Danish	153	(147)	0.1	(0.2)
Hungarian	22	(13)	<0.1	(<0.1)
Croatian	21	(10)	<0.1	(<0.1)
Czech	12	(11)	<0.1	(<0.1)
Slovenian	9	(9)	<0.1	(<0.1)
Slovakian	7	(2)	<0.1	(<0.1)
Turkish	4	(2)	<0.1	(<0.1)
TOTAL	103,947	(90,948)	100.0	(100.0)

26. In 2001,¹⁰ the International Bureau as receiving Office received nearly 2,900 international applications (that is about 40% more than in 2000) from applicants from 56 countries. About 30% of those applications benefited from the safeguard procedure under which international applications are transmitted from another receiving Office to the International Bureau in its capacity as receiving Office while retaining their initial filing date (for example, where they have been filed with a “non-competent” receiving Office, for reasons of nationality or residence of the applicant or where the application was not filed in the prescribed language).

27. A copy of the international application is sent to the International Searching Authority competent for carrying out the international search. Where more than one Authority is competent, the applicant chooses the one he would like to carry out the search. The number of international applications that were sent to each International Searching Authority in 2001 is indicated below:

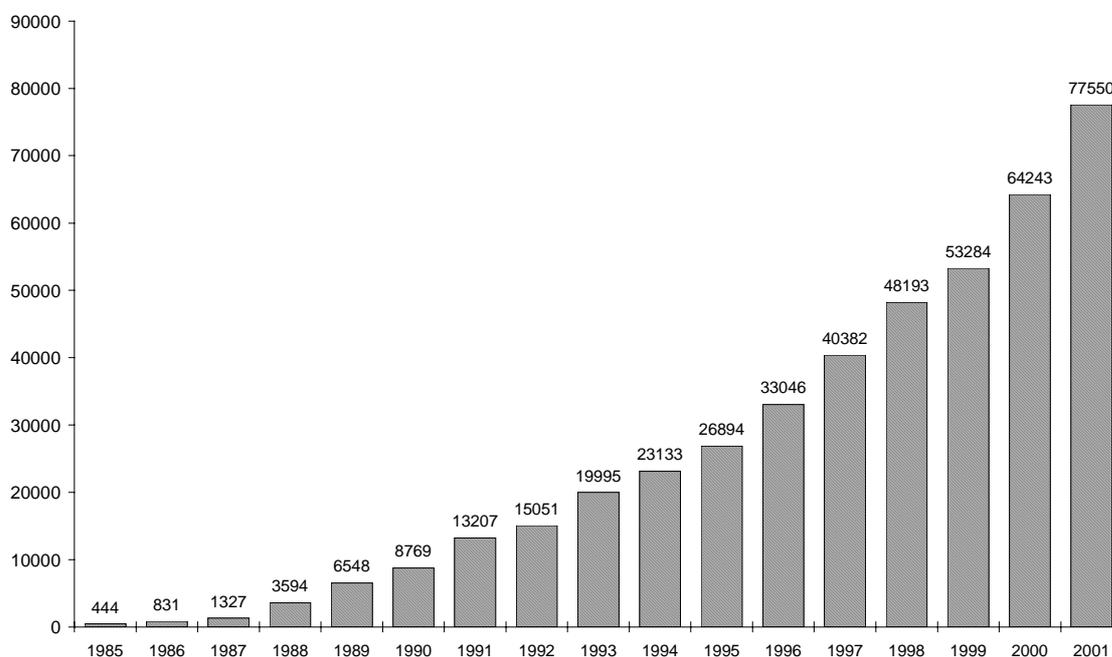
9. An international application filed in a language other than one of the languages of publication under the PCT is published as a translation into a language of publication; see paragraph 35.

10. The figures for December 2001 have not yet been confirmed; the final figures may vary slightly from the figures indicated above.

<i>International Searching Authority</i>	<i>Number of applications</i>		<i>Percentage</i>	
	2001	(2000)	2001	(2000)
European Patent Office	63,128	(55,414)	60.7	(60.9)
United States of America	17,793	(17,386)	17.1	(19.1)
Japan	11,182	(8,850)	10.8	(9.7)
Sweden	4,481	(4,040)	4.3	(4.5)
Australia	2,086	(1,886)	2.0	(2.1)
Republic of Korea	2,033	(1,217)	2.0	(1.3)
China	1,661	(573)	1.6	(0.6)
Russian Federation	556	(595)	0.5	(0.7)
Spain	514	(440)	0.5	(0.5)
Austria	493	(545)	0.5	(0.6)
TOTAL	103,927¹¹	(90,946)¹²	100.0	(100.0)

28. The number of demands for international preliminary examination sent to the International Bureau by the International Preliminary Examining Authorities in 2001 amounted to 77,550, which represents an increase over 2000 of 20.7%. The number of demands received in each calendar year since 1985 is indicated below:

Number of demands received since 1985



11. Twenty of the 103,947 international applications filed in 2001 are not included in this total because international processing had been discontinued or the International Searching Authority is not yet known.

12. Two of the 90,948 international applications filed in 2000 are not included in this total because international processing had been discontinued.

29. The number of demands sent to the International Bureau by each International Preliminary Examining Authority is indicated below:

<i>International Preliminary Examining Authority</i>	<i>Number of demands</i>		<i>Percentage</i>	
	2001	(2000)	2001	(2000)
European Patent Office	44,399	(37,427)	57.3	(58.3)
United States of America	20,203	(16,389)	26.0	(25.5)
Japan	5,383	(4,401)	6.9	(6.9)
Sweden	3,709	(3,420)	4.8	(5.3)
Australia	1,836	(1,372)	2.4	(2.1)
Republic of Korea	829	(346)	1.1	(0.5)
China	625	(244)	0.8	(0.4)
Russian Federation	337	(342)	0.4	(0.5)
Austria	229	(302)	0.3	(0.5)
TOTAL	77,550	(64,243)	100.0	(100.0)

30. The demands for international preliminary examination received in 2001 relate mainly to international applications filed in 2000. Demands are filed in respect of about 80% of all applications.

31. Where required, the International Bureau prepares translations of the international search report and the international preliminary examination report (into English), and of the abstract (into English and/or French). In 2001, the International Bureau translated 116,441 abstracts, 760 international search reports and 14,246 international preliminary examination reports.

Publications under the PCT

32. The *PCT Gazette* (in its bilingual English and French version) contains the following sections:

- Section I: Published International Applications (the bibliographic data, the abstract and any drawing, for each international application published)
- Section II: Notices and Information Relating to Published International Applications
- Section III: Weekly Indexes
- Section IV: Notices and Information of a General Character

The Internet version of the *PCT Gazette* is available, free-of-charge, at: <http://ipdl.wipo.int>. The information contained therein is fully searchable, with searches possible by single words, symbols or phrases and by a number of fields. It is also possible to link, via the "VIEW IMAGES" button at the top of the page of the *Gazette* entry concerned, to the European Patent Office's esp@cenet service and view the full text of published PCT applications (that is, the bibliographic data, abstract, description, claims and drawings) and corresponding international search reports. This service is available for all international applications published after January 1, 1997.

33. There are two series of CD-ROMs containing information from the *Gazette*, as follows:
- the monthly ESPACE-FIRST CD-ROMs that are produced by the European Patent Office, in cooperation with WIPO (see also paragraphs 39 and 42);
 - the CD-ROMs produced by Bundesdruckerei GmbH, in cooperation with WIPO, issued every week on the day on which WIPO publishes the corresponding international applications (see also paragraph 43).

34. In 2001, the *Gazette* included entries relating to the 99,606 international applications (2000: 79,947) which were published in 2001 in the form of PCT pamphlets (in Chinese, English, French, German, Japanese, Russian or Spanish, depending on the language of filing and/or translation furnished) on the same day as the relevant issue of the *Gazette*. The *Gazette* also included, in Section IV, a substantial volume of information of a general character concerning new Contracting States and the requirements of the various Offices and International Authorities. In August, a bilingual (English/French) index to the 2000 *Gazette issues*, containing over 2,200 pages, was published. The following special issues of the *Gazette*, in separate English and French versions, were also published in 2001:

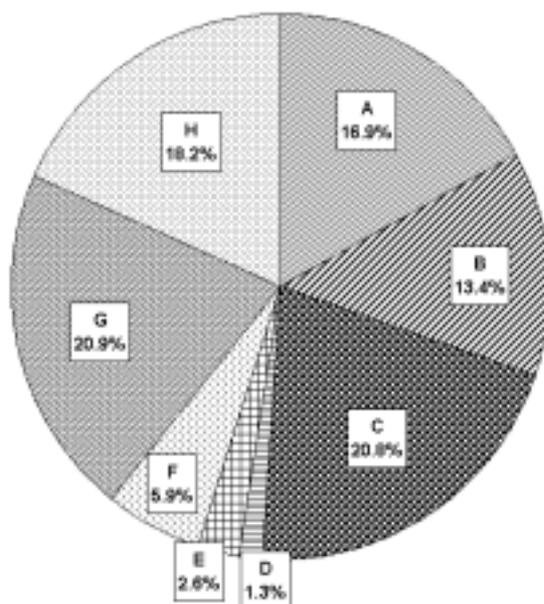
- consolidated general information relating to PCT Contracting States, national and regional Offices and International Authorities under the PCT (Nos. S-01/2001 (E) and (F) (in January) and S-02/2001 (E) and (F) (in July));
- consolidated text of the *Administrative Instructions under the PCT*, as in force from March 1, 2001 (No. S-03/2001 (E) and (F)) (in August);
- Part 7 and Annex F (Electronic Filing and Processing of International Applications) of the *Administrative Instructions under the PCT*, as in force from January 7, 2002 (No. S-04/2001 (E) and (F)) (in December).

35. The number of international applications published in 2001 in each of the languages of publication was as follows:

<i>Language of publication</i>	<i>Number of applications</i>		<i>Percentage</i>	
	2001	(2000)	2001	(2000)
English	69,287	(56,084)	69.6	(70.2)
German	14,004	(12,010)	14.1	(15.0)
Japanese	9,817	(7,057)	9.9	(8.8)
French	4,138	(3,654)	4.1	(4.6)
Chinese	1,308	(224)	1.3	(0.3)
Spanish	542	(422)	0.5	(0.5)
Russian	510	(496)	0.5	(0.6)
TOTAL	99,606	(79,947)	100.0	(100.0)

36. The main fields of technology to which those published international applications related were chemistry and metallurgy, physics and electricity. The chart below shows the breakdown of PCT applications published in 2001 according to the eight main technical fields of the International Patent Classification (IPC) System.

PCT applications published in 2001: breakdown according to the main technical fields under the IPC



Main technical fields (sections) under the IPC:

A	Human necessities	E	Fixed constructions
B	Performing operations; transporting	F	Mechanical engineering; lighting, heating, weapons, blasting
C	Chemistry; metallurgy	G	Physics
D	Textiles; paper	H	Electricity

37. 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 2001 to include the many changes that had occurred during the first part of the year. A further update is currently under preparation. About 400 updating sheets, per language, were sent to each subscriber in 2001. (See paragraph 45 for information on the Internet version of the *Guide*.)

38. Twelve issues of the *PCT Newsletter* were published in 2001. This monthly publication 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, lists 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 updates.

39. Since January 2001, the information which had previously been produced on the ESPACE WORLD CD-ROMs, has been produced on DVD-ROMs. The ESPACE WORLD DVD-ROMs, which are produced weekly by the International Bureau in cooperation with the European Patent Office, contain, in facsimile form, the full text and the drawings of all international applications and international search reports published each week, as well as the corresponding bibliographic data in coded, searchable form. One DVD-ROM contains all the publications published in a given week. All international applications published since 1978 are available in CD-ROM or DVD-ROM format.

Ordering of PCT publications

40. PCT publications may be ordered from WIPO, Marketing and Distribution Section, P.O. Box 18, CH-1211 Geneva 20, Switzerland, fax: (41-22) 740 18 12 or 733 54 28, e-mail: publications.mail@wipo.int; electronic bookshop: www.wipo.int/ebookshop. Publications of particular interest include:

- the *PCT Applicant's Guide*, a five-binder loose-leaf publication of about 1,700 pages (available in English and French from WIPO, also available from other sources in Chinese, German and Japanese—contact WIPO for details);
- PCT pamphlets containing published international applications (in various languages—see paragraph 34—and containing the title, the abstract and the corresponding international search reports in both the language of publication and English);
- the *PCT Gazette* (available in bilingual (English and French) format) (for electronic version, see paragraph 32);
- the *PCT Newsletter* (available in English);
- booklets containing the text of the PCT and the PCT Regulations (in Arabic, Chinese, English, French, German, Italian, Portuguese, Russian and Spanish);
- special issues of the *PCT Gazette* (see paragraph 34) (in English and French);
- PCT Wheel (priority dates January 2000 to December 2001).

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

42. The ESPACE WORLD DVD-ROMs containing published international applications may be ordered from the European Patent Office, P.O. Box 90, A-1031 Vienna, Austria, e-mail: infowien@epo.org, Internet:

<http://www.european-patent-office.org/patinfopro/cdrom/index.shtml>.

43. CD-ROMs containing information from the *PCT Gazette*, which are produced by Bundesdruckerei GmbH, may be ordered from the following address: Bundesdruckerei GmbH, Sparte Elektronische Publikationen, Oranienstraße 91, D-10958 Berlin, Germany (e-mail: info@bundesdruckerei.de).

PCT Information Service

44. The PCT Information Service (formerly known as PCT Information Line) answers general inquiries about the filing of international applications and the procedure during the international phase under the PCT. Where necessary, inquiries are referred to the authorized officer responsible for a particular application, or to the PCT Legal Division. The PCT Information Service can be contacted as follows:

by telephone: (41-22) 338 83 38
by fax: (41-22) 338 83 39
by e-mail: pct.infoline@wipo.int

Internet

45. New and improved resources on the PCT website contributed to an overall increase in traffic on the WIPO web server, which registered more than 100 million hits in 2001. The single most popular item downloaded from the WIPO site was the PCT request form in

editable PDF format, in relation to which nearly 200,000 downloads were recorded. This new resource only became available in May 2001 and will, following its success, be supplemented with other editable PCT forms in 2002. Regular (three or four times a month) online updating of the electronic version of the *PCT Applicant's Guide* contributed to its growing number of regular users in 2001 when visitors peaked at over 6,000 per month in December. The popularity of the PCT Newsletter was boosted by the new searchable database of all "Practical Advice" sections published since 1997—over 4,500 visitors were recorded for the PCT Newsletter in December. The most popular resource on the PCT website remains the electronic version of the *PCT Gazette* which regularly receives more than 25,000 visitors per month. At the end of 2001, an e-mail updating service was introduced on the PCT website. Within less than a month, nearly 800 subscriptions had been received to the regular updating service. Other new materials included the contents of PCT seminar documents in four languages and a search facility for the text of the Patent Cooperation Treaty.

46. The following materials may be viewed, free of charge on the site (<http://www.wipo.int/pct/en/index.html>):

PCT Information Service

Filing PCT applications

Basic Facts about the PCT

PCT forms (in editable format)

Fees

Direct filing of PCT applications with the International Bureau as PCT receiving Office

PCT Applicant's Guide

PCT-EASY

PCT E-Filing

PCT Legal texts

About the Treaty

Text of the Patent Cooperation Treaty and Regulations

Administrative Instructions under the PCT

PCT Receiving Office Guidelines

PCT International Search Guidelines

PCT International Preliminary Examination Guidelines

PCT Contracting States

Reservations and incompatibilities

PCT legal text index

PCT Gazette

PCT News

PCT Newsletter (No. 01/1997 to current issue)

"Practical Advice" published in the *PCT Newsletter* between March 1994 and December 1996 and search facility for all Practical Advice

PCT press releases and updates

The PCT in 2001

PCT Seminar Calendar and Seminar Materials

PCT Meetings

Committee (May 2001) and Working Group (November 2001) on Reform of the PCT

PCT Assembly meetings (1978–2001)

PCT Informal Consultation Meeting on Electronic Filing (2000)

PCT Committee for Administrative and Legal Matters (1999)