

WORLD INTELLECTUAL PROPERTY
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ORGANIZACION MUNDIAL
DE LA PROPIEDAD INTELECTUAL



ORGANISATION MONDIALE
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المنظمة العالمية للملكية الفكرية

ВСЕМИРНАЯ ОРГАНИЗАЦИЯ
ИНТЕЛЛЕКТУАЛЬНОЙ СОБСТВЕННОСТИ

WIPO Press Release PCT/89
Geneva, January 31, 1995

The Patent Cooperation Treaty (PCT) in 1994

The World Intellectual Property Organization (WIPO), Geneva, announces the main events which occurred in 1994 in relation to the Patent Cooperation Treaty (PCT) and the results of operations under the PCT in that 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 steep growth in recent years in the number of international applications filed under the PCT continued during 1994. In that year, the International Bureau of WIPO received 34,104 international applications filed worldwide, which represents an increase over 1993 of 19.3%. These 34,104 international applications had the effect of 614,123 national applications, and of 49,165 regional patent applications which were the equivalent of 707,093 applications for patent protection in the member States of the regional patent systems, that is, a total of 1,321,216 national applications.
3. During 1994, Armenia, China, Estonia, Georgia, Kenya, Kyrgyzstan, Liberia, Lithuania, the Republic of Moldova, Tajikistan, Slovenia, Swaziland and Trinidad and Tobago (13 States) became PCT Contracting States.

China became bound by the PCT on January 1, 1994.

Georgia became bound by the PCT upon the filing, on January 18, 1994, of a declaration of continuation of the PCT with effect from December 25, 1991, as a successor State of the former Soviet Union.

Kyrgyzstan, the Republic of Moldova and Tajikistan became bound by the PCT upon the filing, on February 14, 1994, of declarations of continuation of the PCT with effect from December 25, 1991, as successor States of the former Soviet Union.

Slovenia became bound by the PCT on March 1, 1994.

Trinidad and Tobago became bound by the PCT on March 10, 1994.

Armenia became bound by the PCT upon the filing, on May 17, 1994, of a declaration of continuation of the PCT with effect from December 25, 1991, as a successor State of the former Soviet Union.

Kenya became bound by the PCT on June 8, 1994.

Lithuania became bound by the PCT on July 5, 1994.

Estonia became bound by the PCT on August 24, 1994.

Liberia became bound by the PCT on August 27, 1994.

Swaziland became bound by the PCT on September 20, 1994.

4. The 73 States party to the PCT on December 31, 1994, were the following:

In Africa: Benin, Burkina Faso, Cameroon, Central African Republic, Chad, Congo, Côte d'Ivoire, Gabon, Guinea, Kenya, Liberia, Madagascar, Malawi, Mali, Mauritania, Niger, Senegal, Sudan, Swaziland, Togo (20);

In the Americas: Barbados, Brazil, Canada, Trinidad and Tobago, United States of America (5);

In Asia and the Pacific: Armenia, Australia, China, Democratic People's Republic of Korea, Georgia, Japan, Kazakhstan, Kyrgyzstan, Mongolia, New Zealand, Republic of Korea, Sri Lanka, Tajikistan, Uzbekistan, Viet Nam (15);

In Europe: Austria, Belarus, Belgium, Bulgaria, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Monaco, Netherlands, Norway, Poland, Portugal, Republic of Moldova, Romania, Russian Federation, Slovakia, Slovenia, Spain, Sweden, Switzerland, Ukraine, United Kingdom (33).

5. Instruments of accession to the PCT were deposited towards the end of 1994 by Iceland, Mexico, Singapore and Uganda.

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

Uganda will become bound by the PCT on February 9, 1995.

Singapore will become bound by the PCT on February 23, 1995.

Iceland will become bound by the PCT on March 23, 1995.

6. An international application may include designations for a European patent having effect in member States of the European Patent Convention and for an OAPI patent having effect in member States of the African Intellectual Property Organization (OAPI). As from July 1, 1994, it became possible to include a designation for an ARIPO patent. This patent, obtainable from the African Regional Industrial Property Organization (ARIPO), has effect in those member States of the Harare Protocol on Patents and Industrial Designs which are also Contracting States of the PCT (those States are Kenya, Malawi, Sudan and Swaziland, as well as, from February 9, 1995, Uganda).

7. **Summary of the procedure under the PCT.** The system of patent cooperation under the PCT means that, by filing only one international application with only 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.

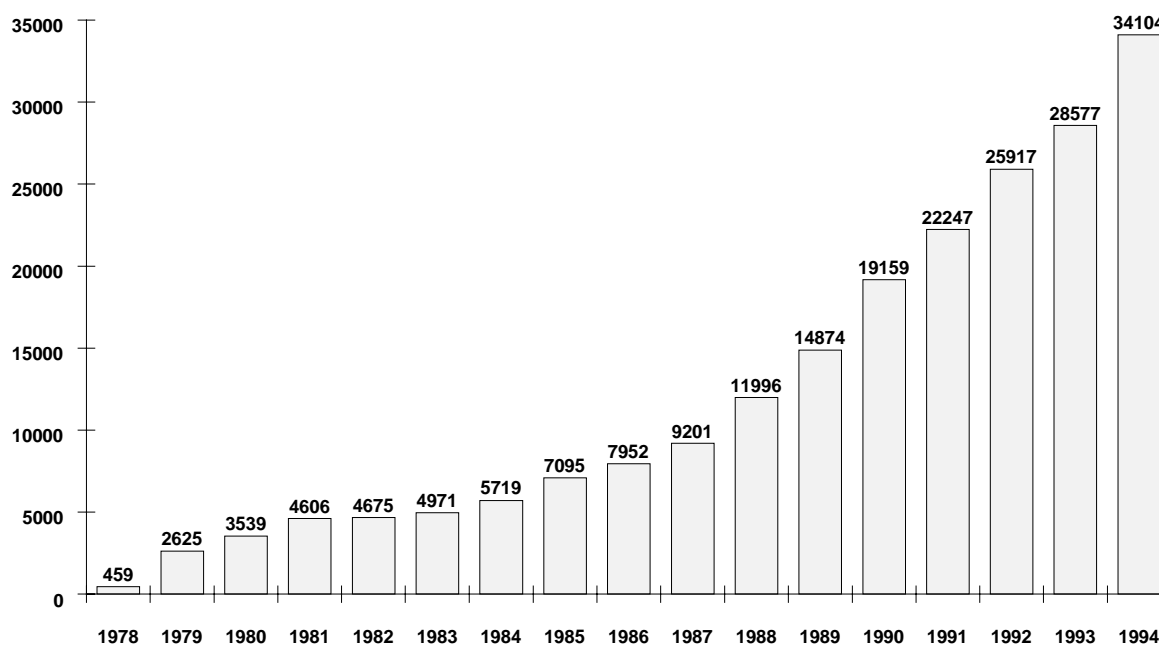
8. During that period, each international application is subjected to an international search carried out by one of the major patent offices of the world as an International Searching Authority under the PCT which establishes an international search report setting out the relevant prior art. That report is received by the applicant around the 16th month counted from the priority date.

9. If the applicant so requests, and most do so (see paragraph 20, below), the international application is also subjected to an 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 whether the claimed invention fulfills the criteria of novelty, inventive step and industrial applicability. That report is received by the applicant around the 28th month counted from the priority date.

10. 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 the 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.

11. *Statistics.* As already indicated, the number of international applications received by the International Bureau in 1994 amounted to 34,104 (1993: 28,577). The corresponding numbers in each calendar year since the beginning of PCT operations are as follows:

Number of international applications received since 1978



12. The following table shows, by country of origin, the number of international applications received by the International Bureau¹ in 1994, and the corresponding percentages, as compared with 1993:

<i>Country of origin</i> ²		<i>Number of applications</i>		<i>Percentage</i>	
		1994	(1993)	1994	(1993)
US	United States of America	14,798	(12,535)	43.39	(43.86)
DE	Germany	4,294	(3,459)	12.59	(12.10)
GB	United Kingdom ³	3,212	(2,813)	9.42	(9.84)
JP	Japan	2,290	(1,916)	6.71	(6.70)
FR	France	1,631	(1,517)	4.78	(5.31)
SE	Sweden	1,250	(1,098)	3.67	(3.84)
AU	Australia	803	(664)	2.35	(2.32)
NL	Netherlands	780	(484)	2.29	(1.69)
CA	Canada	748	(553)	2.19	(1.94)
CH	Switzerland ⁴	640	(531)	1.88	(1.86)
FI	Finland	592	(568)	1.74	(1.99)
DK	Denmark	523	(454)	1.53	(1.59)
IT	Italy	518	(399)	1.52	(1.40)
RU	Russian Federation	343	(271)	1.01	(0.95)
AT	Austria	258	(244)	0.76	(0.85)
NO	Norway	216	(184)	0.63	(0.64)
BE	Belgium	205	(167)	0.60	(0.58)
KR	Republic of Korea	190	(125)	0.56	(0.44)
NZ	New Zealand	147	(133)	0.43	(0.47)
ES	Spain	142	(123)	0.42	(0.43)
CN	China	98	(-)	0.29	(-)
IE	Ireland	76	(71)	0.22	(0.25)
HU	Hungary	75	(77)	0.22	(0.27)
BR	Brazil	48	(42)	0.14	(0.15)
LU	Luxembourg	42	(20)	0.12	(0.07)
GR	Greece	28	(24)	0.08	(0.08)
CZ	Czech Republic	27	(31)	0.08	(0.11)
UA	Ukraine	27	(6)	0.08	(0.02)
PL	Poland	23	(17)	0.07	(0.06)
SI	Slovenia	20	(-)	0.06	(-)
BG	Bulgaria	13	(15)	0.04	(0.05)
PT	Portugal	13	(10)	0.04	(0.03)
RO	Romania	9	(6)	0.03	(0.02)
BY	Belarus	5	(6)	0.01	(0.02)
SK	Slovakia	5	(5)	0.01	(0.02)
LK	Sri Lanka	4	(1)	0.01	(<0.01)
BB	Barbados	3	(1)	0.01	(<0.01)
MC	Monaco	3	(3)	0.01	(0.01)
AM	Armenia	1	(-)	<0.01	(-)
GE	Georgia	1	(-)	<0.01	(-)
KZ	Kazakhstan	1	(1)	<0.01	(<0.01)
LT	Lithuania	1	(-)	<0.01	(-)
TT	Trinidad and Tobago	1	(-)	<0.01	(-)
OA	OAPI States	0	(2)	0.00	(0.01)
KP	Democratic People's Republic of Korea	0	(1)	0.00	(<0.01)
TOTAL		34,104	(28,577)	100.00	(100.00)

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, 4,338 (=12.7%) were filed with the European Patent Office (EPO) and 435 (=1.3%) were filed with the International Bureau (see paragraph 14, below) as receiving Offices; 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.

13. In 1994, the average number of designations made per international application was 19.5 (1993: 13.7). These designations had, on average, per international application, the effect of national or regional applications in 38.7 (1993: 31.5) Contracting States. The difference between the numbers of designations and their effect as national or regional applications is due to the fact that each designation for a regional (European, ARIPO or OAPI) patent covers several States. In 1994, a European patent was sought in 32,823 international applications, which represents 96.2% (1993: 28,155 = 98.5%) of the total. The percentage of applications containing more than ten designations was 41.4% (1993: 34.5%), which shows that many PCT applicants take advantage of the possibility of designating any number of additional States free of charge provided that ten designation fees have been paid.

14. As from January 1, 1994, it became possible for any resident or national of a PCT Contracting State to file an international application under the PCT direct with the International Bureau of WIPO in its new function as a receiving Office. In 1994, 447 such applications⁵ from 33 countries were filed, including 107 which benefitted from a new procedure for the transmittal by “non-competent” receiving Offices to the International Bureau in its capacity as receiving Office, retaining the date of receipt by the non-competent receiving Office as the international filing date.

15. In 1994, the International Bureau informed applicants in respect of all international applications concerned about the possibility of requesting the extension of the effects of those applications to one or more successor States of the former Soviet Union that had made a declaration of continuation relating to the PCT (a total of 116,719 notifications were sent). The countries concerned and the number of requests for extension received in 1993 and 1994 are indicated below:

<i>Successor State</i>	<i>Number of requests for extension filed</i>	
	1994	(1993)
BY Belarus	788	(73)
GE Georgia	33	(-)
KZ Kazakhstan	5	(684)
UA Ukraine	1	(1,841)
UZ Uzbekistan	523	(-)
	_____	_____
TOTAL	1,350	(2,598)

16. 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 may choose that which he prefers. The number of international applications sent to each International Searching Authority in 1994 is indicated below:

⁵ Of these 447 applications, copies of 435 were transmitted under PCT Article 12 (see paragraph 12, above, and footnotes 1 and 2).

<i>International Searching Authority</i> ⁶	<i>Number of applications</i>		<i>Percentage</i>	
	1994	(1993)	1994	(1993)
EP European Patent Office	18,718	(15,409)	54.9	(53.9)
US United States of America	8,976	(7,848)	26.3	(27.5)
SE Sweden	2,578	(2,236)	7.6	(7.8)
JP Japan	2,156	(1,811)	6.3	(6.3)
AU Australia	939	(777)	2.7	(2.7)
RU Russian Federation	373	(286)	1.1	(1.0)
AT Austria	266	(210)	0.8	(0.7)
CN China ⁷	98	(-)	0.3	(-)
TOTAL	34,104	(28,577)	100.0	(100.0)

17. The international applications which were received by the International Bureau⁸ in 1994 were filed in the following languages:

<i>Language of filing</i>	<i>Number of applications</i>		<i>Percentage</i>	
	1994	(1993)	1994	(1993)
English	23,340	(19,562)	68.4	(68.5)
German	4,848	(4,012)	14.2	(14.0)
Japanese	2,160	(1,813)	6.3	(6.3)
French	1,768	(1,602)	5.2	(5.6)
Swedish	620	(569)	1.8	(2.0)
Russian	366	(283)	1.1	(1.0)
Finnish	319	(228)	1.0	(0.8)
Danish	174	(183)	0.5	(0.6)
Dutch	170	(123)	0.5	(0.5)
Spanish	135	(104)	0.4	(0.4)
Norwegian	110	(98)	0.3	(0.3)
Chinese ⁷	94	(-)	0.3	(-)
TOTAL	34,104	(28,577)	100.0	(100.0)

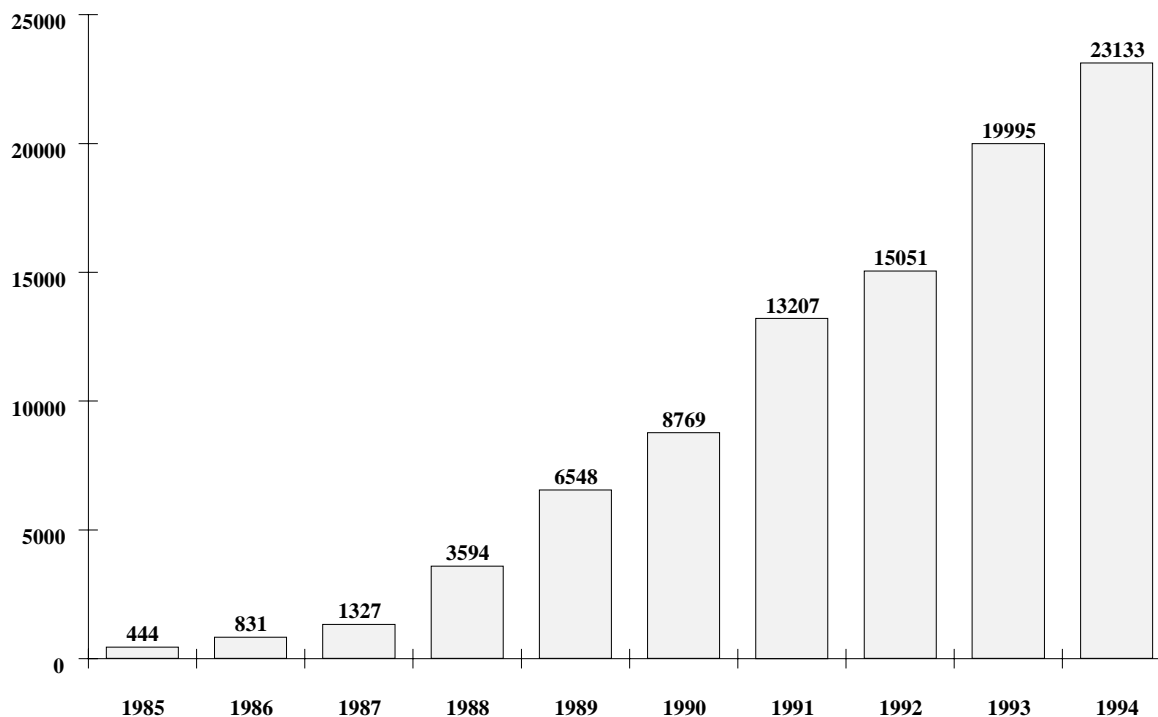
18. The number of demands for international preliminary examination in 1994 amounted to 23,133, which represents an increase over 1993 of 15.7%. The numbers of demands in each calendar year since 1985 are as follows:

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

⁷ The Chinese Patent Office started acting as International Searching Authority, and Chinese became a language of filing, when China became bound by the PCT on January 1, 1994.

⁸ Figures based on the number of copies of international applications sent to the International Bureau by PCT receiving Offices.

Number of demands filed worldwide



19. These 23,133 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>	
	1994	(1993)	1994	(1993)
EP European Patent Office	12,261	(8,644)	53.0	(43.2)
US United States of America	7,578	(7,065)	32.8	(35.3)
SE Sweden	1,575	(1,363)	6.8	(6.8)
AU Australia	732	(612)	3.2	(3.1)
JP Japan	730	(484)	3.1	(2.4)
AT Austria	116	(92)	0.5	(0.5)
RU Russian Federation	109	(63)	0.5	(0.3)
CN China ⁹	30	(-)	0.1	(-)
GB United Kingdom ¹⁰	2	(1,672)	<0.1	(8.4)
TOTAL	23,133	(19,995)	100.0	(100.0)

⁹ The Chinese Patent Office started acting as International Preliminary Examining Authority on January 1, 1994.

¹⁰ 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.

20. The demands for international preliminary examination received in 1994 relate mainly to international applications filed in 1993. Applicants are increasingly (between 70 and 80% of all applicants) taking advantage of the benefits of the procedure under Chapter II of the PCT.

21. **Publications under the PCT.** The fortnightly¹¹ publication of the *PCT Gazette*, in separate English and French editions, continued in 1994. 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 30,003 (1993: 26,090) international applications which were published in 1994 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*.

22. Since June 1994, the *PCT Gazette* has been published with the aid of the new PCT Document Imaging and Computer-Assisted Publishing System (DICAPS), an automated system for processing, storing and publishing PCT applications.

23. The numbers of international applications published in 1994 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>	
	1994	(1993)	1994	(1993)
English	21,959	(19,056)	73.2	(73.0)
German	4,281	(3,588)	14.3	(13.7)
Japanese	1,884	(1,712)	6.3	(6.6)
French	1,520	(1,414)	5.0	(5.4)
Russian	240	(223)	0.8	(0.9)
Spanish	91	(97)	0.3	(0.4)
Chinese	28	(-)	0.1	(-)
TOTAL	30,003	(26,090)	100.0	(100.0)

24. In 1994, 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. 01/1994 and No. 16/1994).

25. In March 1994, the first issue of the *PCT Newsletter* was published. 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 the general part 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, until the next update, of certain important changes in the *PCT Applicant's Guide*.

26. In 1994, 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 1986 are available in CD-ROM format (a total of 366 CD-ROMs). The international applications published before 1986 will become available in CD-ROM format before the end of 1995.

¹¹ As from January 5, 1995, the *PCT Gazette* became a weekly publication.

27. **Meetings.** The Meeting of International Authorities (PCT/MIA) held its fourth session from June 27 to July 1, 1994, in Geneva and agreed on a number of proposed changes to the PCT Administrative Instructions, the PCT Preliminary Examination Guidelines and certain Forms for use by the International Searching and Preliminary Examining Authorities.

28. During its fifth session, held in Geneva from November 28 to December 1, 1994, the Meeting discussed proposals concerning the establishment of a uniform format for nucleotide and/or amino acid sequence listings, and agreed that a PCT standard for sequence listings in international applications should be prepared. The Meeting further agreed upon a number of principles which should apply so as to reduce the amount of "free text" in sequence listings complying with the proposed PCT standard and to facilitate compliance by applicants with the language and translation requirements of different Offices. The Meeting also discussed a number of matters relating to the availability of and access to sequence listings, including their inclusion in on-line data banks, and requested the International Bureau to prepare proposals for amendment of the PCT Regulations, Administrative Instructions and Forms to implement its conclusions in relation to sequence listings and the proposed PCT standard.

29. The Assembly of the PCT Union held its twenty-second (thirteenth extraordinary) session from September 26 to October 4, 1994. It decided on the discontinuation of the publication, in the *PCT Gazette*, of the index of international publication numbers according to designated States. Such an index is no longer necessary since the PCT computer system now generates, for each designated Office, listings containing the required information.

30. In 1994, officials of the International Bureau participated in numerous meetings and seminars devoted to the use and advantages of the PCT. Those meetings and seminars, which were held in Argentina, Austria, Belarus, Botswana, Bulgaria, China, Denmark, France, Germany, Hong Kong, Japan, Kazakhstan, Kenya, Malaysia, Mexico, the Netherlands, the Philippines, Singapore, Slovenia, Spain, Sweden, Switzerland, Trinidad and Tobago, the United Kingdom, the United States of America, Viet Nam, Zambia and Zimbabwe, included 52 seminars given to over 2,100 users of the PCT system.

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

- the *PCT Applicant's Guide*, a loose-leaf publication of more than 800 pages (available in English and French);
- PCT pamphlets containing the published international applications (in various languages, but 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);
- special issues of the *PCT Gazette* (see paragraph 24, 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, Japanese, 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 1986 and 1989 can be obtained only from WIPO, at the address indicated in paragraph 31, above.

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