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

Matthew Bryan
Director
Patent Cooperation Treaty
Legal and User Relations Division
Who we are

• International intergovernmental organization
• 193 member states
• 350 + accredited observers
• 1300 staff from 120 countries
• 26 treaties
What we do

We help governments, businesses and individuals make intellectual property work for innovation and creativity.
How do we do it?

- Make it easy to protect IP assets
- Support consistent IP laws
- Support policymakers
- Make IP work for development
- Improve access to the IP system
Services
Protecting technologies in global markets
Protect designs in global markets
Protect origin-based products
IP-related dispute resolution
Domain names

Record 4,204 cases filed by trademark owners under the UDRP in 2020.
A digital fingerprint of your intellectual assets
Secure, tamper-proof evidence.
Sources of Income/Expenditure

2020-2021:
Income: CHF 882.8 million (+6.4%)
Expenditure: CHF 768.4 million (+5.9%)
How do we do it?

- Make it easy to protect IP assets
- Support consistent IP laws
- Support policymakers
- Make IP work for development
- Improve access to the IP system
International IP laws
Patent Law

- Patent quality
- Exceptions & Limitations
- Patents & health
- Client-patent attorney privilege
- Technology transfer
Laws for Trademarks, Designs, Geographical Indications
Copyright Law:
- Protection of broadcasting organizations
- Limitations and exceptions for:
  - Libraries, archives
  - Educational and research institutions
Tackling the book famine

Marrakesh (VIP) Treaty
Indigenous knowledge
How do we do it?

- Make it easy to protect IP assets
- Support consistent IP laws
- Support policymakers
- Make IP work for development
- Improve access to the IP system
Supporting policymakers

World-class economic analyses, statistics, data on IP

Every year WIPO produces research and analyses on a variety of topics relating to IP, innovation and creativity.
WIPO Technology Trends 2021: Assistive Technology

The second in a series from WIPO tracking the development of technologies through the analysis of data on innovation activities.
How do we do it?

- Make it easy to protect IP assets
- Support consistent IP laws
- Support policymakers
- Make IP work for development
- Improve access to the IP system
Making IP work for development

WIPO Development Agenda
Building national capacity
WIPO Academy
IP education and training

www.wipo.int/academy/en/

General and specialized courses on IP for:
- Policymakers and government officials
- Inventors and creators
- Business manager and IP professionals
- Students and teachers of IP
- Civil Society
How do we do it?

- Make it easy to protect IP assets
- Support consistent IP laws
- Support policymakers
- Make IP work for development
- Improve access to the IP system
Improving IP service delivery & IP information access

- IPAS
- Databases
Advancing public policy goals

- WIPO GREEN
- WIPO Re:Search
IP and SMEs: Taking your ideas to market

April 26, 2021
Follow us

• Twitter: @wipo

• WIPO Magazine
  www.wipo.int/wipo_magazine/en/

• WIPO Wire:
  www.wipo.int/newsletters/en
WIPO Knowledge Center (WKC)

WIPO Virtual Library

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

Search

Publication title, etc.  Submit

Links
- WIPO Magazine
- Depository libraries
- WIPO documents
- WIPO Lex
- Historical Journal Collection
- ARDI – Research for Innovation

Contact us
The Patent Cooperation Treaty (PCT)
Context

- Inventions

- Protecting inventions via the patent system

- Desire to at least investigate the possibility of obtaining patent protection for inventions in more than one country
Two routes for seeking multinational patent protection

Paris Convention

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

Local patent application followed within 12 months by multiple foreign applications claiming priority under the *Paris Convention*:
- multiple formality requirements
- multiple searches
- multiple publications
- multiple examinations and prosecutions of applications
- translations and national fees required at 12 months

Some rationalization because of regional arrangements: ARIPO, EAPO, EPO, OAPI
Seeking patents multinationally: traditional patent system vs. PCT system

Traditional/Paris

- File local application
- 0 months
- File applications abroad
- 12 months
- 177 States

PCT

- File local application
- 0 months
- File PCT application
- 12 months
- International search report & written opinion
- 16 months
- (optional) demand for International preliminary examination
- 18 months
- International publication
- 22 months
- (optional) International preliminary report on patentability
- 28 months
- Enter national phase
- 30 months
The majority of non-resident patent applications are filed through PCT
General remarks on the PCT system

- The PCT system is a patent application “filing” system, not a patent “granting” system; there is no “PCT patent,” “international patent” or “global patent”

- The decision on granting patents is made exclusively by national or regional Offices in the national phase

- Only inventions may be protected via the PCT by applying for patents, utility models and similar titles

- Design and trademark protection cannot be obtained via the PCT; there are separate international conventions dealing with these types of industrial property protection (the Hague Agreement and the Madrid Agreement and Protocol, respectively)
Using the PCT system to seek multinational patent protection

- File local application
- File PCT application
- International search report and written opinion
- International publication
- (optional) Request supplementary international search
- (optional) File demand for International preliminary examination
- (optional) International preliminary report on patentability
- Enter national phase

Typically a national patent application in the home country of the applicant.
Using the PCT system to seek multinational patent protection

Typically filed in the same national patent office—one set of fees, one language, one set of formality requirements—and legal effect in all PCT States.
Using the PCT system to seek multinational patent protection

- File local application
- File PCT application
- International search report & written opinion
  - Report on state of the art (prior art documents and their relevance) + initial patentability opinion
- International publication
- (optional) Request supplementary international search
- (optional) File demand for International preliminary examination
- (optional) International preliminary report on patentability
- Enter national phase

WIPO FOR OFFICIAL USE ONLY
PCT International Searching Authorities

The appointed ISAs/IPEAs are the following 23 offices:

Australia
Austria
Brazil
Canada
Chile
China
Egypt
European Patent Office
Finland
India
Israel
Japan
Nordic Patent Institute
Philippines
Republic of Korea
Russian Federation
Singapore
Spain
Sweden
Turkey
Ukraine
United States of America
Visegrad Patent Institute
Using the PCT system to seek multinational patent protection

- File local application
- File PCT application
- International search report & written opinion
- (optional) File demand for International preliminary examination
- (optional) International preliminary report on patentability
- (optional) Request supplementary international search
- Disclosing to world content of application in standardized way
- International publication

Enter national phase

(months)
0  12  16  18  22  28  30
Using the PCT system to seek multinational patent protection

0
File local application

12
File PCT application

16
International search report & written opinion

18
International publication

22
(optional) Request supplementary international search

28
(optional) File demand for International preliminary examination

30
(optional) International preliminary report on patentability

Enter national phase

(months)
Using the PCT system to seek multinational patent protection

- File local application
- File PCT application
- International search report & written opinion
- (optional) File demand for International preliminary examination
- Request additional patentability analysis on basis of amended application
- Enter national phase
Using the PCT system to seek multinational patent protection

- **File local application**
- **File PCT application**
- **International search report & written opinion**
- **International publication**
- **(optional) Request supplementary international search**
- **(optional) File demand for International preliminary examination**
- **Enter national phase**

Additional patentability analysis, designed to assist in national phase decision-making
Using the PCT system to seek multinational patent protection

- File local application
- File PCT application
- International search report & written opinion
- International publication
- (optional) Request supplementary international search
- (optional) File demand for International preliminary examination
- (optional) International preliminary report on patentability
- Enter national phase
- Express intention and take steps to pursue in various states

(months) 0 12 16 18 22 28 30
Using the PCT system to seek multinational patent protection

File local application

File PCT application

Typically filed in the same national patent office—
one set of fees, one language, one set of formality requirements—and legal effect in all PCT States

International search report & written opinion

(optional)

File demand for International preliminary examination

(optional)

International preliminary report on patentability

Enter national phase

Typically filed in the same national patent office—one set of fees, one language, one set of formality requirements—and legal effect in all PCT States

WIPO FOR OFFICIAL USE ONLY
153 PCT States

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

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

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

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

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

- St. Kitts and Nevis
- Sweden
- Switzerland
- Syrian Arab Republic
- Tajikistan
- Thailand
- The former Yugoslav Republic of Macedonia
- Togo
- Trinidad and Tobago
- Tunisia
- Turkey
- Turkmenistan
- Uganda
- Ukraine
- United Arab Emirates
- United Kingdom
- United Republic of Tanzania
- United States of America
- Uzbekistan
- Viet Nam
- Zambia
- Zimbabwe
UN Member States not yet in PCT

Afghanistan  Jamaica  Timor-Leste
Andorra  Kiribati  Tonga
Argentina  Lebanon  Tuvalu
Bahamas  Maldives  Uruguay
Bangladesh  Marshall Islands  Vanuatu
Bhutan  Mauritius  Venezuela
Bolivia  Micronesia  Yemen
Burundi  Myanmar  
Cape Verde  Nauru  (40)
Democratic Republic of Congo  Nepal  
Eritrea  Pakistan  
Ethiopia  Palau  
Fiji  Paraguay  
Guyana  Paraguay  
Haiti  Solomon Islands  
Iraq  Somalia  
Suriname
Growth in PCT applications since 1978

2020: 275,900 filed (+4%)
International applications in 2020 by country of origin

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

CN: +16.1%
KR: +5.2%
US: +3%
SA: +73.2%
MY: +26.2%
CL: +17%
SG: +14.9%
BR: +8.4%

Asia: 53.7%
## Annex 4: International applications by field of technology (PCT System)

<table>
<thead>
<tr>
<th>Technical Field</th>
<th>2018</th>
<th>2019</th>
<th>2020</th>
<th>Share (%)</th>
<th>Growth (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>I Electrical engineering</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1 Electrical machinery, apparatus, energy</td>
<td>16,556</td>
<td>17,194</td>
<td>17,363</td>
<td>6.6</td>
<td>1.0</td>
</tr>
<tr>
<td>2 Audio-visual technology</td>
<td>8,187</td>
<td>8,899</td>
<td>11,527</td>
<td>4.4</td>
<td>29.5</td>
</tr>
<tr>
<td>3 Telecommunications</td>
<td>6,132</td>
<td>5,881</td>
<td>6,442</td>
<td>2.4</td>
<td>9.9</td>
</tr>
<tr>
<td>4 Digital communication</td>
<td>20,233</td>
<td>19,050</td>
<td>22,068</td>
<td>8.3</td>
<td>15.8</td>
</tr>
<tr>
<td>5 Basic communication processes</td>
<td>1,712</td>
<td>1,554</td>
<td>1,610</td>
<td>0.6</td>
<td>3.6</td>
</tr>
<tr>
<td>6 Computer technology</td>
<td>19,181</td>
<td>21,495</td>
<td>24,332</td>
<td>9.2</td>
<td>13.2</td>
</tr>
<tr>
<td>7 IT methods for management</td>
<td>4,803</td>
<td>5,747</td>
<td>5,889</td>
<td>2.2</td>
<td>2.5</td>
</tr>
<tr>
<td>8 Semiconductors</td>
<td>7,183</td>
<td>8,048</td>
<td>8,863</td>
<td>3.4</td>
<td>10.1</td>
</tr>
<tr>
<td><strong>II Instruments</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>9 Optics</td>
<td>7,610</td>
<td>8,018</td>
<td>8,369</td>
<td>3.2</td>
<td>4.4</td>
</tr>
<tr>
<td>10 Measurement</td>
<td>10,775</td>
<td>11,451</td>
<td>12,698</td>
<td>4.8</td>
<td>10.9</td>
</tr>
<tr>
<td>11 Analysis of biological materials</td>
<td>1,940</td>
<td>1,917</td>
<td>2,059</td>
<td>0.8</td>
<td>7.4</td>
</tr>
<tr>
<td>12 Control</td>
<td>5,212</td>
<td>5,363</td>
<td>5,456</td>
<td>2.1</td>
<td>1.7</td>
</tr>
<tr>
<td>13 Medical technology</td>
<td>15,798</td>
<td>16,916</td>
<td>17,493</td>
<td>6.6</td>
<td>3.4</td>
</tr>
<tr>
<td><strong>III Chemistry</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>14 Organic fine chemistry</td>
<td>5,787</td>
<td>5,887</td>
<td>6,354</td>
<td>2.4</td>
<td>7.9</td>
</tr>
<tr>
<td>15 Biotechnology</td>
<td>6,640</td>
<td>7,404</td>
<td>7,988</td>
<td>3.0</td>
<td>7.9</td>
</tr>
<tr>
<td>16 Pharmaceuticals</td>
<td>9,130</td>
<td>9,785</td>
<td>10,763</td>
<td>4.1</td>
<td>10.0</td>
</tr>
<tr>
<td>17 Macromolecular chemistry, polymers</td>
<td>4,249</td>
<td>4,245</td>
<td>4,654</td>
<td>1.8</td>
<td>5.2</td>
</tr>
<tr>
<td>18 Food chemistry</td>
<td>2,104</td>
<td>2,214</td>
<td>2,381</td>
<td>0.9</td>
<td>7.5</td>
</tr>
<tr>
<td>19 Basic materials chemistry</td>
<td>5,573</td>
<td>5,589</td>
<td>5,710</td>
<td>2.2</td>
<td>2.2</td>
</tr>
<tr>
<td>20 Materials, metallurgy</td>
<td>4,334</td>
<td>4,416</td>
<td>4,681</td>
<td>1.8</td>
<td>6.0</td>
</tr>
<tr>
<td>21 Surface technology, coating</td>
<td>3,680</td>
<td>3,851</td>
<td>4,015</td>
<td>1.5</td>
<td>4.3</td>
</tr>
<tr>
<td>22 Micro-structural and nano-technology</td>
<td>395</td>
<td>390</td>
<td>456</td>
<td>0.2</td>
<td>16.9</td>
</tr>
<tr>
<td>23 Chemical engineering</td>
<td>4,886</td>
<td>5,074</td>
<td>5,279</td>
<td>2.0</td>
<td>4.0</td>
</tr>
<tr>
<td>24 Environmental technology</td>
<td>2,732</td>
<td>2,705</td>
<td>3,010</td>
<td>1.1</td>
<td>11.3</td>
</tr>
<tr>
<td><strong>IV Mechanical engineering</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>25 Handling</td>
<td>5,889</td>
<td>5,954</td>
<td>6,409</td>
<td>2.4</td>
<td>7.6</td>
</tr>
<tr>
<td>26 Machine tools</td>
<td>4,077</td>
<td>4,299</td>
<td>4,310</td>
<td>1.6</td>
<td>0.3</td>
</tr>
<tr>
<td>27 Engines, pumps, turbines</td>
<td>5,656</td>
<td>5,366</td>
<td>5,122</td>
<td>1.9</td>
<td>-4.5</td>
</tr>
<tr>
<td>28 Textile and paper machines</td>
<td>2,757</td>
<td>2,789</td>
<td>2,952</td>
<td>1.1</td>
<td>6.6</td>
</tr>
<tr>
<td>29 Other special machines</td>
<td>6,959</td>
<td>7,235</td>
<td>7,474</td>
<td>2.8</td>
<td>3.3</td>
</tr>
<tr>
<td>30 Thermal processes and apparatus</td>
<td>3,866</td>
<td>4,085</td>
<td>4,306</td>
<td>1.6</td>
<td>5.4</td>
</tr>
<tr>
<td>31 Mechanical elements</td>
<td>6,187</td>
<td>5,952</td>
<td>5,843</td>
<td>2.2</td>
<td>-1.8</td>
</tr>
<tr>
<td>32 Transport</td>
<td>10,941</td>
<td>11,226</td>
<td>11,288</td>
<td>4.3</td>
<td>0.6</td>
</tr>
<tr>
<td><strong>V Other fields</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>33 Furniture, games</td>
<td>4,669</td>
<td>4,625</td>
<td>4,715</td>
<td>1.8</td>
<td>1.9</td>
</tr>
<tr>
<td>34 Other consumer goods</td>
<td>5,403</td>
<td>5,444</td>
<td>6,044</td>
<td>2.3</td>
<td>11.0</td>
</tr>
<tr>
<td>35 Civil engineering</td>
<td>6,121</td>
<td>6,386</td>
<td>6,498</td>
<td>2.5</td>
<td>1.8</td>
</tr>
</tbody>
</table>

Note: For confidentiality reasons, data are based on published applications and on the publication date.
Most businesses worldwide which seek and use patents wish to:

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

The PCT responds to these objectives
PCT Advantages
Certain PCT Advantages

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

1. postpones the major costs associated with internationalizing a patent application
Traditional patent system
vs. PCT system

Fees for:
--translations
--Office fees
--local agents

File local application

Traditional

File applications abroad

File local application

PCT

Fees for:
--translations
--Office fees
--local agents

Enter national phase

File PCT application

International search report & written opinion

File local application

International publication

(optional) demand for International preliminary examination

(Optional) International preliminary report on patentability

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

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

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

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

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

1. postpones the major costs associated with internationalizing a patent application
2. provides a strong basis for patenting decisions
### Example: PCT International Search Report

#### C. DOCUMENTS CONSIDERED TO BE RELEVANT

<table>
<thead>
<tr>
<th>Category*</th>
<th>Citation of document, with indication, where appropriate, of the relevant passages</th>
<th>Relevant to claim No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>X</td>
<td>JP 50-14535 B (NCR CORPORATION) 28 May 1975 (28.05.75), column 4, lines 3 to 27</td>
<td>7-9, 11</td>
</tr>
<tr>
<td>X</td>
<td>GB 392415 A (JONES) 18 May 1933 (18.05.33)</td>
<td>1-3</td>
</tr>
<tr>
<td>X</td>
<td>Fig. 1</td>
<td>4, 10</td>
</tr>
<tr>
<td>Y</td>
<td>page 3, lines 5-7</td>
<td>11-12</td>
</tr>
<tr>
<td>A</td>
<td>Fig. 5, support 36</td>
<td></td>
</tr>
<tr>
<td>A</td>
<td>GB 2174500 A (STC) 5 November 1986 (05.11.86)</td>
<td>1-3</td>
</tr>
<tr>
<td>X</td>
<td>page 1, lines 5-15, 22-34, 46-80; Fig. 1</td>
<td>4</td>
</tr>
<tr>
<td>Y</td>
<td>US 4322752 A (BIXTY) 30 March 1982 (30.03.82)</td>
<td>1</td>
</tr>
<tr>
<td>A</td>
<td>claim 1</td>
<td>1-5</td>
</tr>
</tbody>
</table>

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

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

Documents relevant to whether or not your invention may be patentable
Example: PCT Written opinion of the International Searching Authority

<table>
<thead>
<tr>
<th>Box No. V</th>
<th>Reasoned statement under Rule 43bis.1(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Statement</td>
<td></td>
</tr>
<tr>
<td><strong>Novelty (N)</strong></td>
<td>Claims: Claim(s) 3-15</td>
</tr>
<tr>
<td>Claims: Claim(s) 16</td>
<td>NO</td>
</tr>
<tr>
<td><strong>Inventive step (IS)</strong></td>
<td>Claims: Claim(s) 8, 10-12</td>
</tr>
<tr>
<td>Claims: Claim(s) 3-7, 9, 14-16</td>
<td>NO</td>
</tr>
<tr>
<td><strong>Industrial applicability (IA)</strong></td>
<td>Claims: Claim(s) 3-16</td>
</tr>
<tr>
<td>Claims:</td>
<td>NO</td>
</tr>
</tbody>
</table>

2. Citations and explanations:

INDEPENDENT CLAIM 3

Document US-A-5 332 238, which is considered to represent the most relevant state of the art, discloses (cf. relevant passages indicated in the ISR) a device from which the subject-matter of INDEPENDENT CLAIM 3

US-A-5 332 238, which is considered to represent the most relevant state of the art...
Certain PCT Advantages

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

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

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

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

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

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

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

- invited corrections of defects & fee payments
- non-competent receiving Office
- double formality review
- restoration of priority
- missing parts/incorporation by reference
- rectification of obvious mistakes
- excuse of national phase entry delay
- removal of sensitive information
Certain PCT Advantages

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

1. postpones the major costs associated with internationalizing a patent application
2. provides a strong basis for patenting decisions
3. harmonizes formal requirements
4. protects applicant from certain inadvertent errors
5. evolves to meet stakeholder needs
PCT Meetings

Meeting of International Authorities—annual (usually first quarter)

PCT Working Group—annual (usually second quarter)

PCT Assembly—September/October

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

Constant contact with PCT users

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

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

1. postpones the major costs associated with internationalizing a patent application
2. provides a strong basis for patenting decisions
3. harmonizes formal requirements
4. protects applicant from certain inadvertent errors
5. evolves to meet user needs
6. is used by the world’s major corporations, universities and research institutions when they seek multinational patent protection
PCT Testimonial: Large Company

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

“Over the past 25 years, Qualcomm has been one of the largest users of the PCT system. To date we have filed more than 9,000 patent applications. International patent applications are important to the protection of innovations around the globe. The PCT helps put innovation into practice by providing a simple and cost-effective way to file international patent applications. The PCT is critical for Qualcomm because we are, above all, an innovation company....[PCT] has been a vital partner in the success of our company and the growth of the wireless industry.” CEO Paul Jacobs, 2011
Top PCT applicants in 2020

1. Huawei Technologies—CN (5,464)
2. Samsung—KR (3,093)
3. Mitsubishi Electric—JP (2,810)
4. LG Electronics—KR (2,759) (+67.6%)
5. Qualcomm—US (2,173)
6. Ericsson—SE (1,989)
7. BOE Technology Group—CN (1,892)
8. Guang Dong Oppo Mobile Telecom—CN (1,801)
9. Sony—JP (1,793)
10. Panasonic—JP (1,611)
11. Hewlett-Packard—US (1,595)
12. Microsoft—US (1,529)
13. Bosch—DE (1,375)
14. LG Chem, Ltd.—KR (1,374)
15. Nippon Telegraph & Telephone—JP (1,372)
Top PCT University applicants in 2020

1. University of California (US)
2. Massachusetts Institute of Technology (US)
3. Shenzhen University (CN)
4. Tsinghua University (CN)
5. Zhejiang University (CN)
6. University of Texas (US)
7. Dalian University of Technology (CN)
8. South China University of Technology (CN)
9. Stanford University (US)
10. University of Tokyo (JP)
11. China University of Mining and Technology (CN)
12. Seoul National University (KR)
13. Northeastern (CN)
14. Jiangnan University (CN)
15. Osaka University (JP)
PCT Applicants in 2019

- Businesses: 86.4%
- Individuals: 6.2%
- Universities: 5.6%
- Government: 1.9%
Certain PCT Advantages

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

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

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

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

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

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

- **Training/outreach/user and Office relations**
  - provide PCT training, support, information and advisory functions to Offices and users
Summary

The PCT:

➢ embodies numerous advantages for users, including:
  o more time
  o more information on potential patentability

➢ also embodies advantages for national and regional patent Offices, including a significant potential for worksharing

➢ continues to experience strong growth, in countries and applications

➢ is quite possibly the most successful example of true international cooperation in the intellectual property space
  o …and in the view of some “the greatest advance in foreign patent practice and patent portfolio management since the Paris Convention came into force in 1883”
Thank you!