

# Learning path for patent administrators

## The PCT system: EPAC - entry level

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## Introduction

This publication, "The PCT system, EPAC - entry level", is part of the "Learning path for patent administrators" series is edited and published by the European Patent Academy. The series is intended for patent administrators who are taking part in training and certifications organised by the European Patent Office (EPO). It is also freely available to the public for independent learning.

Topics covered include: general aspects of the patent system; the European patent system and the European patent granting procedure; the International Patent System (PCT) and the PCT procedure; European and international publications; filing a European patent application and filing an international application; the formalities during the European and during the international search; the formalities during the European examination and during the international preliminary examination; the formalities during the appeal procedure after refusal (EPC), during the opposition procedure (EPC); national validation (EPC); entry into national/regional phases and entry into the European phase (PCT).

Each chapter focuses on one topic at entry, intermediate or advanced level, as appropriate. The series will be revised annually to ensure it remains up to date.

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All references to natural persons are to be understood as applying to all genders.

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## 1. Learning objectives

Participants in this course will learn about:

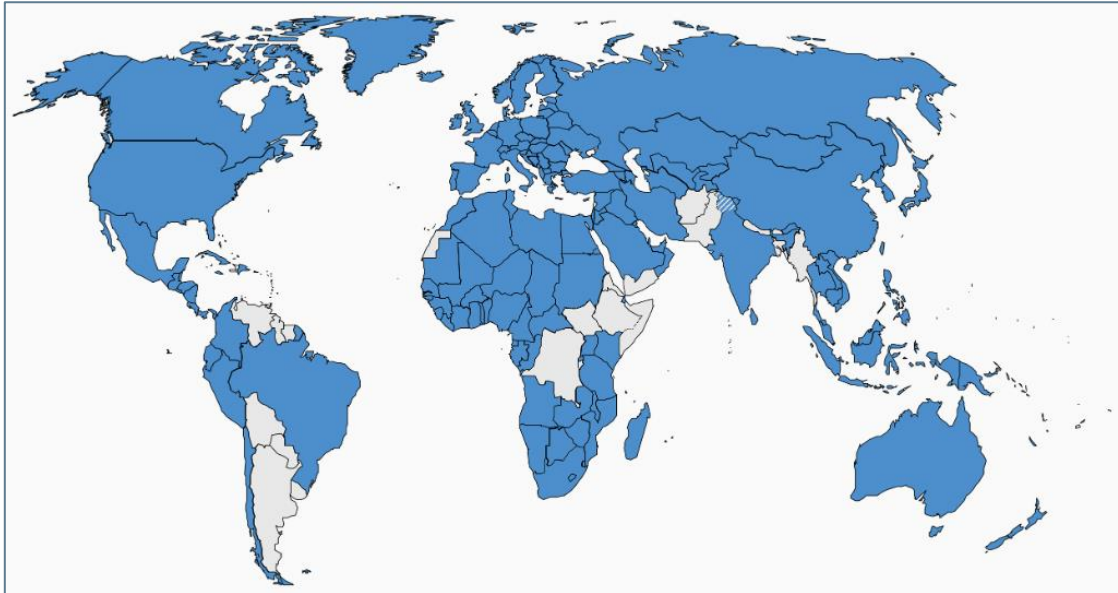
- PCT contracting states
- PCT terminology
- the characteristics of the PCT system
- the advantages of the PCT system
- the stages that a PCT application goes through
- the role of the IB

## 2. Abbreviations

DO	designated Office
EO	elected Office
EPO	European Patent Office
IA	international application
IB	International Bureau of WIPO
IFD	international filing date
IPEA	International Preliminary Examining Authority
IPER	international preliminary examination report
IPRP1	international preliminary report on patentability, converted WO/ISA
IPRP2	international preliminary report on patentability, converted IPER
ISA	International Searching Authority
ISR	international search report
PCT	Patent Cooperation Treaty
RO	receiving Office
SEQL	sequence listing
SISA	Authority specified for supplementary international search
SISR	supplementary international search report
WIPO	World Intellectual Property Organization
WO/ISA	written opinion of the International Searching Authority

## 3. The Patent Cooperation Treaty (PCT): general info

The PCT is a multilateral treaty, originally signed on 19 June 1970 by 36 states. It entered into force in 1978. As of 6 July 2022, it has 156 contracting states, the latest accession being Cabo Verde.



**Legal references:**

Art. 1, 62 PCT

#### **4. The PCT system: main characteristics**

Using the PCT, applicants can obtain protection for an invention by designating one or more [PCT Contracting States](#). This is why the patent offices of those states are called designated Offices (DOs).

Four [regional patents](#) can be obtained via the PCT:

- African Regional Intellectual Property Organization (ARIPO)
- Eurasian Patent Organization (EAPO)
- European Patent Organisation (EPO)
- African Intellectual Property Organization (OAPI)

Only one patent application, the international application (IA), is filed.

The IA has effect in multiple states or regions and is an alternative to filing several separate national and/or regional patent applications.

The PCT does not replace the national/regional phase, but makes it easier to obtain a patent for those states or regions.

#### **5. The PCT: advantages**

A formalities check is carried out during the international phase, so that the IA is in good shape in respect of formal requirements and can be processed by the DOs.

The international search is carried out during the international phase, so that the applicant can make an informed decision about pursuing the IA.

Applicants only deal with one or two offices, but the application is effective in all contracting states. For example, filing amended claims under Art. 19 PCT with one office means that more than 150 patent offices will receive the amended claims at the end of the international phase.

Applicants can save costs because fees are only paid for one application.

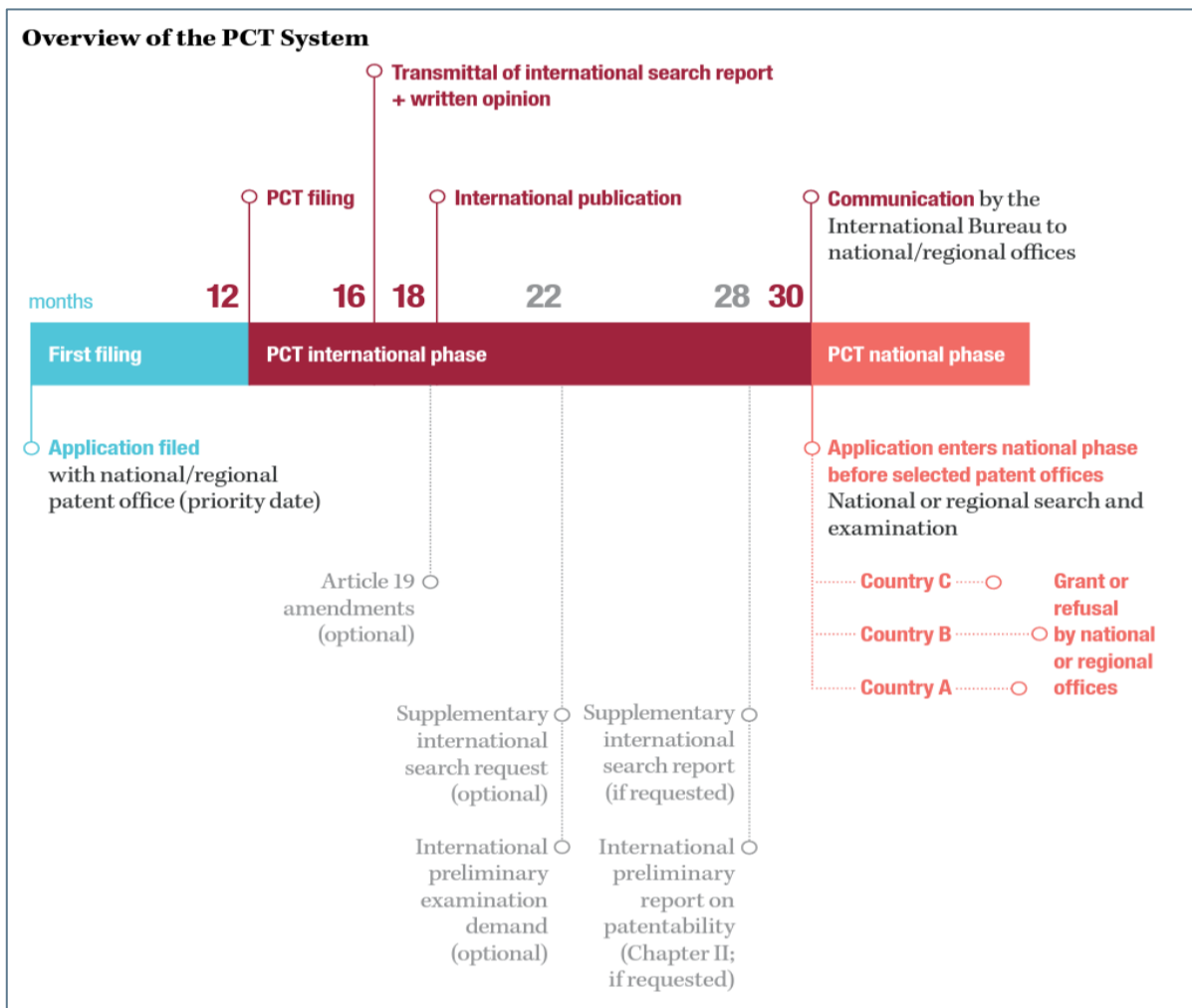
Applicants may opt for international preliminary examination and supplementary international search(es) to obtain further information about their chances of obtaining a patent.

National/regional processing is postponed to at least 30 months from priority for the vast majority of DOs. The time limit is often even later. It is earlier for only two DOs. National processing starts at 20 months from priority for Luxembourg and at 21 months for Tanzania. However, the two states can be covered by designating the EPO or ARIPO respectively.

**Legal references:**

Art. 19 PCT

## 6. PCT system overview



**Legal references:**

Art. 19 PCT

## 7. PCT system step by step

Step	Event	When?
1	Filing of an IA with an RO	0 – 12 M
2	Formal check, record copy transmitted to IB	13 M
3	Fee check, search copy transmitted to ISA	13 M
4	International search report and written opinion	16 M
5	International publication	18 M
6	<b>Optional:</b> international preliminary examination	22 M
7	<b>Optional:</b> supplementary international search	22 M
8	International preliminary report on patentability	28 M
9	Supplementary international search report	28 M
10	Transmittal of IA to DOs	30 M

## 8. World Intellectual Property Organization (WIPO)

WIPO is a specialised agency of the United Nations (UN) and was established in 1967 by the signing of the WIPO Convention. It began operations in 1970 and has 193 member states. WIPO's mission is to "help governments, businesses and society realize the benefits of IP."

WIPO governs various intellectual property systems including:

- PCT System (patents)
- Madrid System (trademarks)
- Hague System (designs)
- Lisbon System (geographical indications)

Under the PCT, WIPO assumes the role of International Bureau (IB).

## 9. The role of the IB

- The PCT contracting states constitute a Union. The IB carries out the corresponding administrative tasks and serves as secretariat of the various organs of the Union.
- The IB acts as receiving Office (RO) under the PCT. It also takes over from ROs that are not competent to receive an IA. In addition, some contracting states delegate their RO activities to the IB.
- The IB is responsible for the international publication of the IA in PATENTSCOPE.
- The IB provides online services for applicants and other offices acting as authorities under the PCT.

- The IB monitors the activities of the various offices under the PCT in order to safeguard compliance with the PCT. Any irregularity is reported to the office in question so that it can be remedied.
- The IB deals with withdrawals of IAs, designations/elections of states and/or priority claims.
- The IB records changes to the bibliographic data of IAs.
- The IB provides a hub for the transfer of search copies of IAs to various ISAs.
- The IB is also responsible for:
  - managing and communicating changes to the PCT
  - communicating documents including [third party observations](#) to DOs/EOs and other parties
  - providing advice on implementing the PCT in national legislation
  - organising the PCT Assembly

**Legal references:**

[Art. 55 PCT](#)

[Rule 19.4, 90bis, 92bis PCT](#)

## 10. Relevant sources of information (PCT)

- [PCT Treaty](#) and [Regulations](#)
- [PCT Time Limit Calculator](#)
- [ePCT \(WIPO IP Portal\)](#) and [PATENTSCOPE](#)
- [WIPO Digital Access Service \(DAS\)](#)
- [Guidelines for Authorities and Offices](#)
- [WIPO Lex](#)

## 11. Beyond the course

You can deepen what you have learned during this course with the following further reading:

- [PCT Applicant's Guide - international phase](#)



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