INTELLECTUS

Revista inventatorilor
și cercetătorilor

Journal of inventors
and researchers

4

24 JUN 1997

NASCUNTUR AB HUMANO INGENIO
OMNIA ARTIS INVENTORUMQUE OPERA
QUAE OPERA DIGNAM HOMINIBUS VITAM
SAEPIUNT
REIPUBLICAE STUDIO
PERPIICIENDUM EST ARTES INVENTAQUE
TUTARI

DIN GENIUL UMAN SE NASC TOATE
OPERELE DE ARTĂ ŞI INVENȚIILE
ELE GARANTEAZĂ OAMENILOR O VIAȚĂ
DEMNĂ
ESTE DE DATORIA STATULUI
SĂ ASIGURE PROTECȚIA ARTELOR
ȘI A INVENȚIILOR

Inscriptie de pe cupola sediului OMPI, Geneva

Chișinău 1996

ИЗВ. № П
\text{55396}
WIPO-EPO SEMINAR ON THE PRACTICAL ASPECTS OF FILING PATENT AND TRADEMARK APPLICATIONS UNDER THE PATENT COOPERATION TREATY, THE MADRID AGREEMENT (MARKS) AND THE EUROPEAN PATENT CONVENTION

organized by
the State Agency on Industrial Property Protection
of the Republic of Moldova

in cooperation with
the World Intellectual Property Organization (WIPO)

and
the European Patent Office (EPO)

Kishinev, October 10 and 11, 1996

THE PCT SYSTEM FOR WORLDWIDE FILING OF PATENT APPLICATIONS

Vitaly TROUSSOV
Senior Counsellor,
PCT Legal Division, WIPO

Document prepared by the International Bureau of WIPO

PREFACE

This document has been prepared by the International Bureau of the World Intellectual Property Organization (WIPO), Geneva, Switzerland, as a support material for seminars on the Patent Cooperation Treaty (PCT).

The following words and expressions used throughout the document should be understood as follows:

Administrative Instructions - the Administrative Instructions under the PCT
Article - an Article of the PCT
Chapter I - Chapter I of the PCT
Chapter II - Chapter II of the PCT
Contracting State - a State party to the PCT
Regulations - the Regulations under the PCT
Rule - a Rule of the Regulations under the PCT
Section - a Section of the Administrative Instructions under the PCT

References to "national" Office or national fees, national phase, national processing, etc., should be understood to include "regional" Office (e.g., the EPO), etc.
The following abbreviations should be understood as meaning:

ARIPO - African Regional Industrial Property Organization
DO - Designated Office
EAPC - Eurasian Patent Convention
EAPO - Eurasian Patent Office
EO - Elected Office
EPC - European Patent Convention
EPO - European Patent Office
Euro-PCT - a Euro-PCT application is an international application containing the designation "EP" irrespective of the receiving Office with which it was filed
IB - International Bureau (of the World Intellectual Property Organization)
IPEA - International Preliminary Examining Authority
ISA - International Searching Authority
OAPI - African Intellectual Property Organization
RO - Receiving Office

Introduction to the PCT System

Traditional patent systems

(months) 0

File application locally

12

File applications abroad

Local patent application followed within 12 months by multiple foreign applications claiming priority under 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

* as from 1 January 1996

World Intellectual Property Organization
Local patent application followed within 12 months by international application under the PCT, claiming Paris Convention priority, with "national phase" commencing at 20 or 30 months:
- one set of formality requirements
- international search
- international publication
- international preliminary examination
- international application can be put in order before national phase
- translations and national fees required at 20 or 30 months, and only if applicant wishes to proceed

General remarks on the PCT system (1)

1. The PCT system is a patent "filing" system, not a patent "granting" system. There is no "PCT patent".

2. The PCT system provides for an international phase and a national phase.

3. The international phase comprises filing of the international application, international search, international publication and international preliminary examination.

4. The decision on granting patents is taken exclusively by national or regional Offices in the national phase.
General remarks on the PCT system (2)

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

6. 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, respectively).

7. The PCT is administered by WIPO as are other international conventions in the field of industrial property, such as the Paris Convention.

PCT Contracting States (87)

States which may be designated for regional protection and also, except where otherwise indicated, national protection

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### PCT Contracting States (87) (continued)

**States which may be designated for national protection only except where otherwise indicated**

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[*World Intellectual Property Organization*]

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### EURASIAN PATENT CONVENTION (EAPC)

**Status of ratifications and accessions:** as of 1 October 1996
**Entry into force:** 12 August 1995
**Commencement of operations:** 1 January 1996
**Designation for Eurasian patent “EA” in a PCT application:** available as of 1 January 1996

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**Information on Intergovernmental Organizations**

**EURASIAN PATENT ORGANIZATION**

**General Information**

Name of Office: Evraziiskoe patentnoe vedomstvo (EAPV)
Eurasian Patent Office (EAPO)

Location and mailing address: M. Cherkassky per. 2/6, EAPV, Moscow, Centre, GSP,103621, Russian Federation

Telephone: (70-95) 206 62 37
Facsimile machine: (70-95) 921 24 23
Teleprinter: –
Information on Intergovernmental Organizations

EURASIAN PATENT ORGANIZATION

[continued]

Does the EAPO accept the filing of documents by means of telecommunication (PCT Rule 92.4)?

Yes, by facsimile machine

Which kinds of documents may be so transmitted?

All kinds of documents

Must the original of the document be furnished in all cases?

Yes, within 14 days from the date of the transmission, if the transmitted document is an international application or a replacement sheet containing corrections or amendments of an international application.

No, only upon invitation in the case of other documents.

Would the EAPO accept evidence of mailing a document, in case of loss or delay, where a delivery service other than the postal authorities is used (PCT Rule 82.1)?

Yes, provided that delivery service is DHL or Federal Express

Competent receiving Office for nationals and residents of the following countries:

Armenia, Azerbaijan, Belarus, Kazakhstan, Kyrgyzstan, Republic of Moldova, Russian Federation, Tajikistan, Turkmenistan: Eurasian Patent Office (EAPO) (the applicant may also choose to file with the national Office of the country of which he is a national or resident or with the International Bureau of WIPO) (see Annex C)

Competent designated (or elected) Office for the granting of a Eurasian patent for the following countries:

Armenia, Azerbaijan, Belarus, Kazakhstan, Kyrgyzstan, Republic of Moldova, Russian Federation, Tajikistan, Turkmenistan: Eurasian Patent Office (EAPO) (see Volume II)

Types of protection available:

Eurasian patents

Provisions of the Eurasian Patent Convention concerning international-type search:

None

Provisional protection after international publication:

The protection granted in each State party to both the PCT and the Eurasian Patent Convention is indicated under the heading "Eurasian protection" for such States. See also Article 9(3) of the Eurasian Patent Convention.

Information of interest if the EAPO is a designated (or elected) Office

Time when the name and address of the inventor must be given if the EAPO is a designated (or elected) Office:

Must be in the request. If the data concerning the inventor are missing at the expiry of the time limit under PCT Article 22 or 39(1)(a), the Office will invite the applicant to comply with the requirement within a time limit fixed in the invitation.