

INTELLECTUS

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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
PERPICIENDUM EST ARTES INVENTAQUE
TUTARI

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

Inscripție de pe cupola sediului OMPI, Geneva

Chișinău 1996

Инв. № П

55396

ВСЕРОССИЙСКАЯ
ПАТЕНТНО-ТЕХНИЧЕСКАЯ
БИБЛИОТЕКА

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



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THE PCT SYSTEM FOR WORLDWIDE FILING OF PATENT APPLICATIONS

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

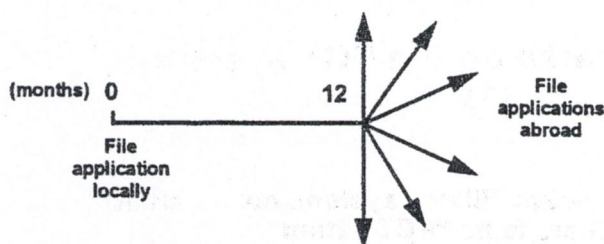
References to "national" Office or national fees, national phase, national processing, etc., should be understood to include "regional" Office (e.g., the EPO), etc.

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



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

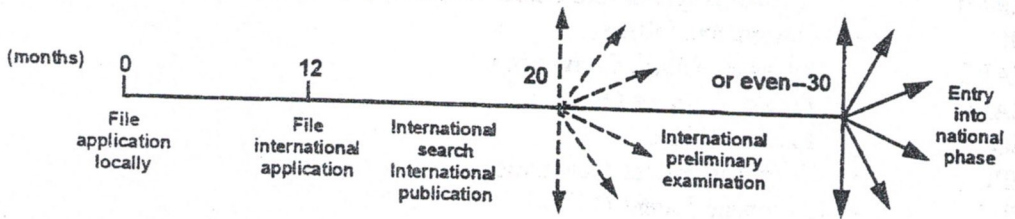
- multiple formality requirements
- multiple searches
- multiple publications
- multiple examinations and prosecutions of applications
- translations and national fees required at 12 months

Some rationalization because of regional arrangements:

ARIPO, EAPO*, EPO, OAPI

* as from 1 January 1996

PCT system



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

World Intellectual Property Organization

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.

World Intellectual Property Organization

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.

World Intellectual Property Organization

PCT Contracting States (87)

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

<u>AP</u> ARIPO Patent	<u>EA</u> Eurasian Patent	<u>EP</u> European Patent	<u>OA</u> OAPI Patent
KE Kenya	AM Armenia	AT Austria	▲ BF Burkina Faso
LS Lesotho	AZ Azerbaijan	▲ BE Belgium	▲ BJ Benin
MW Malawi	BY Belarus	CH Switzerland	▲ CF Central African Republic
SD Sudan	KG Kyrgyzstan	DE Germany	▲ CG Congo
▲ SZ Swaziland	KZ Kazakstan	DK Denmark	▲ CI Côte d'Ivoire
UG Uganda	MD Republic of Moldova	□ ES Spain	▲ CM Cameroon
	RU Russian Federation	FI Finland	▲ GA Gabon
	TJ Tajikistan	▲ FR France	▲ GN Guinea
	TM Turkmenistan	GB United Kingdom	▲ ML Mali
		▲ GR Greece	▲ MR Mauritania
		▲ IE Ireland	▲ NE Niger
		▲ IT Italy	▲ SN Senegal
		LI Liechtenstein	▲ TD Chad
		LU Luxembourg	▲ TG Togo
		▲ MC Monaco	
		▲ NL Netherlands	
		PT Portugal	
		SE Sweden	

▲ Regional patent only
□ Not bound by Chapter II

World Intellectual Property Organization

PCT Contracting States (87) (continued)

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

◇ AL	Albania	◇ LR	Liberia
AU	Australia	◇ LT	Lithuania
BA	Bosnia and Herzegovina	◇ LV	Latvia
BB	Barbados	MG	Madagascar
BG	Bulgaria	MK	The former Yugoslav Republic of Macedonia
BR	Brazil	MN	Mongolia
CA	Canada	MX	Mexico
CN	China	NO	Norway
CU	Cuba	NZ	New Zealand
CZ	Czech Republic	PL	Poland
EE	Estonia	◇ RO	Romania
GE	Georgia	SG	Singapore
HU	Hungary	◇ SI	Slovenia
IL	Israel	SK	Slovakia
IS	Iceland	TR	Turkey
JP	Japan	TT	Trinidad and Tobago
KP	Democratic People's Republic of Korea	UA	Ukraine
KR	Republic of Korea	US	United States of America
LC	Saint Lucia	UZ	Uzbekistan
LK	Sri Lanka	VN	Viet Nam

◇ Extension of European patent possible

◇ Extension of European patent
as from 15 October 1996

World Intellectual Property Organization

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

<u>State</u>	<u>Signed on</u> <u>Ratified on</u>	<u>Acceded on</u>	<u>May be designated in a</u> <u>PCT application for an</u> <u>"EA" patent as of</u>
AM Armenia	9 Sept 1994 27 Nov 1995	n/a	27 Feb 1996
AZ Azerbaijan	9 Sept 1994 25 Sept 1995	n/a	1 Jan 1996
BY Belarus	9 Sept 1994 8 May 1995	n/a	1 Jan 1996

[continued on next page]

<u>State</u>	<u>Signed on</u> <u>Ratified on</u>	<u>Acceded on</u>	<u>May be designated in a</u> <u>PCT application for an</u> <u>"EA" patent as of</u>
GE Georgia	9 Sept 1994 not yet	n/a	not yet
KZ Kazakstan	9 Sept 1994 4 Aug 1995	n/a	1 Jan 1996
KG Kyrgyzstan	9 Sept 1994 13 Oct 1995	n/a	13 Jan 1996
MD Republic of Moldova	9 Sept 1994 16 Nov 1995	n/a	16 Feb 1996
RU Russian Federation	9 Sept 1994 27 June 1995	n/a	1 Jan 1996
TJ Tajikistan	9 Sept 1994 12 May 1995	n/a	1 Jan 1996
TM Turkmenistan	n/a n/a	1 Mar 1995	1 Jan 1996
UA Ukraine	9 Sept 1994 not yet	n/a	not yet

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:	-

[continued on next page]

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, Kazakstan, 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, Kazakstan, 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.