

**Procedure to file Request to the Eurasian Patent Office (EAPO)
for accelerated patent prosecution of patent application
in accordance with the Patent Prosecution Highway Pilot Programme
between the Eurasian Patent Office (EAPO)
and the Korean Intellectual Property Office (KIPO)**

The Patent Prosecution Highway Pilot Programme (PPH Pilot Programme) between EAPO and KIPO will commence on 01.01.2019 with duration of three years and end on 31.12.2021. The pilot period may be extended upon mutual written consent between EAPO and KIPO.

The Offices may terminate the PPH Pilot Programme if the volume of participation exceeds manageable level. Ex Ante notice will be published if the PPH Pilot Programme is terminated.

1. Requirements

- (a) The Eurasian application (included the PCT application entered into regional phase at EAPO) for which participation in the PPH Pilot Programme is requested and the corresponding application on the basis of which the request on participation in PPH is filed (hereinafter PPH request) shall have the same date of priority or the same date of filing.

The corresponding application forming the basis for filing a PPH request (KIPO application), may be:

- (i) the application filed with KIPO (examples brought in the attached Annex 1, Fig. A-P) or;
- (ii) the PCT application, in which the KIPO acts as an International Searching Authority (ISA) and/or International Preliminary Examination Authority (IPEA) (examples brought in the attached Annex 2, Fig. A-H).

- (b) The corresponding application shall contain at least one claim determined as patentable by KIPO acting as a regional patent office or as an ISA and/or an IPEA. The claim recognized as having novelty, inventive step and industrial applicability by KIPO shall, for the purpose of this document, be deemed as patentable.

KIPO application claims shall be deemed as “determined as patentable” if a KIPO examiner has explicitly identified these claims as patentable in the last

office action, even if patent on this application is not yet granted.

(c) All claims of the Eurasian application, as originally filed or as amended, for which a PPH request is filed must sufficiently correspond to one or more of those claims determined as patentable by KIPO.

Claims are considered to “sufficiently correspond” where, accounting for differences due to translation into Russian and/or claim format, the claims in the Eurasian application are of the same or similar scope as the claims in the KIPO application, or the claims in the Eurasian application are narrower in scope than the claims in the KIPO application.

A claim shall be deemed narrower in scope if a KIPO application claim is amended to be further limited by an additional feature that is supported in the specification (description and/or claims).

A claim in a Eurasian application which introduces a new or different category of claims to those claims indicated as patentable in the KIPO application shall not be deemed to sufficiently correspond if it represents a new or another category of claims compared to those claims recognized as acceptable by KIPO. For example, where the claims in the KIPO application only contain claims to a method of manufacturing a product, then the claims in the Eurasian application are not considered to sufficiently correspond if the claims in the Eurasian application introduce product claims that are dependent on the corresponding method claims.

It is not necessary that all the KIPO application claims recognized as patentable be fully reproduced in the Eurasian application (the exclusion of the claims is permissible).

Any claims amended or added after the grant of the request for participation in the PPH Pilot Programme, but before the first EAPO office action, need to sufficiently correspond to the claims indicated as patentable in the KIPO application. Any claims amended or added after the first EAPO office action, need not to sufficiently correspond to the claims indicated as patentable in KIPO application, provided that the amendments are made by the applicant with the aim of elimination of the examination remarks regarding the incompliance of the invention/claims with the requirements of the Patent Regulations under the Eurasian Patent Convention.

(d) Substantive examination of the Eurasian application has not begun at the moment of filing the request for PPH with EAPO (Annex 1 Fig. R).

(e) For Eurasian application, applicant must request for the substantive examination and pay the fees prescribed for substantive examination.

Documents to be submitted

To qualify for participation in the PPH Pilot Programme an applicant shall submit:

a) request to EAPO for participation in the PPH (PPH request, Annex 3). The PPH Request Form is available at www.eapo.org in the section Documents/electronic forms;

b) copies of all office actions (which are relevant to substantial examination for patentability in KIPO) issued for the corresponding application, and Russian or English translations thereof, or a copy of the last work product in the international PCT phase, i.e. ISA report, or IPEA report (in case the request was filed in compliance with PCT Chapter II) or the International Preliminary Examination Report (IPER) as well as the Russian or English translation thereof;

(c) copies of all claims indicated as patentable in KIPO and Russian or English translation thereof;

(d) copies of documents cited by KIPO examiner.

If the cited document is a patent document the applicant needs not present it as this kind of documents are usually accessible for EAPO. In case EAPO does not possess the required document the applicant must submit this patent document at the request of the examiner. Non-patent literature shall always be submitted.

Submission of translation of the cited documents is required if their translation into Russian or English is not available;

(e) claims correspondence table.

The applicant submitting PPH request must submit a table of the claims correspondence that explains the correspondence of the claims in the Eurasian application to the claims that are recognized as patentable in the KIPO application.

If the claims are translated literally the applicant may write in the table "claims are identical". If the claims are not a literal translation, the table should explain the conformity of each claim.

If the applicant has already submitted to EAPO the documents specified in subparagraphs (b) to (e) during simultaneous or previous procedures, he can include them by referring to them, without attaching the documents themselves.

If the documents referred to in subparagraphs (b) and (c) are available in the KIPO system of access to the K-PION dossier (<http://k-pion.kipo.go.kr/>), DAS (Digital Access Service) systems or the Patentscope The applicant is not required to submit copies of documents, but must submit a list of documents to be received. For the documents specified in subparagraphs (b) and (c), the use of machine translation is permissible. In case of poor quality of machine translation, EAPO may ask the applicant to provide an accurate translation. If

KIPO application is not published, then the applicant must submit the documents specified in subparagraphs (b) and (c) above when applying for the PPH application.

2. Procedure for considering the request for the PPH Pilot Programme

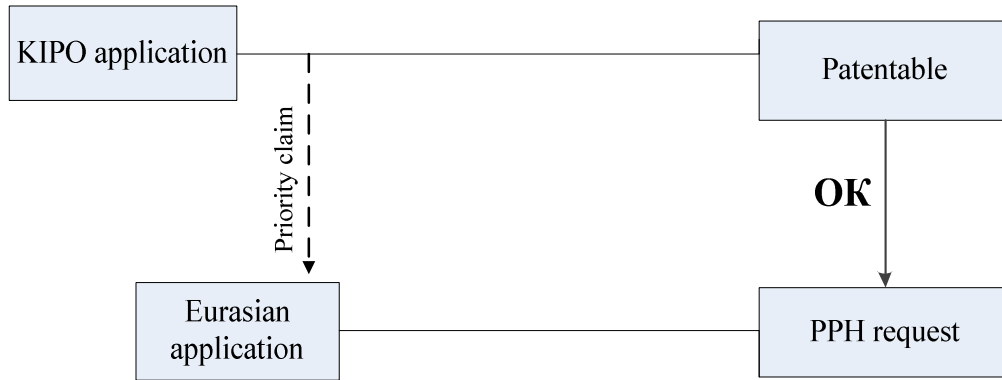
The decision to satisfy the PPH request is made subject to the fulfillment of all the requirements specified in paragraphs 1 and 2 of this Procedure, which the applicant is notified about.

If the applicant does not fulfill all the requirements necessary to satisfy the PPH application, but the identified deficiencies can be rectified by the applicant, EAPO notifies the applicant of the need to correct such deficiencies within the time specified in the notification.

If the applicant does not eliminate these deficiencies, EAPO informs the applicant of the refusal to satisfy the request. In this case, the Eurasian application is subject to examination in the order of priority within the framework of the EAPO procedure.

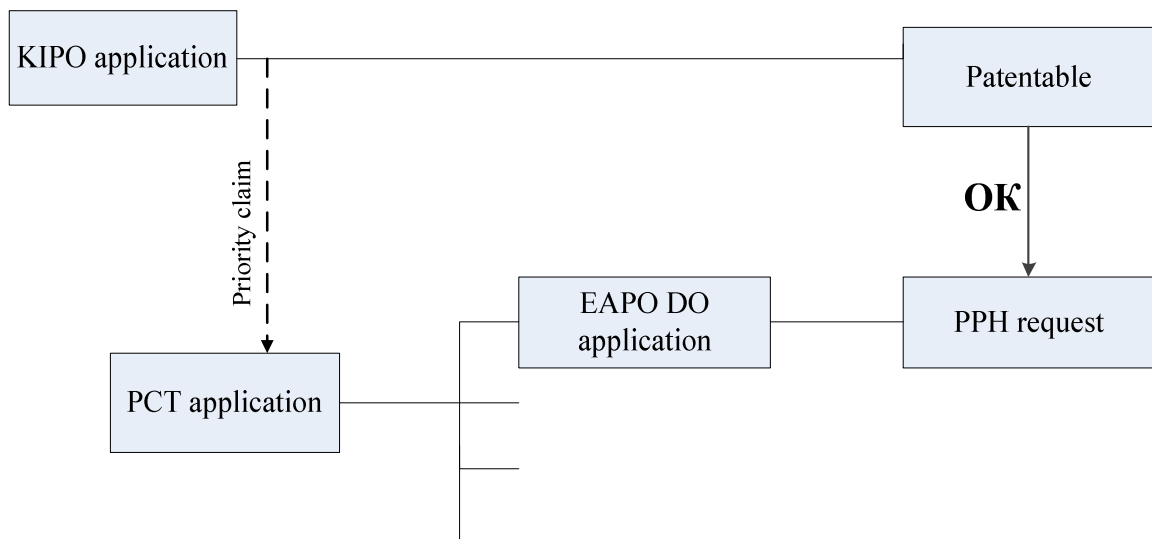
A

Example: Procedure under Paris Convention



B

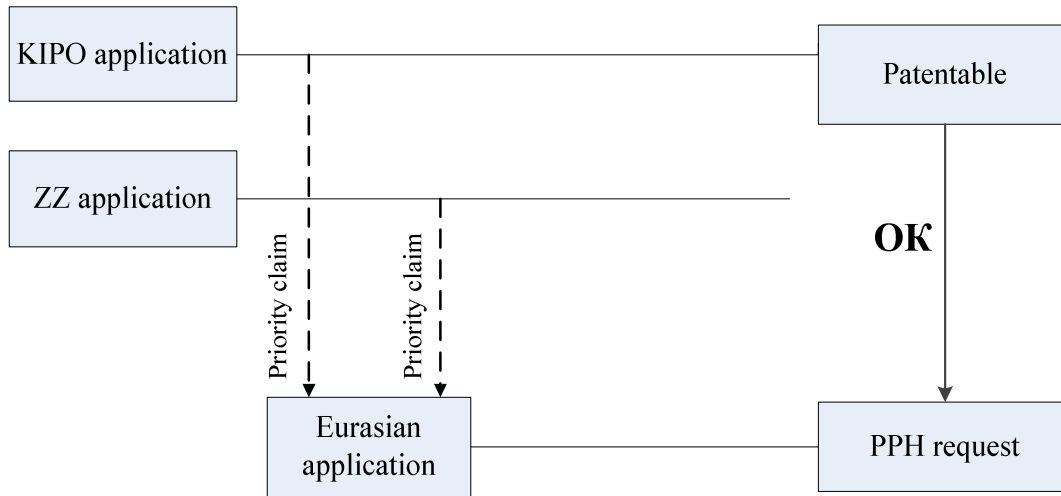
Example: Procedure under PCT



DO = Designated Office

C

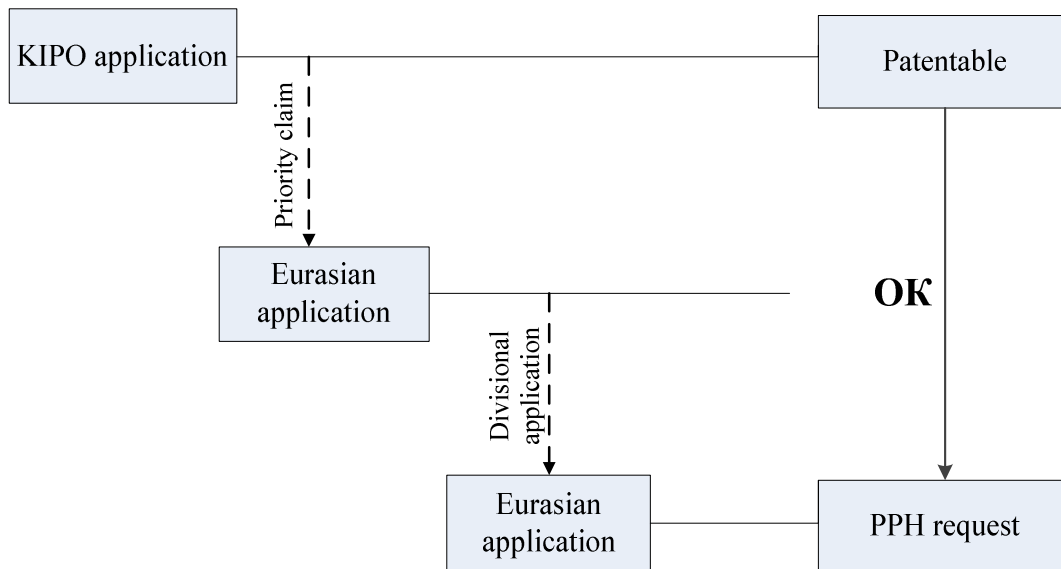
Example: Procedure under Paris Convention, multiple priority



ZZ = any office

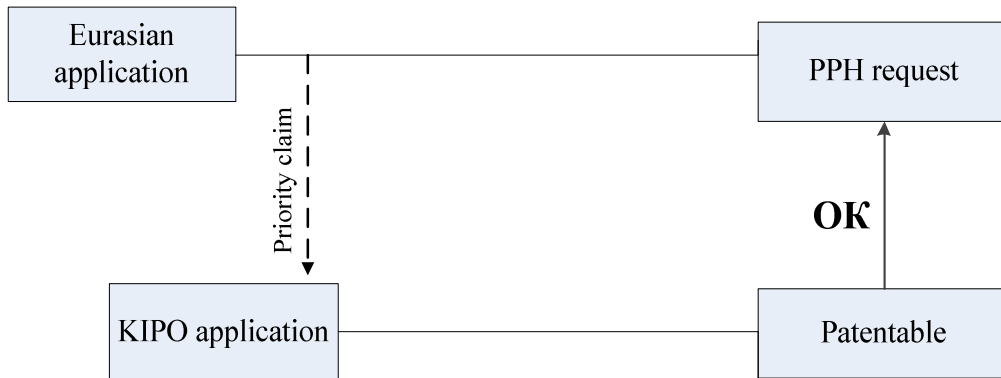
D

Example: Procedure under Paris Convention, divisional application



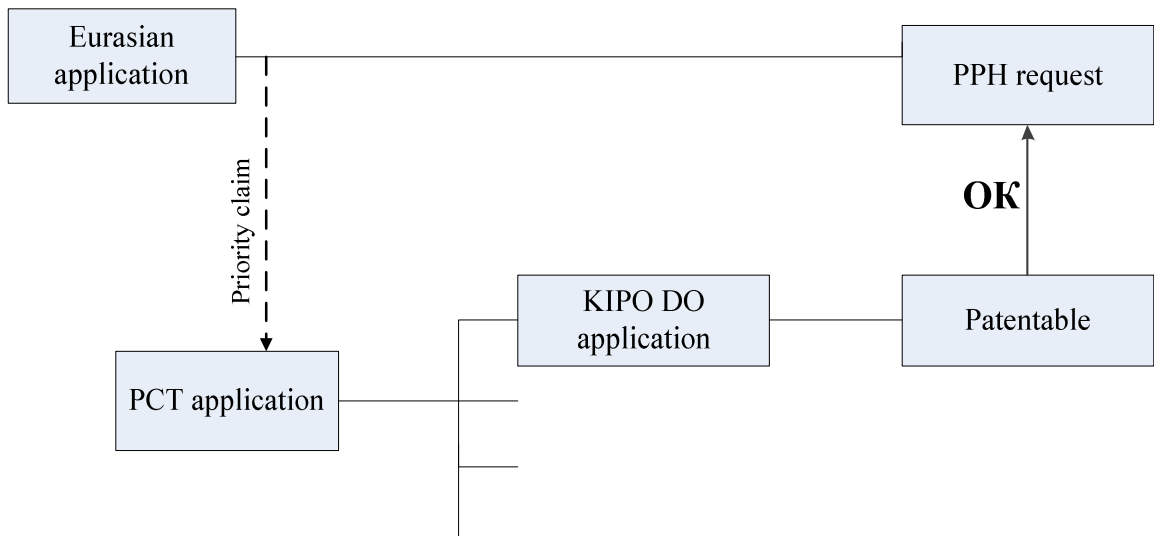
E

Example: Procedure under Paris Convention



F

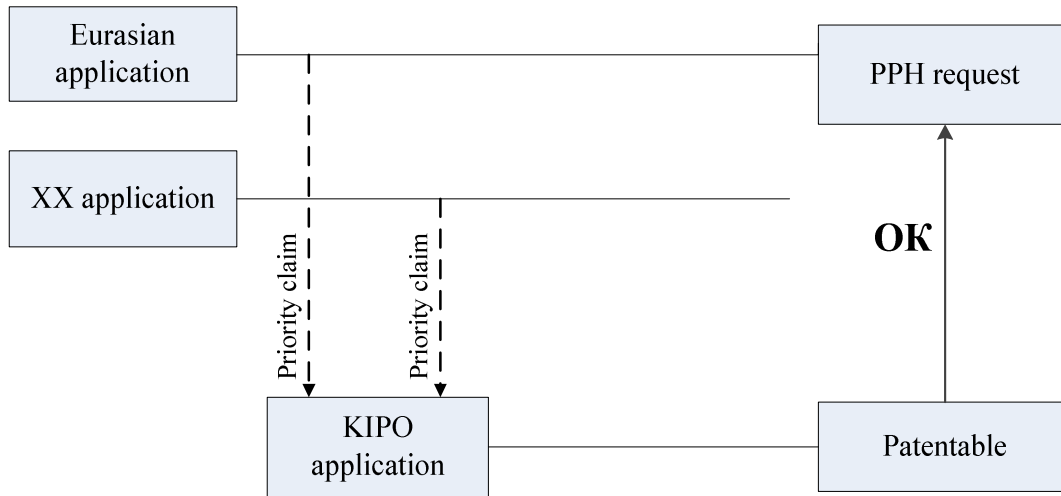
Example: Procedure under PCT



DO = Designated Office

G

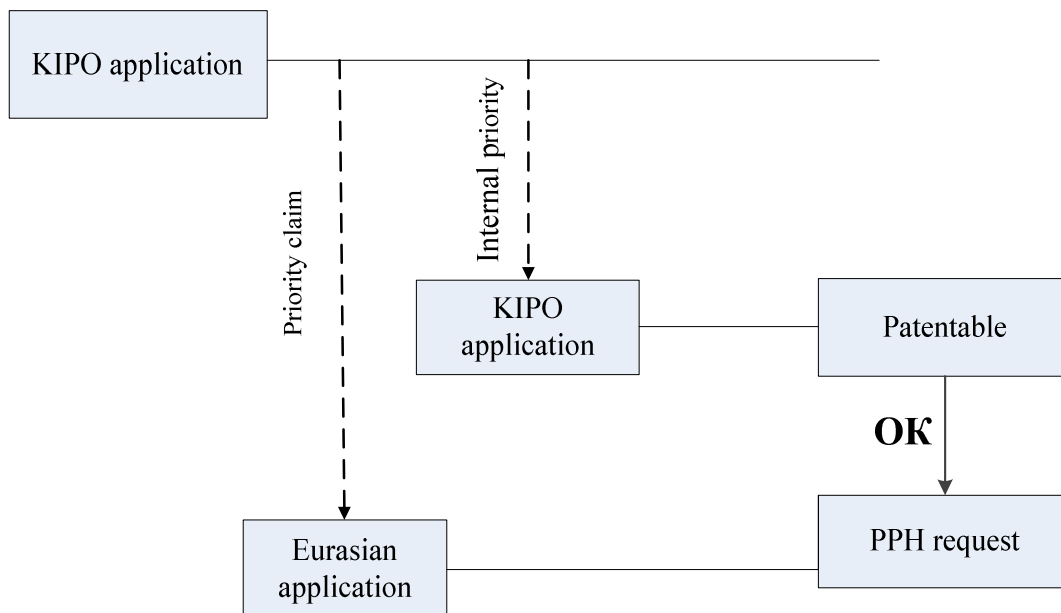
Example: Procedure under Paris Convention, multiple priority



XX = any office other than KIPO

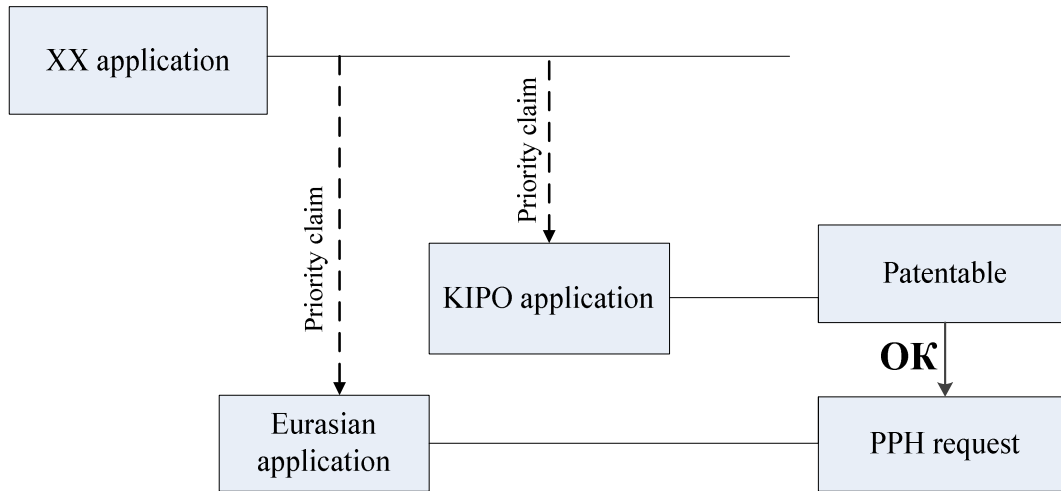
H

Example: Procedure under Paris Convention, internal priority



I

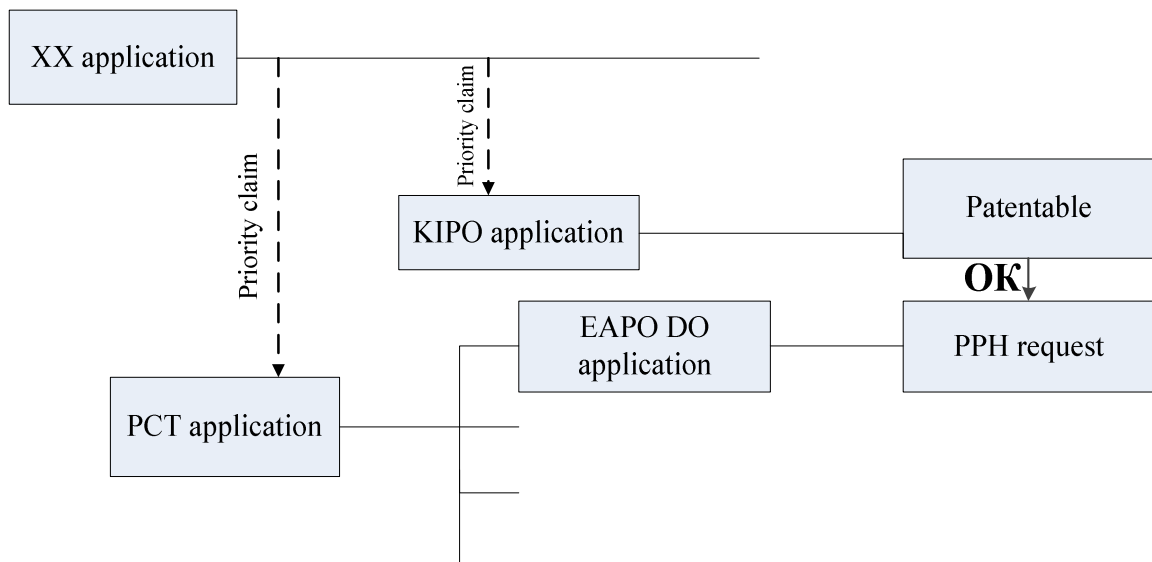
Example: Procedure under Paris Convention, the previous application is from a third country



XX = any office other than KIPO

J

Example: Procedure under PCT, the previous application is from a third country

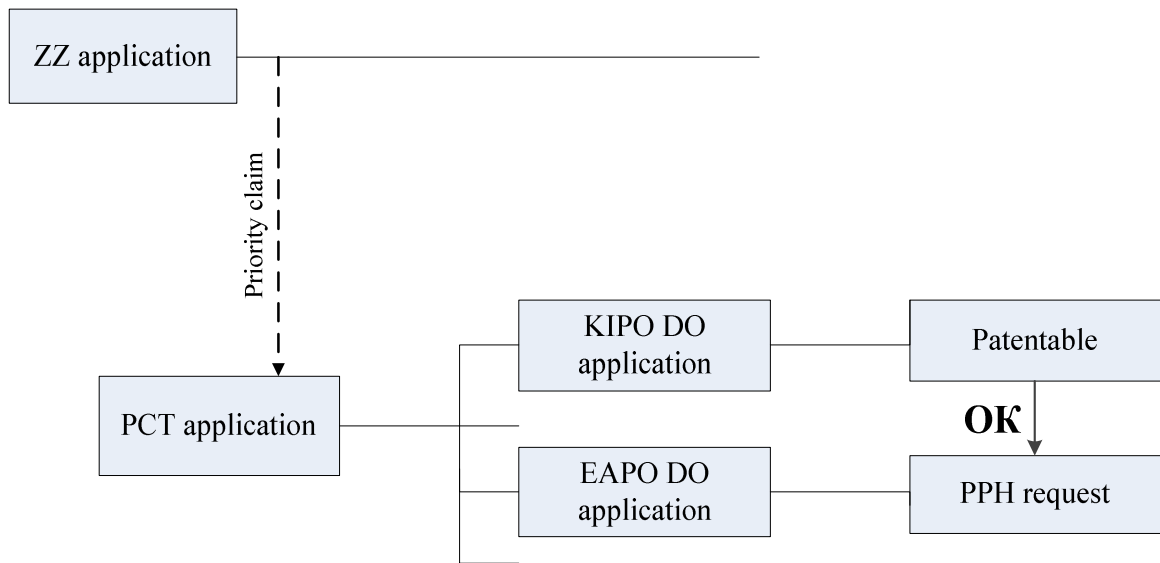


DO = Designated Office

XX = any office other than KIPO

K

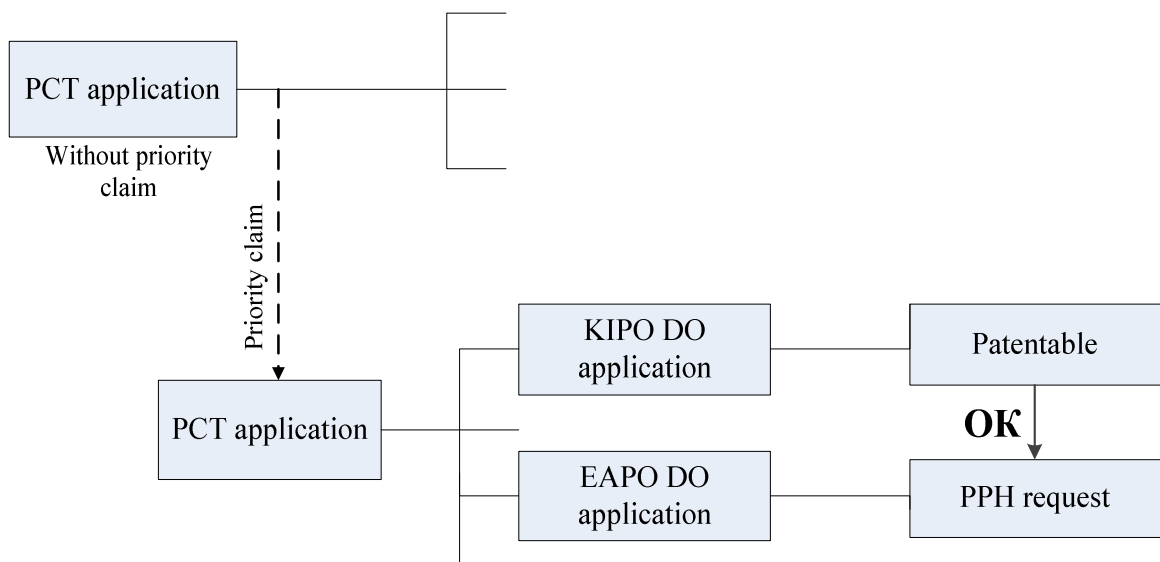
Example: Procedure under PCT



DO = Designated Office
ZZ = any office

L

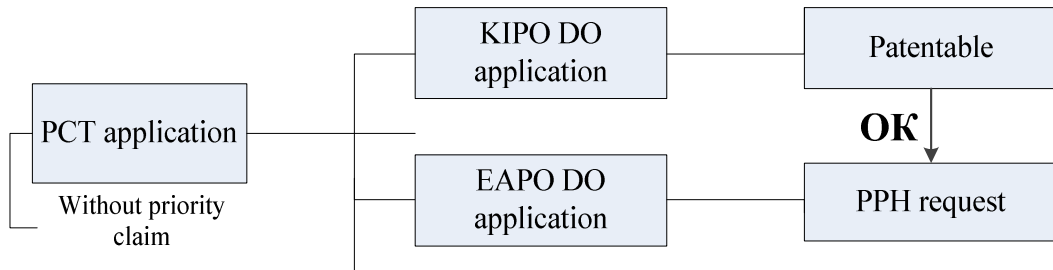
Example: Procedure under PCT (without or with priority claim)



DO = Designated Office

M

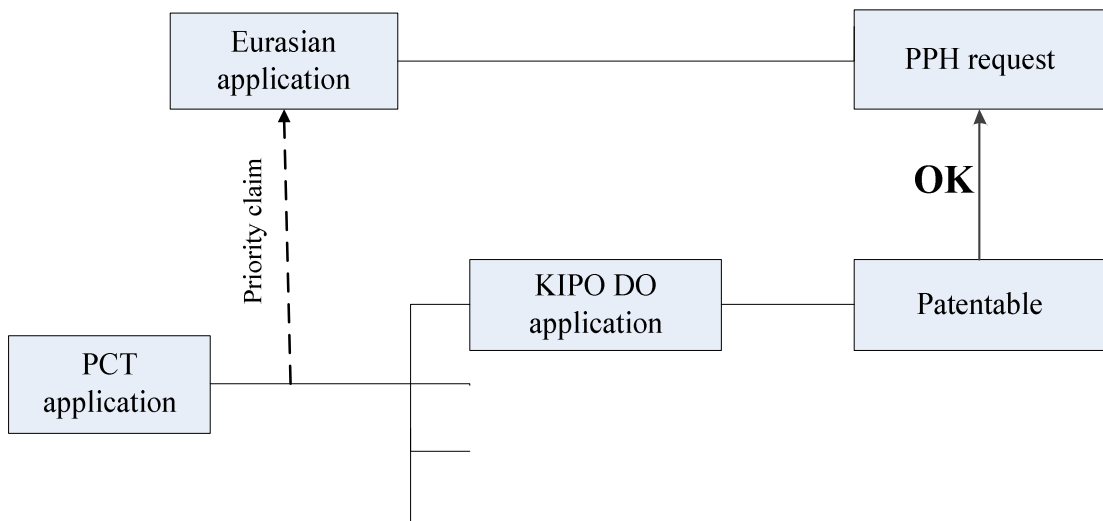
Example: Procedure under PCT (without priority claim)



DO = Designated Office

N

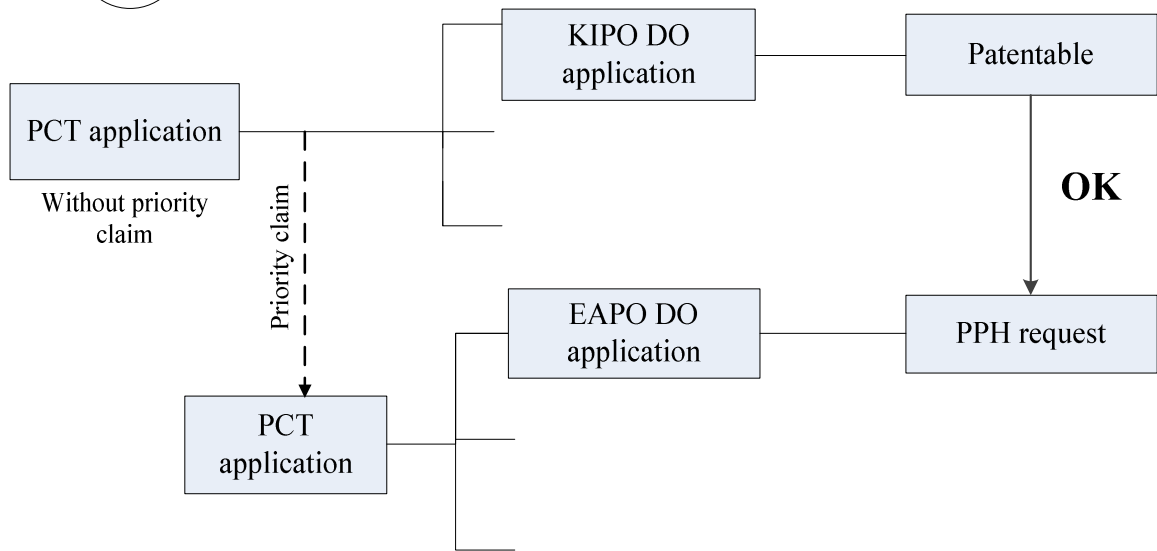
Example: Procedure under PCT



DO = Designated Office

O

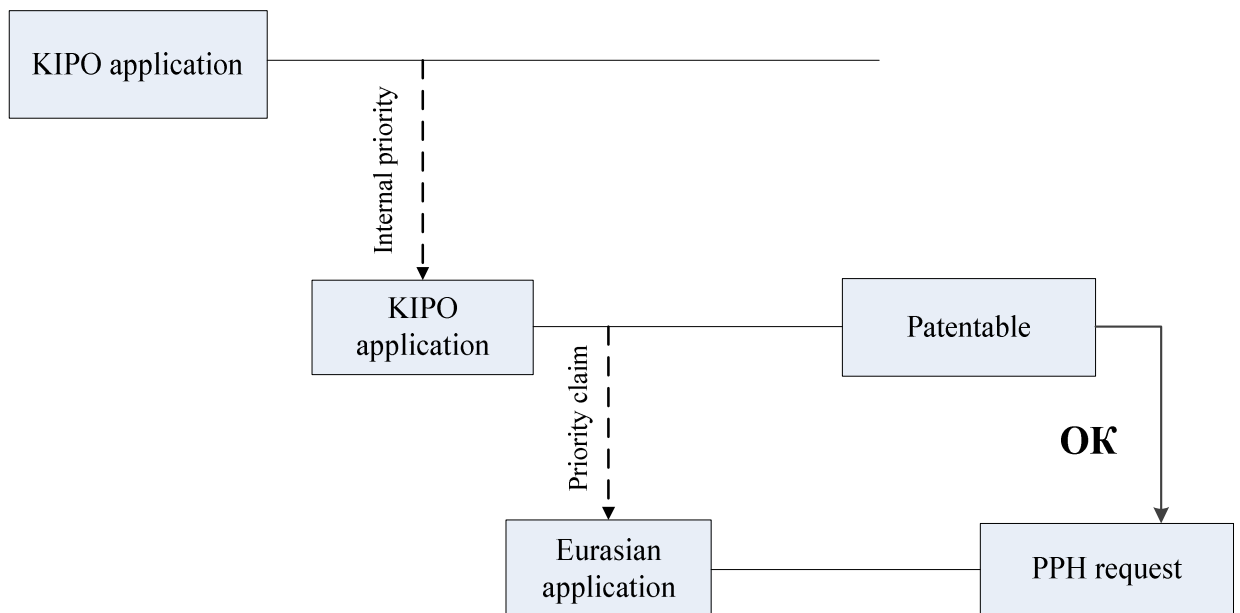
Example: Procedure under PCT



DO = Designated Office

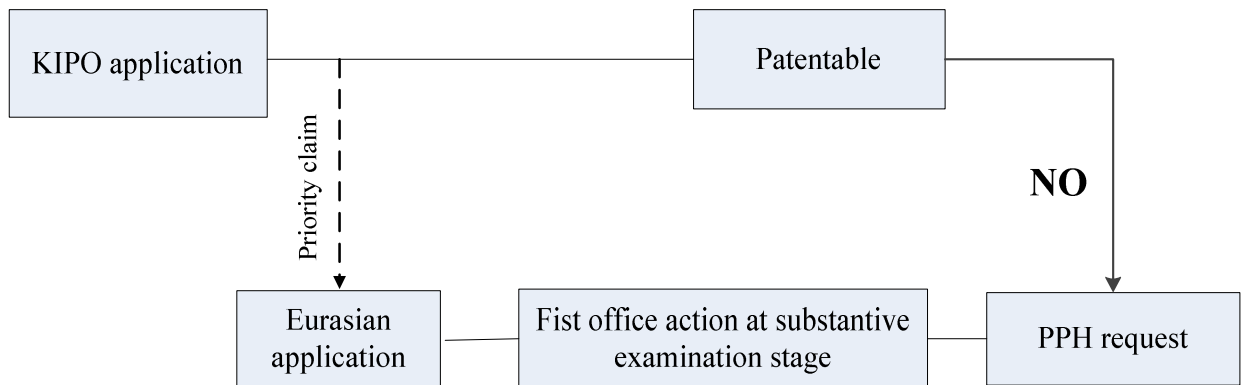
P

Example: Procedure under Paris Convention, internal priority



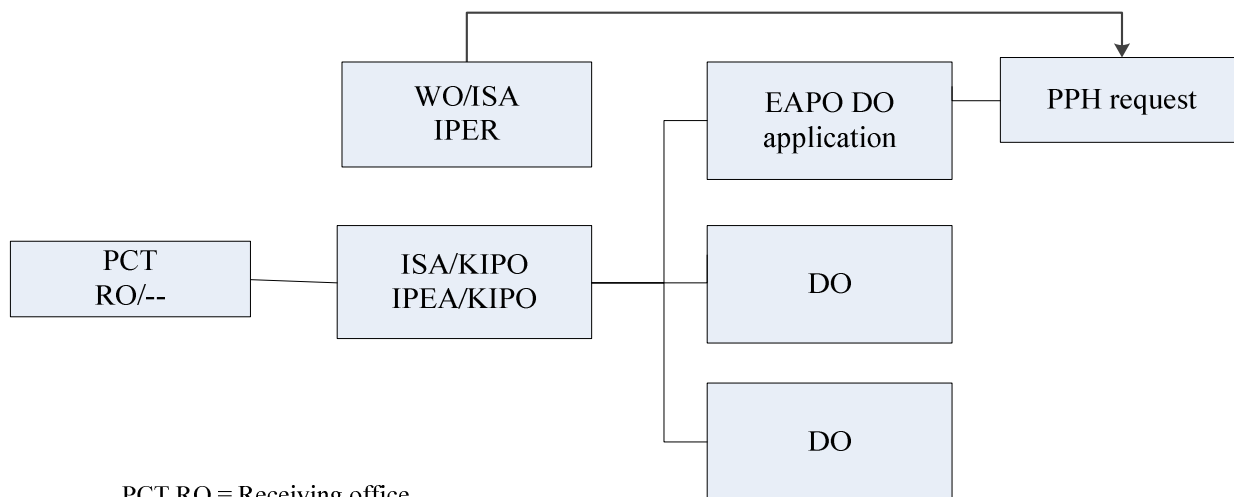


Example: Procedure started before filing PPH request





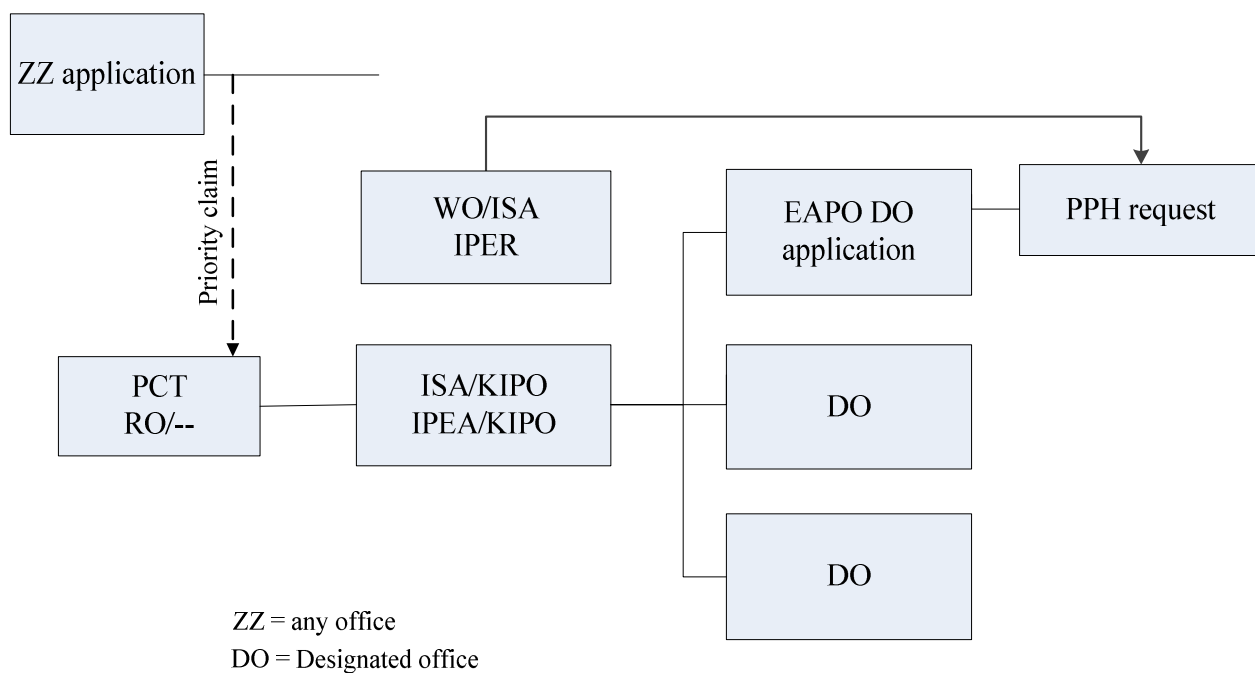
Example: Corresponding PCT application, entered regional phase in EAPO



PCT RO = Receiving office
WO/ISA IPER = International preliminary examination report
DO = Designated office

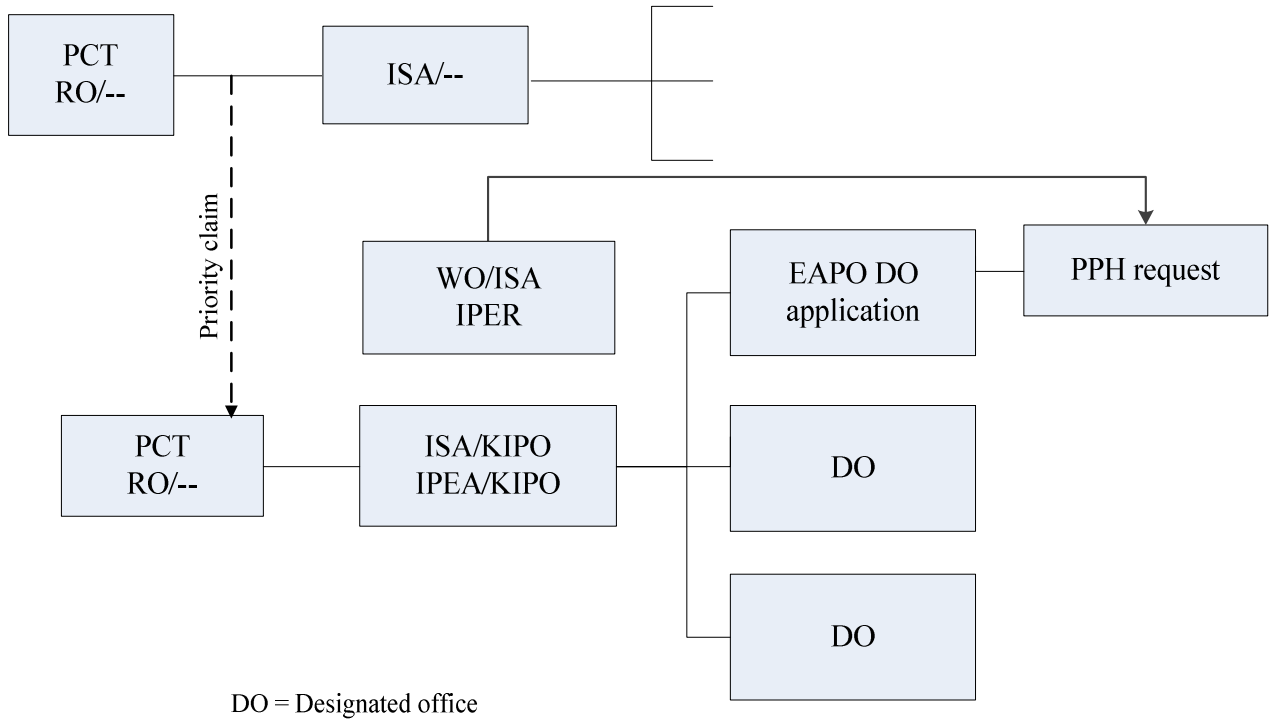
B

Example: Corresponding PCT application, entered regional phase in EAPO (Corresponding PCT application claiming the priority of national application)



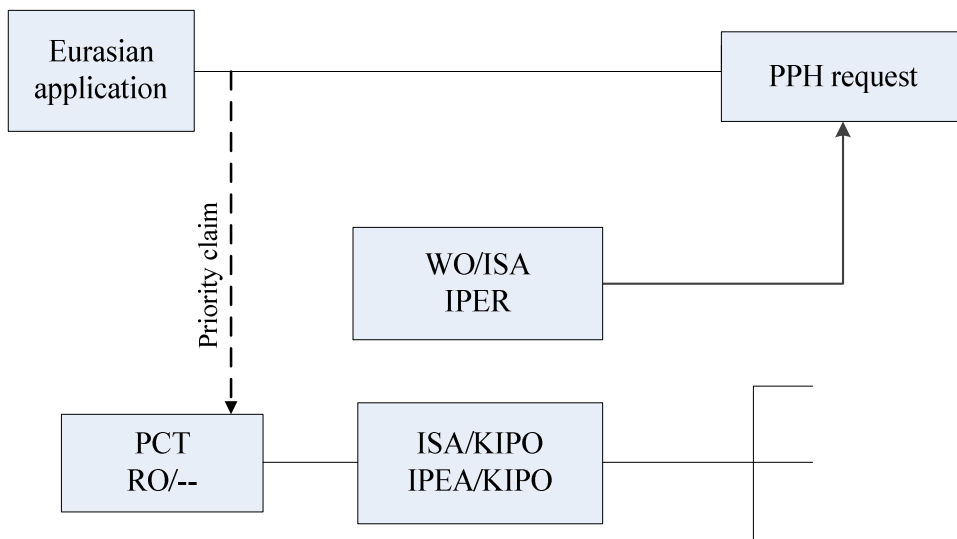
C

Example: Corresponding PCT application, entered regional phase in EAPO (Corresponding PCT application, claiming the priority of PCT application)



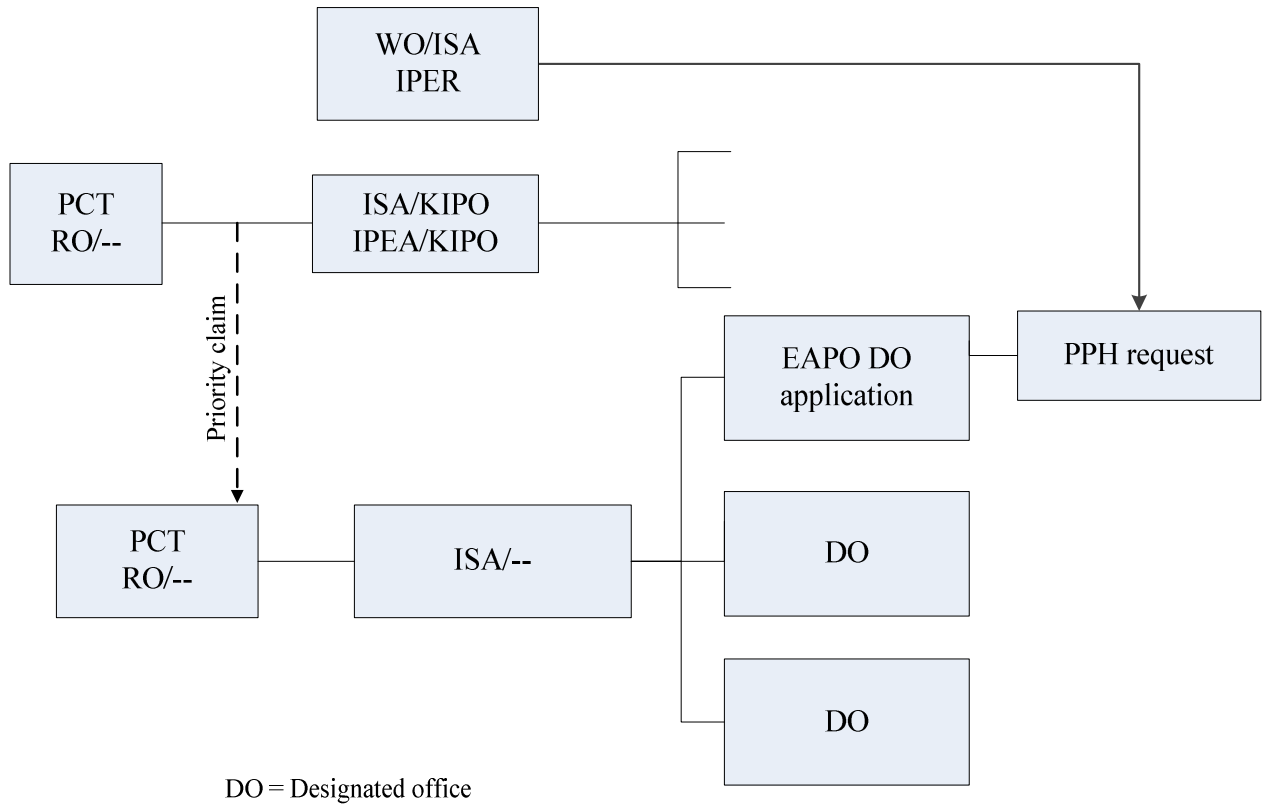
D

Example: Eurasian application, the priority of which is claimed in the corresponding PCT application



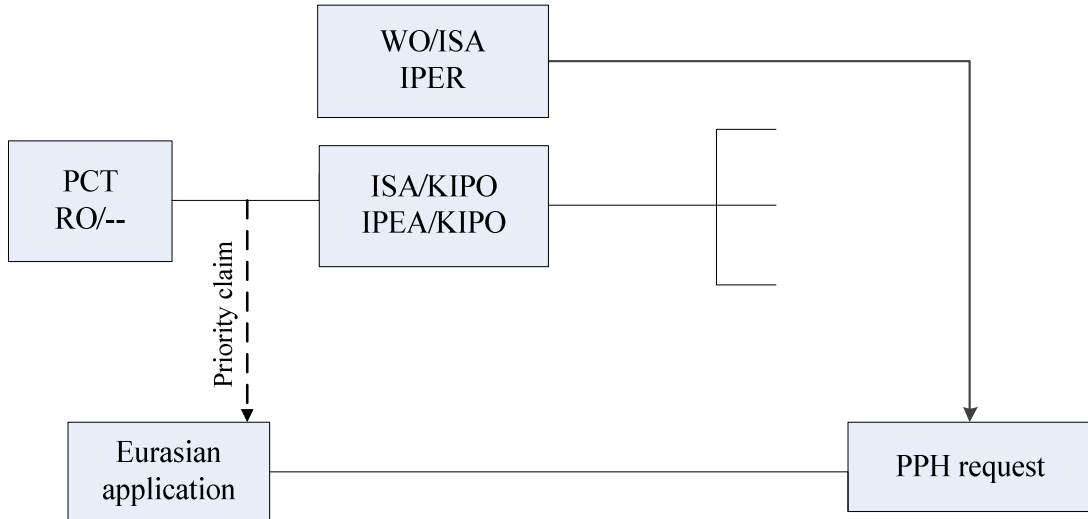
E

Example: PCT application entered EAPO regional phase, claiming the priority of the corresponding PCT application



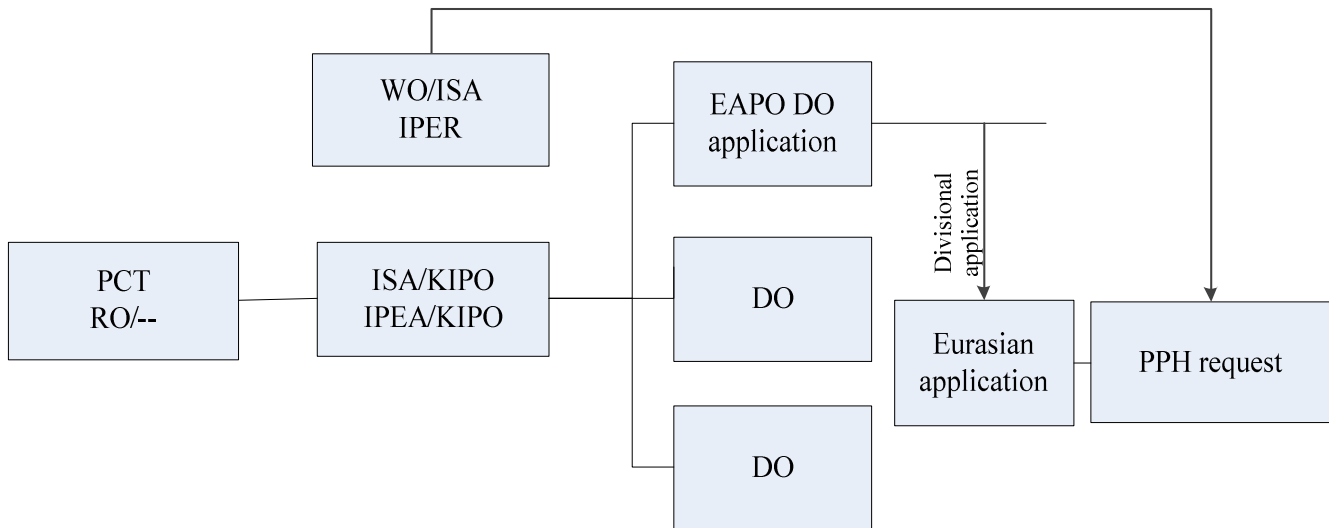
F

Example: Eurasian application, claiming the priority of the corresponding PCT application

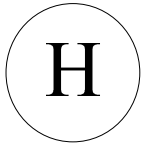


G

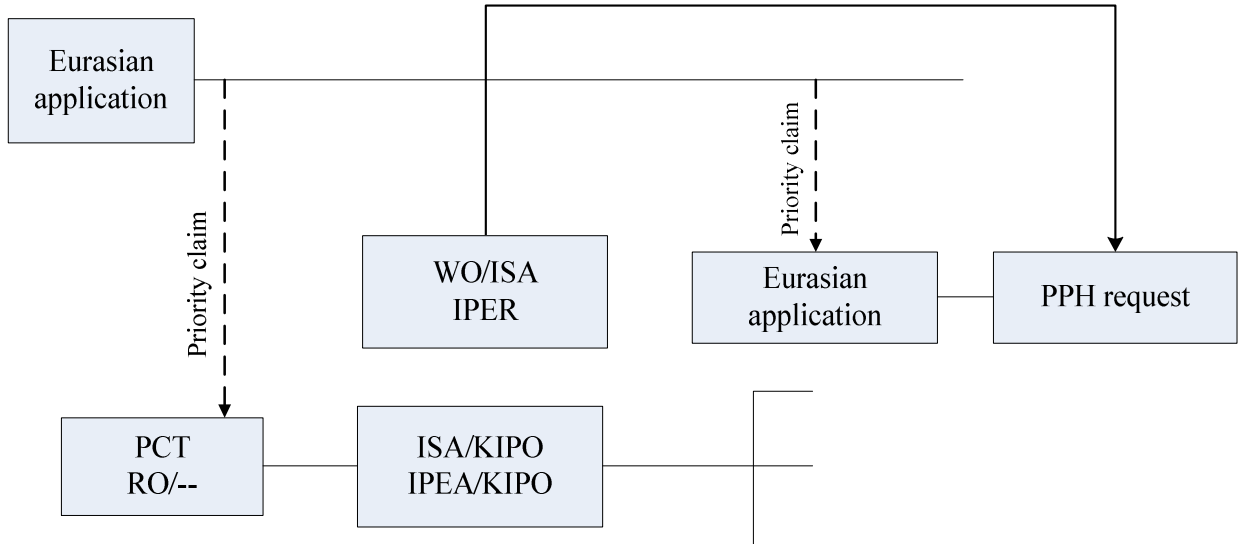
Example: Divisional Eurasian application meeting the requirements of (A-C)



DO = Designated office



Example: Eurasian application claiming internal priority of an application meeting the requirements of (D)



REQUEST
for accelerated patent prosecution in accordance with the Patent Prosecution Highway Pilot Programme between the Eurasian Patent Office (EAPO) and the Korean Patent Office (KIPO)

Eurasian application number	
Applicant	
Hereby the applicant requests accelerated patent prosecution referring to this Eurasian application in accordance with the Patent Prosecution Highway Pilot Programme between EAPO and KIPO (hereinafter referred to as Pilot Program)	
Attached documents:	Number of pages
<input type="checkbox"/> Claims correspondence table between this Eurasian application and the Korean application or International Application for which a positive decision on patentability (novelty, inventive step and industrial applicability) is made	
A copy and the Russian or English translation of the document confirming the claims patentability of the corresponding application <input type="checkbox"/> KIPO Office actions <input type="checkbox"/> Written Opinion prepared by KIPO as International Search Authority (WO/ISA) <input type="checkbox"/> International Preliminary Examination Report prepared by KIPO as an International Preliminary Examination Authority (IPER/IPEA) <input type="checkbox"/> Russian or English translation of the above documents	
<input type="checkbox"/> a copy of non-patent literature to which references are made in the KIPO Office actions as an ISA or as an IPEA <input type="checkbox"/> Russian or English translation thereof	

Date

Signature