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# Eurasian Patent Office as an International Authority in the PCT System

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[www.eapo.org](http://www.eapo.org)

**The Eurasian Patent System, created in accordance with the Eurasian Patent Convention (hereinafter “EAPO”), is the most successful project of Eurasian integration in the field of legal protection of industrial property rights. The Eurasian patent has become popular among applicants due to the efficient and cost-effective procedure for obtaining a Eurasian patent, which provides for filing one Eurasian application with one office instead of eight national applications, paying one set of fees, and assigning one representative.**

The Eurasian patent system has been actively developing recently, providing its users with new opportunities. In 2021, the Eurasian Patent Office started receiving applications for Eurasian industrial designs. Since July 1, 2022, the Eurasian Patent Office has been functioning as an International Searching Authority and International Preliminary Examining Authority (hereinafter “International Authority”) under the Patent Cooperation Treaty (PCT) system. Applicants have already selected the Eurasian Patent Office to conduct patent searches on 19 PCT applications in the first six months of its new status.

International Authorities play a key role in the functioning of the PCT system. Currently, inventors and other patent holders use the PCT system as the main procedure for obtaining patent protection in several countries simultaneously. The number of states participating in the PCT system is increasing every year. Now 157 states and four regional organisations, including the Eurasian Patent Organisation, are parties to the PCT.

**“The number of states participating in the PCT system is increasing every year”**

The decision to appoint the Eurasian Patent Office (EAPO) as an International Authority was unanimously adopted on October 7, 2021, at the Fifty-Third (23<sup>rd</sup> ordinary) session of the PCT Union Assembly on the basis of a positive recommendation of the PCT Committee for Technical Cooperation dated October 6, 2020. The delegations of Russia, Kazakhstan, China, the USA, Great Britain and Northern Ireland supported the proposal to make such a recommendation during the Committee’s meeting. Several states sent official letters to the PCT Committee for Technical Cooperation in support of the appointment of the Eurasian Patent Office as an International Authority.



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**“Applicants  
can benefit  
from similar  
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within the  
procedure in the  
international  
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their positive  
experience of  
patenting”**

As part of the procedure for examining applications from offices seeking the status of an International Authority under the PCT system, two “assisting” offices that already hold this status must evaluate whether the applying office complies with the requirements of the PCT system. The China National Intellectual Property Administration (CNIPA) and the Federal Service for Intellectual Property (Rospatent) highly valued the level of the Eurasian Patent Office’s compliance with such requirements.

The possibility of EAPO obtaining the status of an International Authority was envisaged from the moment the Eurasian Patent Organisation was established. When establishing the Eurasian Patent Organisation, the EAPC Member States initially assumed the necessity of fully integrating the Eurasian patent system into the global patent system. First of all, such integration was envisaged with regard to the PCT as the central international agreement in the field of legal protection of inventions.

Article 20 of the Eurasian Patent Convention provides for the participation of the Eurasian Patent Office in the PCT system in any of the five possible functions in which the Office may participate in the PCT system.

Until July 1, 2022, the EAPO functioned as a receiving office, a designated office, and an elected office (i.e. offices where an international application is examined for obtaining a Eurasian patent for invention in the national (regional) phase). As mentioned above, EAPO has been functioning as an International Searching Authority and International Preliminary Examining Authority since July 1, 2022, ensuring the fullest possible participation in the PCT system.

Thus, it is now possible for applicants from the EAPC Member States to undergo all phases of the PCT procedure at EAPO: file an international application, conduct an international patent search and international preliminary examination and proceed to the national (regional) phase to obtain a Eurasian patent for invention on the basis of the international application. Applicants can benefit from similar approaches and opportunities within the procedure in the international phase due to their positive experience of patenting under the Eurasian patent procedure, particularly the possibility to use the Russian language and to communicate with the examiners in the languages of the EAPC Member States, which the examiners from other International Authorities do not use.



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The status of EAPO as an International Authority indicates, firstly, that other international patent offices have recognised the high professionalism of its examiner staff. Secondly, it indicates that the quality management system of patent search and examination implemented in EAPO fully complies with high international standards. The third accomplishment is that the EAPO has acquired technical and information retrieval equipment. Out of a total of more than 150 offices participating in the PCT system, the EAPO became the 24th office in the world to obtain the status of an International Authority.

It is worth mentioning that the PCT imposes special requirements on International Authorities in terms of their information resources for conducting patent searches on a wide range of world collections of patent documents and non-patent literature, which form the PCT Minimum Documentation. EAPO, as an International Authority, fully complies with such requirements.

The main priority of EAPO as an International Authority is the quality of the international search and international preliminary examination. The quality management system based on the priorities and principles outlined in the EAPO's Quality Management Policy should achieve this goal.

The quality management system in EAPO provides for multi-stage quality control of the examiner's work findings prior to submission to the applicant. It also focuses on all factors affecting the quality of the work findings of the EAPO, including the system of professional training and advanced training of the examiner's staff, the development of the material and technical base and information infrastructure of EAPO, and the methodological maintenance of the search and examination processes. The quality management system of EAPO is fully compliant with the standards set out in the PCT International Search and Preliminary Examination Guidelines.

Since the first day of its functioning as an International Authority, EAPO has concentrated on performing the whole international application prosecution procedure entirely digitally, primarily through the ePCT system developed and maintained by WIPO. Through the ePCT system, EAPO receives electronic documents of international applications required for the international search and prepares an international search report, a written opinion of the International Searching Authority, an international preliminary report, as well as various notifications necessary for the procedure—the digitalisation of workflow benefits due to the fast and secure receipt of correspondence sent by EAPO. In addition, the ePCT system allows EAPO to monitor the workflow's progress, including compliance with timeliness for the preparation and transmittal of search and examination reports. EAPO prioritises the timely preparation of the required documentation and ensures the completeness and quality of the international search and preliminary examination results.

EAPO, as an International Authority, is actively promoting the Russian language in the ePCT system in order to enhance the opportunities and ease of use of the ePCT system for applicants in the Eurasian region. This includes the improvement of the Russian interface of the ePCT system and the translation of the electronic notification forms used in the PCT procedure into Russian.

The fees for international search and international preliminary examination payable to EAPO are set in the amount affordable to applicants in the Eurasian region. The Eurasian fees reflect the current level of fees imposed by the Federal Service for Intellectual Property, which serves as the competent International Authority for applicants from the EAPC Member States along with the Eurasian Patent Office. Thus, the fee for conducting an international search on international applications in the Russian language is 9,000 rubles. At the same time, applicants who have designated EAPO to conduct an international search may subsequently benefit from reductions when paying Eurasian fees at other stages of the application procedure, specifically when paying the fee for EAPO's international preliminary examination (30% reduction) and when paying a unified procedural fee when obtaining a Eurasian patent (40% reduction).

**“This means that EAPO does not impose any restrictions upon such a selection”**

Functioning as an International Authority allows EAPO to increase the number of applications accepted under the Patent Prosecution Highway (PPH) program jointly implemented by EAPO and foreign partner offices. Earlier applicants could only apply to partner offices for participation in the PPH Programme on the basis of a favourable examination report on Eurasian applications. As soon as EAPO has acquired the status of an International Authority, applicants are also eligible to participate in the PPH Program on the basis of a favourable report on patentability prepared by EAPO on international applications. The first such amendments were introduced on April 1, 2023, in the PPH Programme implemented by the Eurasian Patent Office in cooperation with CNIPA.

Currently, EAPO is an International Authority for international applications filed by applicants from all EAPC Member States. It must be noted, however, that applicants from Kazakhstan may designate the Eurasian Patent Office as an International Authority only by selecting the Eurasian Patent Office itself or the WIPO International Bureau as the receiving office. Such restrictions will hopefully soon be eliminated.

Apart from the advantages mentioned above for applicants, the designation of the Eurasian Patent Office as an International Authority will undoubtedly make a significant contribution to the development of the Eurasian system for the legal protection of inventions and will positively influence the legal protection of inventions in the Eurasian region as a whole.

One of the strategic goals of the Eurasian Patent Organisation for the next five years is to create a unified examination and information space where EAPO is expected to gain a critical position and become a

centre of competence in the field of the legal protection of inventions for the entire Eurasian region. The status of EAPO as an International Authority under the PCT fully corresponds to the accomplishment of this goal. This goal is closely linked to increasing EAPO's role both in the PCT system and promoting the use of the PCT system among applicants in the Eurasian region.

Improved patent examiner qualifications, the dissemination of best practices for patent search and examination in the national patent offices of EAPC Member States, and increased exchange of patent information and non-patent literature with these offices should all be significant outcomes of EAPO's activities as an International Authority.

Furthermore, EAPO's operation as an International Authority will ensure a high level of harmonisation of practices for granting legal protection to inventions under the Eurasian procedure with approaches under the PCT system.

EAPO's status as an International Authority has enhanced its ability to participate in the various working bodies created within the PCT system that consider various aspects of improving the PCT system (e.g., meeting of International Authorities under the PCT, PCT Minimum Documentation Task Force). This enabled EAPO to promote and defend the interests of the Eurasian region and EAPC Member States when discussing various issues of the PCT system's functioning.

**According to the Agreement between the Eurasian Patent Organization and WIPO in relation to the functioning of EAPO as an International Authority under the PCT, EAPO may be the competent International Authority for the receiving office of any State that so informs WIPO. This means that EAPO**

**does not impose any restrictions upon such a selection. It is open to all receiving offices of PCT Member States and its selection as the competent International Authority. Considering that EAPO provides the possibility of conducting international searches and international preliminary examinations in English, the selection of the Eurasian Patent Office as a competent International Authority is possible for almost any patent office in the world.**

