Basics of the PCT

The international application

1. Only one application filed, containing designations of States (with choice of protection) and usual priority claim(s)
2. Has the effect of a regular national filing in each designated State: the international filing date is the filing date in each designated State
3. Filed in one language
4. Filed in "home" patent office
5. One set of formality requirements
6. Delays national processing until at least 20 months from the priority date (under Chapter I) or, if international preliminary examination is requested within 19 months from the priority date, until at least 30 months from the priority date (under Chapter II)

Minimum requirements for according an international filing date (Article 11(1))

1. The applicant must have the right to file with the receiving Office for reasons of residence or nationality (Rules 18 and 19)
2. The application must be in a language prescribed by the receiving Office (Rule 12.1)
3. The application must contain at least:
   - an indication of the intention to file a PCT application (Rule 4.2)
   - the designation of at least one Contracting State under Rule 4.9(a) (later designations are not allowed but precautionary designations under Rule 4.9(b) are possible)
   - the name of the applicant (Rule 4.5)
   - a description (Rule 5)
   - a claim (Rule 6)

Not required for obtaining an international filing date

1. payment of fees
2. applicant's signature
3. title of the invention
4. abstract
5. drawings, whether formal or not (however, attention should be given to the question of whether the drawings are necessary for the understanding of the invention; later furnishing of drawings will result in a change of the international filing date)

The PCT applicant (Article 9 and Rule 18)

1. The applicant may be any natural person or legal entity (e.g. the assignee, the inventor)

2. It is possible to indicate different applicants for different designated States;

   – if the US is designated, the inventor(s) must be indicated as applicant(s) for the US, or, in case of a deceased inventor, his legal representative, heirs, etc.

3. At least one of the applicants must be a national or resident of a Contracting State for which the receiving Office acts

Where to file the international application (Rule 19)

- with the national Office of the Contracting State of which the applicant (or at least one of the applicants) is a national or resident, or
- with the International Bureau of WIPO, or
- where applicable, with an Office acting for a Contracting State of which the applicant (or at least one of the applicants) is a national or resident (e.g. European Patent Office for the States party to the EPC)

For details, see Annexes B1 and B2, Volume I, *PCT Applicant's Guide*

Which ISA(s) are competent (Rule 35)

1. One or more ISAs may be competent
2. The competent ISA(s):
   - is (are) specified by the RO
   - if more than one is specified by the RO, applicant has the choice
3. In making his choice, the applicant must take into account the languages accepted by the ISA
4. If the international application is filed with the IB as RO, the competent ISAs will be those which would have been competent if the international application had been filed with (any of) the national Office(s) which, on the basis of applicant's nationality or residence, could be a competent RO
5. Choice of ISA to be indicated in the request (Box No. VII)