American Intellectual Property Law Association

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World Intellectual Property Organization

PCT Seminar

February 26-27, 1996

Tysons Corner Marriott
Vienna, Virginia

CLE REQUESTED

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PCT COURSE SYLLABUS & SCHEDULE

February 26-27, 1996
Tyson Corner Marriott
Vienna, Virginia

Monday, February 26

8:00 a.m.	Continental Breakfast
8:30 a.m.	Introduction to the PCT System (WIPO)
	PCT Timelines (WIPO)
	Basics of the PCT (WIPO)
	Filing of PCT Applications (USPTO)
10:00 a.m.	Coffee Break
10:15 a.m.	Correction of Defects and Rectification of Obvious Errors (WIPO)
12:00 Noon	Buffet Lunch
1:00 p.m.	International Search (USPTO)
3:00 p.m.	Unity of Invention and Protest Procedure (WIPO)
3:45 p.m.	Functions of the International Bureau (WIPO)
	International Publication (WIPO)
	Filing of Demand for International Preliminary Examination (USPTO)
5:30 p.m.	Adjourn

Tuesday, February 27

8:00 a.m.	Continental Breakfast
8:30 a.m.	International Preliminary Examination (USPTO)
	Fees Payable Under PCT (WIPO)
	Amendments under the PCT (WIPO)
10:00 a.m.	Coffee Break
10:15 a.m.	Entry into the National Phase (WIPO)
	Euro-PCT Procedure (WIPO)
12:00 Noon	Buffet Lunch
1:00 p.m.	US National Phase Requirements (USPTO)
	Choice Between USPTO and EPO for International Search and Preliminary Examination (WIPO)
	Extension of International Applications to Successor States (WIPO)
	Benefits Resulting from Using the PCT (WIPO)
3:30 p.m.	Coffee Break
3:45 p.m.	The PCT as a Strategy for Filing Foreign Applications (WIPO)
	Agents and Common Representatives Under the PCT (WIPO)
	Withdrawals (WIPO)
	Indications Relating to Deposited Microorganisms (USPTO)
	Procedure in Case of Nucleotide and/or Amino Acid Sequence Listing (USPTO)
5:00 p.m.	Adjourn

TABLE OF CONTENTS

I	Introduction to the PCT System
II	PCT Timelines
III	Basics of the PCT
IV	Filing of PCT Applications
V	Correction of Defects and Rectification of Obvious Errors
VI	Receiving Office Functions
VII	International Search
VIII	Unity of Invention and Protest Procedure
IX	Functions of the International Bureau
X	International Publication
XI	Filing of Demand for International Preliminary Examination
XII	International Preliminary Examination
XIII	Fees Payable under the PCT
XIV	Amendments under the PCT
XV	Entry into the National Phase
XVI	Euro-PCT Procedure
XVII	US National Phase Requirements
XVIII	Choice Between USPTO and EPO for International Search and Preliminary Examination
XIX	Extension of International Applications to Successor States
XX	Benefits Resulting from Using the PCT
XXI	The PCT as a Strategy for Filing Foreign Applications
XXII	Agents and Common Representatives under the PCT
XXIII	Withdrawals
XXIV	Indications Relating to Deposited Microorganisms
XXV	Procedure in Case of Nucleotide and/or Amino Acid Sequence Listing
XXVI	Annexes PCT Publications Price List Subscription Form for PCT Newsletter Article: A US Company's Experience with the PCT WO/INF/127: Implications of the TRIPS Agreement on Treaties Administered by WIPO
XXVII	Where to Get Help at the USPTO
XXVIII	Where to Get Help at WIPO and at the EPO

Introduction to the PCT System

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.

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

ARIPO
(African Regional Industrial Property Organization)

AFRICAN REGIONAL INDUSTRIAL PROPERTY ORGANIZATION (ARIPO)*

Lusaka Agreement on the Creation of the African Regional Industrial Property Organization (1976)

State	Date on which State became party to the Agreement
Botswana	February 6, 1985
Gambia	February 15, 1978
Ghana	February 15, 1978
Kenya	February 15, 1978
Lesotho	July 23, 1987
Malawi	February 15, 1978
Sierra Leone	December 5, 1980
Somalia	March 10, 1981
Sudan	May 2, 1978
Swaziland	December 17, 1987
Uganda	August 8, 1978
United Republic of Tanzania	October 12, 1983
Zambia	February 15, 1978
Zimbabwe	November 11, 1980

(Total: 14 States)

Harare Protocol on Patents and Industrial Designs Within the Framework of the African Regional Industrial Property Organization (1982)

State	Date on which State became party to the Protocol
Botswana	May 6, 1985
Gambia	January 16, 1986
Ghana	April 25, 1984
Kenya	October 24, 1984
Lesotho	October 23, 1987
Malawi	April 25, 1984
Sudan	April 25, 1984
Swaziland	March 17, 1988
Uganda	April 25, 1984
Zambia	February 26, 1986
Zimbabwe	April 25, 1984

(Total: 11 States)

* Formerly "Industrial Property Organization for English-Speaking Africa (ESARIPO)."

Relationship between the PCT and ARIPO

1. Designation "AP ARIPO patent" in a PCT application covers the following States:

Kenya
Lesotho
Malawi
Sudan
Swaziland
Uganda

2. For the other States, listed below, which are party to the Harare Protocol but not to the PCT, no patent protection can be obtained via the PCT, and therefore they cannot be designated in a PCT application for the purposes of regional (AP) protection or even national protection, until these States join the PCT:

Botswana
Gambia
Ghana
Zambia
Zimbabwe

B2 Information on Intergovernmental Organizations B2

EA EURASIAN PATENT ORGANIZATION EA

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 63 21
Facsimile machine:	(70-95) 921 24 23
Teleprinter:	-
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 correction 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 (as from 27 February 1996), Azerbaijan, Belarus, Kazakstan, Kyrgyzstan (as from 13 January 1996), Republic of Moldova (as from 16 February 1996), 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 (as from 27 February 1996), Azerbaijan, Belarus, Kazakstan, Kyrgyzstan (as from 13 January 1996), Republic of Moldova (as from 16 February 1996), Russian Federation, Tajikistan, Turkmenistan: Eurasian Patent Office (EAPO) (see Volume II)

[continued on next page]

PCT NEWSLETTER

PATENT COOPERATION TREATY

DECEMBER 1995 No. 12/1995

Season's Greetings to all PCT Newsletter readers

EURASIAN PATENT CONVENTION

Republic of Moldova

The Republic of Moldova deposited its instrument of ratification of the Eurasian Patent Convention on 16 November 1995 and will become bound by that Convention on 16 February 1996 (for further details on the possibility of designating the Republic of Moldova for a Eurasian patent in a PCT application, as of 16 February 1996, see *PCT Newsletter* No. 11/1995, cover page).

EXTENSION OF EUROPEAN PATENTS TO ALBANIA

An agreement between the European Patent Organisation and Albania on the extension of the effects of European patent applications and patents to Albania entered into force on 3 November 1995. Under that agreement, it is possible to obtain patent protection in Albania by requesting the extension of a European patent to that State. The extension procedure is also available, if the necessary requirements are met, via the PCT. The agreement with Albania is similar to those which entered into force on 1 March 1994 in respect of Slovenia, on 5 July 1994 in respect of Lithuania and on 1 May 1995 in respect of Latvia (see *PCT Newsletter* Nos. 01/1994, 04/1994, 05/1994 and 05/1995).

Note that Albania (country code: AL) is not party to the European Patent Convention (EPC) and cannot itself be designated for a European patent (EP). If protec-

[continued on page 2]

INSIDE THIS ISSUE

Extension of European patents to Albania *[continued]* 2
PCT Newsletter subscriptions for 1996. 2
Non-working days at the International Bureau. 2
1996 Prices for PCT publications 3
The first twenty-five years of the PCT (1970–1995) . 3
PCT information update . 3–4
Practical advice 4–5
PCT seminar calendar 6
PCT fee tables 7–11
PCT Contracting States and two-letter codes . . . 12
Tear-out sheets: PCT Newsletter subscription form, provisional sheets for the *PCT Applicant's Guide*, Vol I, Annexes B1 (AL) and (TR) and C (AL) and (TR), Vol. II/A, National Chapter, Summary (AL) and Vol. II/C, National Chapter, Summary (TR)
Loose-leaf sheets: 1996 Price lists for PCT publications

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1970-1995 PCT WIPO-OMPI

PCT Timelines

Explanation "PCT Timeline A"

First Filing/ Priority Date:	Date of filing the first application the priority of which is claimed in the international application
Foreign Filing Decision Period:	Period for making the decisions relating to filing abroad
PCT Filing:	Filing of an international application under the PCT at the end of the priority year. For PCT filings at the beginning of the priority year, see "PCT Timeline B"
PCT Fees:	Transmittal fee, international fee (basic fee, designation fees) and search fee due within one month from filing
PCT Search:	Period within which the international search report will normally be established
PCT Search Report:	Date by which the international search report may normally be expected
PCT Claims Amendments:	Time limit for amending claims before the International Bureau of WIPO in the international phase (Article 19)
PCT Publication Date:	International publication of the application as a PCT pamphlet and in the PCT Gazette
Deadline for Filing of PCT II Demand/Election:	The expiration of 19 months from the priority date is the latest date for filing a demand, paying the preliminary examination fee and handling fee; election of designated States for the purpose of international preliminary examination and postponement of the entry into the national phase by ten months
Decision Period National Phase Entry PCT I:	Applicant must decide on entry into the national phase in designated States not elected for international preliminary examination or not bound by PCT Chapter II
PCT I National Phase Entry:	Payment of national fee and, if required, furnishing of translation to the Offices of the States designated in the international application but not bound by Chapter II or not elected for PCT Chapter II
PCT II Preliminary Examination, Opportunity to File Amendments and Arguments:	Period available for the international preliminary examination procedure
PCT II Preliminary Examination Report:	Deadline for the establishment of the international preliminary examination report, i.e., 28 months from the priority date
Decision Period National Phase Entry PCT II:	Applicant must decide on entry into the national phase in all the elected States
PCT II National Phase Entry:	Payment of national fee and, if required, furnishing of translation to the Offices of the States which have been elected for international preliminary examination prior to 19 months from the priority date

Explanation "PCT Timeline B"

PCT First Filing/ Priority date:	Filing of an international application without claiming priority. The international filing date is the priority date. This timeline applies equally if an international application claiming the priority of another application is filed during the five months after the filing of that other application
PCT Fees (except designation fees):	Due within one month from filing
PCT Search:	Period within which the international search report will normally be established
PCT Search Report:	Date by which the international search report may normally be expected
Early Filing of PCT II Demand:	Filing of the demand for international preliminary examination and payment of the preliminary examination fee and the handling fee as soon as possible after receipt and evaluation of the international search report; election of designated States
PCT Designation Fees:	Due within one year from the priority date
PCT Publication Date:	International publication of the application as a PCT pamphlet and in the PCT Gazette
Deadline for Filing of PCT II Demand/Election:	The expiration of 19 months from the priority date is the latest date for filing a demand, paying the international preliminary examination fee and handling fee; election of designated States for the purpose of international preliminary examination and postponement of the entry into the national phase by ten months
Decision Period National Phase Entry PCT I:	Applicant must decide on entry into the national phase in designated States not elected for international preliminary examination or not bound by PCT Chapter II
PCT I National Phase Entry:	Payment of national fee and, if required, furnishing of translation to the Offices of the States designated in the international application but not bound by PCT Chapter II or not elected for PCT Chapter II
PCT II Prelimimary Examination, Opportunity to File Amendments and Arguments:	Period available for the international preliminary examination procedure
PCT II Prelimimary Examination Report:	Deadline for the establishment of the international preliminary examination report, i.e., 28 months from the priority date
Decision Period on National Phase Entry PCT II:	Applicant must decide on entry into the national phase in all elected States
PCT II National Phase Entry:	Payment of national fee and, if required, furnishing of translation to the Offices of the States which have been elected for international preliminary examination prior to 19 months from the priority date