



PCT Reform: Back to the future

FICPI/AIPLA Colloquium

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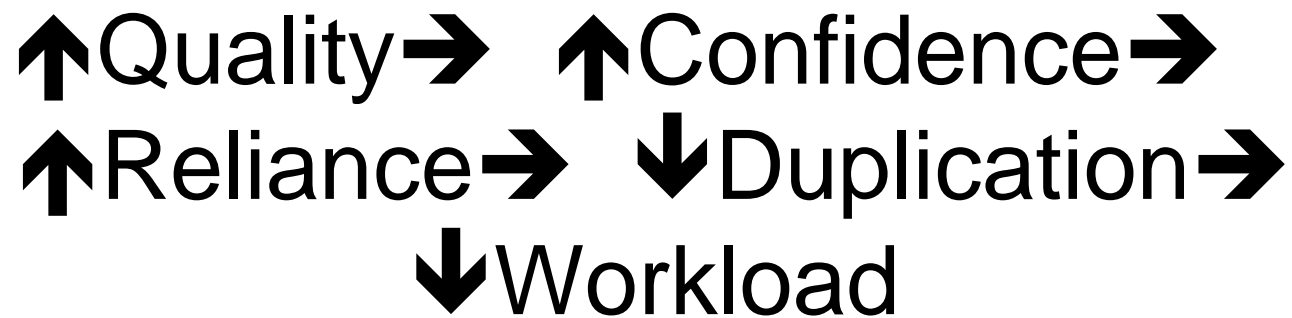
PCT AND BACKLOGS

- There is no backlog in the PCT
- Office backlogs (varying) apparently affect PCT
- Political dimension: backlogs reflect patent flaws
- PCT reform probably can't reduce backlogs much
- But it may help stop growth and prevent recurrence

A BIT OF HISTORY (PCT)

- **Duplication of effort** was the PCT's target from the beginning
- Paris Union Executive Committee Sep. 29, 1966 noted “that in any one country a considerable number of applications duplicate or substantially **duplicate applications** concerning the same inventions in other countries thereby **increasing** “the” **volume of applications to be processed**”
- This led to Washington Diplomatic Conference in 1970 establishing the PCT, noting that the “saving of effort for the national Offices consists primarily in their receiving international **search reports** and possibly also [IPERs], both of which considerably reduce the work of examination” but that those reports “**have to meet high standards** which are internationally regulated”

RELATIONSHIP OF REPORT QUALITY TO WORKLOAD



PCT ROADMAP 2009

- Addressed variable quality and timeliness
- Vetted with largest offices
- Discussed with users
- PCT WG May: US proposal misunderstood
- IB asked to do study and report back
- In the meantime, many recommendations are being implemented

PCT STUDY RECOMMENDATIONS 2010

PCT/WG/3/2

- Builds on questionnaire
- Background of MIA quality sub-group
- Extensive consultations in advance of PCT WG
- Study focus: high quality, timely reports
- Almost all recommendations accepted
- DAG concerns: backlog, TT, capacity building

PCT WG CONSENSUS ON QUALITY

- IAs ensure sufficient resources and incentives
- IAs develop useful quality management systems
- IAs recognize quality of own work
- Search strategies, relevance explained
- Feedback from DO's and EO's
- National reports shared electronically
- Third party observations
- Collaborative search and examination

WORKSHARING?

“IT’S THE PCT, STUPID!”