



SUBJECT: **Proposal for a PCT LINK System**

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AUTHOR: **Jan Modin, Vice President & Member of
CET Group 3**

REFERENCE: **EXCO/US09/CET/1307**

MEETING:: **ExCo Washington D.C., US**

PURPOSE **For information and completion**

MEETING DATE: **6 & 10 June, 2009**

EXECUTIVE SUMMARY

Proposal for a PCT LINK System

It remains to make the PCT system even more attractive and yet effective and to ensure a better coordination between the patent offices of the contracting parties, in a way the PCT was intended to operate when it was agreed upon some 35 years ago.

The present proposal for a PCT LINK system is based on a principle of coordinating the efforts of the PCT Authority and those of the designated or elected offices, at least those offices that have facilities for search and substantive examination, in line with the concepts of the PCT ROADMAP recently presented by WIPO.

Accordingly, there should be established, for more effective work sharing, a

- a link making it possible to exchange information between the Office of first filing "OFF" and the PCT Authority,
- also links facilitating a mutual exchange of information between the designated/elected offices during the parallel national phase processing of the PCT application, including a feedback of supplementary search results from these offices. In this way, there will be achieved a kind of extended international processing, without involvement of the PCT searching and examining Authorities. The links should point to the respective websites of the national Offices, and the latter should agree to present the search results in a standardized manner, in English, including particulars on what material was searched and other relevant information, and
- a publicly available PCT LINK Data Base, e.g. as an extension of the present database PATENTSCOPE provided by

WIPO. This database should contain information on the various links as from 18 months from the priority date of each PCT application. If necessary, there could be a voluntary authorisation by the PCT applicant in the PCT Request. It should also contain the entire file of the international phase proceedings of the PCT application.

Final grant process at the national/regional level

Like today, the final process of examination and grant of a patent should take place at the respective national/regional offices being responsible for the grant of patents in the particular jurisdiction.

Benefits

There will be a much better basis for the Offices to look at a number of examination reports from the PCT Authority and a number of examining offices. Provided that the searches made by the Offices are truly supplementary in character, undue duplication of work will be avoided. Hopefully, this will contribute to reduce the patent office backlogs. Applicants will be relieved of the obligation to inform the local offices about examination results from other countries or the mere existence of parallel patent applications. Where there are requirements to file an Information Disclosure Statement or the like, as in the USA, the requirement could be confined to disclosing prior art items that have not been cited by other patent offices.

Third parties can easily find out where national/regional applications have been filed and assess the value of these applications on a continual basis.

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