

Filing a PCT Application International Phase

Lex Orbis
Intellectual Property Practice
October 9, 2004



Patent Cooperation Treaty [PCT]

Multilateral Treaty

Concluded in Washington in 1970

Entered into force in 1978

Administered by International Bureau [IB] of World
Intellectual Property Organization [WIPO]

Phases of PCT Application

International Phase

National Phase

Begins with filing of an International Application...

...ends with grant of many national or regional patents.

Steps of International Phase [3 + 1]

1. Filing of an International Application & its processing by the Receiving Office.
2. Establishment of the International Search Report [ISR] & Written Opinion by International Search Authority [ISA].
3. Publication of the International Application with ISR.

Includes communication of the published International Application & the ISR by the IB to national (regional) offices.

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4. International Preliminary Examination
- Includes Communication to the national
(regional) offices upon request

Why PCT Application ?

Filing an International Application under PCT:

saves effort of the Applicant
time, work, money

helps applicant to make decisions about the prosecution of the application before national patent offices.



Savings arises from the fact that: Applicant files

one application;

at one place;

in one language;

pays one initial set of fees; and

this international application has the effect of
a national application.



Applicant receives help while prosecution of the application before the national patent offices from:

advice received from the ISR (also written opinion)

international preliminary report on patentability (if demand is filed)

International Application

What is an International Application?

An application is “international” when it is filed under and with reference to the PCT.

[first step towards obtaining a patent]

Effects of an International Application (2)

1. same as that of a national application. It occurs on the date accorded as the International Filing Date.
2. no designated office may process or examine the international application prior to expiration of 30 months from the priority date.

Where to file?

Receiving Office
International Bureau

Contents of an International Application

1. Request
2. Description
3. Claim(s)
4. Drawing(s)
5. Abstract



Order of Elements:

Request

Description

Claim(s)

Abstract

Drawing(s)

Numbering of Sheets

3 or 4 Series in Arabic Numerals

for (a) Request; (b) description, claim(s), abstract;
(c) drawings; and (d) sequence listing (if any)

The Request

Form PCT/RO/101

The request must:

- (a) be made on a printed on form; or
- (b) be presented as a computer print-out; or
- (c) be in the format of the print-out of the computer generated request using PCT-SAFE software

Downloadable PDF versions (Editable and Non-editable)

Physical Requirements of Description

Paper Size: A4
 White
 Durable

Margins:

Minimum 2 cm: Top, Bottom & Right
Minimum 2.5 cm: Left
Maximum 3 cm: Bottom & Right
Maximum 4 cm: Left & Top

File Reference No.: within 1.5 cm (Top Margin, Left Side)

Physical Requirements of Description

Page No.: Not in the margins

Numbering of lines: Every 5th line

Typewritten or printed

1 ½ spaced

Dark indelible colour

Capital letter should be minimum of 0.21 cm high

Number of Copies: At least 3



Thank You