Patent Public Advisory Committee Meeting
Update on International Programs
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Discussion Topics

- The Global Dossier Initiative
- Brief Overview of The Hague Agreement
The Global Dossier Initiative
• Reorganization of IP5 IT and many other efforts to focus on a common future state
• Global Dossier Task Force - first meeting in January 2013
  – IP5 Offices
  – WIPO
  – IP5 Industry
• Expansion including, Vancouver, ASEAN and possibly PROSUR IP offices; others
• USPTO will continue to lead pace of progress
Global Dossier – User Input

- User engagement during business requirements development is critical to success
- IP5 Industry currently identifying highest priority requirements
- USPTO values PPAC participation during this process
Brief Overview of the Hague Agreement
Paris Route vs. The Hague System
Hague System and Other Major Events From 1883

- 1883: Paris Convention
- 1886: Madrid Agreement
- 1891: BIRPI
- 1893: Berne Convention
- 1895: Hague Agreement (HA)
- 1925: London Act of HA
- 1934: Hague Act of HA
- 1960: WIPO Convention
- 1967: PCT
- 1970: Madrid Protocol
- 1989: WIPO Convention
- 1999: Geneva Act of the HA
Geneva Act Membership

September 6, 2012

45 Members (including EU and OAPI = 70 States covered)
• Equivalent of over 10M design registrations since 1928
• Some 110,000 designs “active” today
• 96% of the 8000 rights holders have 10 or less designs
• 2440 IRs (11,971 designs) recorded in 2012
Filing an International Application

• Language: English, French, or Spanish
• Directly with WIPO, electronically or on paper
• Indirectly through USPTO
• Up to 100 different designs (same Locarno class)
• Single set of requirements apply
• Single set of fees is to be paid (in CHF)
Role of International Bureau (IB)

- Examination of Formalities
- Translation into two other languages
- Recording of the IR in the International Register
- Crediting of designation fees to accounts of CPs
- Publication in the International Designs Bulletin
  – every Friday on WIPO’s website

http://www.wipo.int/hague/en/bulletin/haguebulletin/index.jsp
Procedure at Designated CP

• **Normal Substantive Examination by Office:**
  – To the extent it applies to national filings
  – Formalities examination is skipped
  – Statement of Grant of Protection may be issued

• **Possible Refusal:**
  – Made on same substantive grounds as for direct filings
  – Communicated in time limit (U.S. 12 months)
Effects of IR under Geneva Act

• Article 14(1):
  – Effect as a regularly-filed application from the date of IR

• Article 14(2)(a):
  – Effect as a grant of protection under the law of the Contracting Party if no refusal timely notified

• USPTO currently preparing NPR
PCT 20/20
Improvement of the Patent Cooperation Treaty System
Background

- The PCT has been successful
  - Over 2 million international applications filed
- The PCT was the first international work sharing system between intellectual property Offices
- Director Kappos requested that specific improvements be identified
PCT 20/20

- Developed in cooperation with UKIPO
- Series of diverse ideas identified
- Proposals focus on
  - Increasing quality
  - Increasing transparency
  - Simplification
Proposals For PCT WG (1)

• Self-Service Changes – 92bis & priority claims

• Integrate National/International Phases
  – Require response to negative comments at the national phase

• Formal Integration of the Patent Prosecution Highway into the PCT
Proposals For PCT WG (2)

- Make the Written Opinion of the International Searching Authority available to the Public After International Publication
- Mandatory Recordation of Search Strategy
- Mandatory Top-Up Searches
• Limited Chapter I Claim Amendments
• Simplify Withdrawals of International Applications
• Standardized Fee Reductions for National Stage Applications
Additional Proposals (2)

• Development and Implementation of the Global Dossier and Incorporation of that System into the PCT

• International Small/Micro Entity Fee (or Discount)

• Collaborative Searching (2 or more Offices)
Thank You!