



INTELLECTUAL
PROPERTY **INDIA**
PATENTS | DESIGNS | TRADE MARKS
GEOGRAPHICAL INDICATIONS

Use of the PCT - National Perspective

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Patent Cooperation Treaty

- PCT was signed on 19th June 1970
- It came into force on 25th January 1978 with Chapter I of the PCT in respect of 13 States
- Chapter II of the PCT entered into force on 29 March 1978
- It commenced operations with PCT Receiving office on 1 June 1978
- India Joined PCT on 7th December 1998 as 98th Member
- At present 152 countries are member to PCT

Patent Cooperation Treaty

- PCT is an international system to facilitate and streamline filing of Patent applications for obtaining patents internationally
- More specifically, the PCT establishes a procedure for the *filing* and *processing* of a single application for a patent which has legal effect in the countries which are Treaty members
- Simplifies the procedure for obtaining patent protection in many countries, making it more efficient and economical for:
 - (1) users of the patent system (applicants and inventors); and
 - (2) patent Offices
- However it is not at a system of patent grant globally
- Under PCT, each member country has flexibility to grant or refuse the patent on PCT application as per national Law

Principal Objectives of the PCT

To simplify filing of patent applications in several countries: **To enable business**

To avoid duplication of works: filing with a single patent office, of a single application, in one language

To facilitate and accelerate access to technical information related to inventions

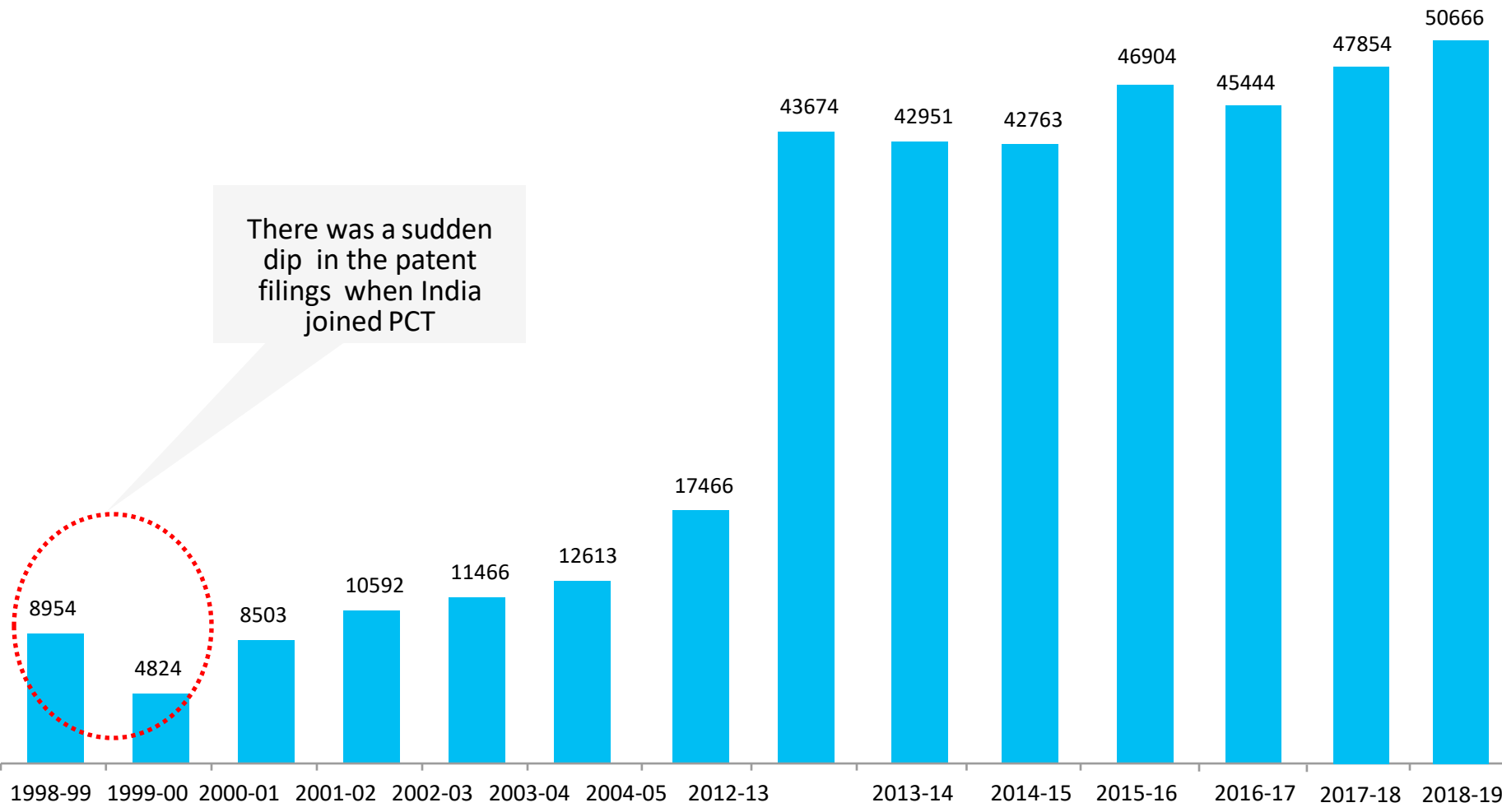
To benefit from the PCT system the applicant must be **national** or **resident** of one of the PCT Contracting States

THE PCT system-general facts

- The PCT system is a patent “filing” system, not a patent “granting” system. There is no “PCT patent”
- The PCT system provides for
- an international phase comprising:
 - ♣ filing of the international application
 - ♣ international search and written opinion of the ISA
 - ♣ international publication and
 - ♣ international preliminary examination
- a national/regional phase before designated Offices
- The decision on granting patents is taken exclusively by national or regional Offices in the national phase
- international application can be put in order before national phase
- translations and national fees required at 30 months*, and only if applicant wishes to proceed

Impact of PCT- Filing in India

Trend of filing of applications



Patent Cooperation Treaty (PCT) System

➤ **International Phase**

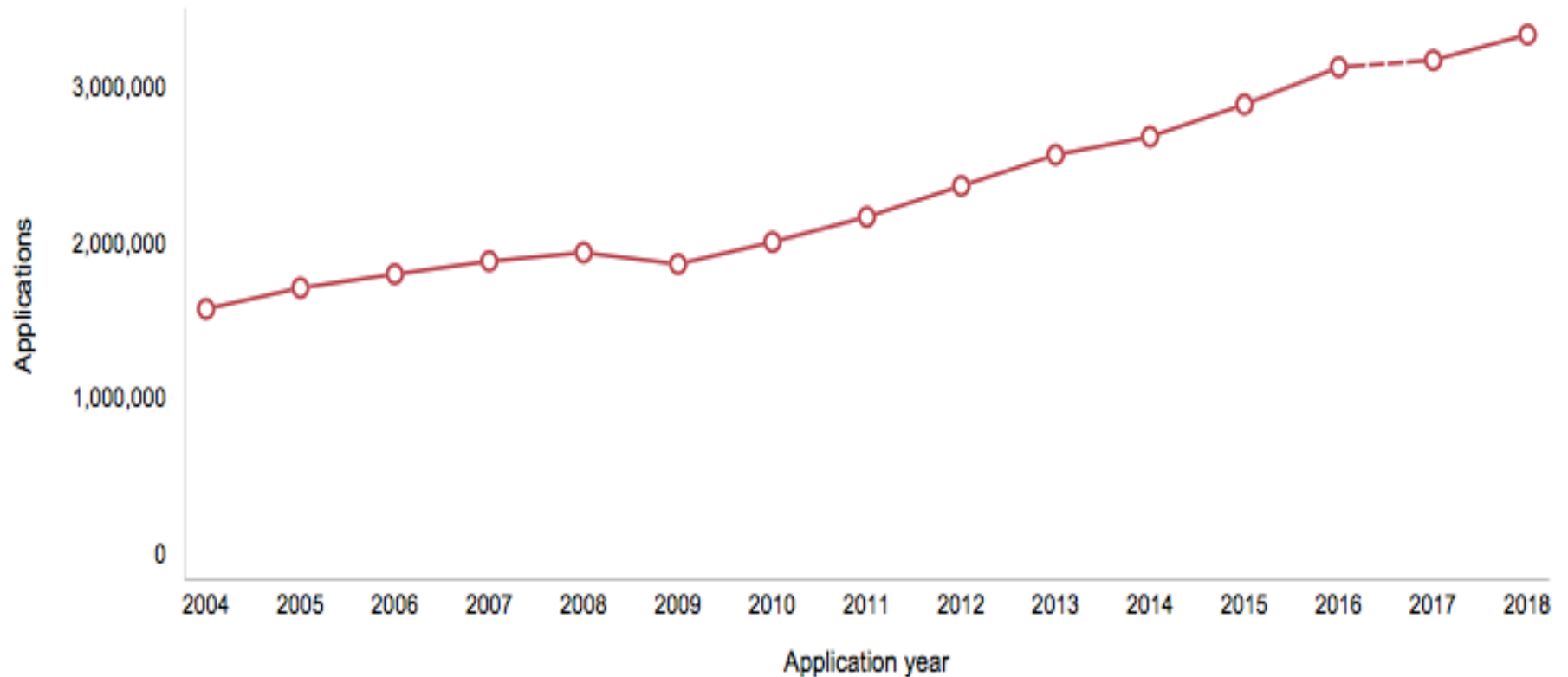
- Filing of international application
- International search
- International publication in PCT gazette
- International preliminary examination

➤ **National Phase**

- Filing of application before designated office/elected office
- Decision on granting patent

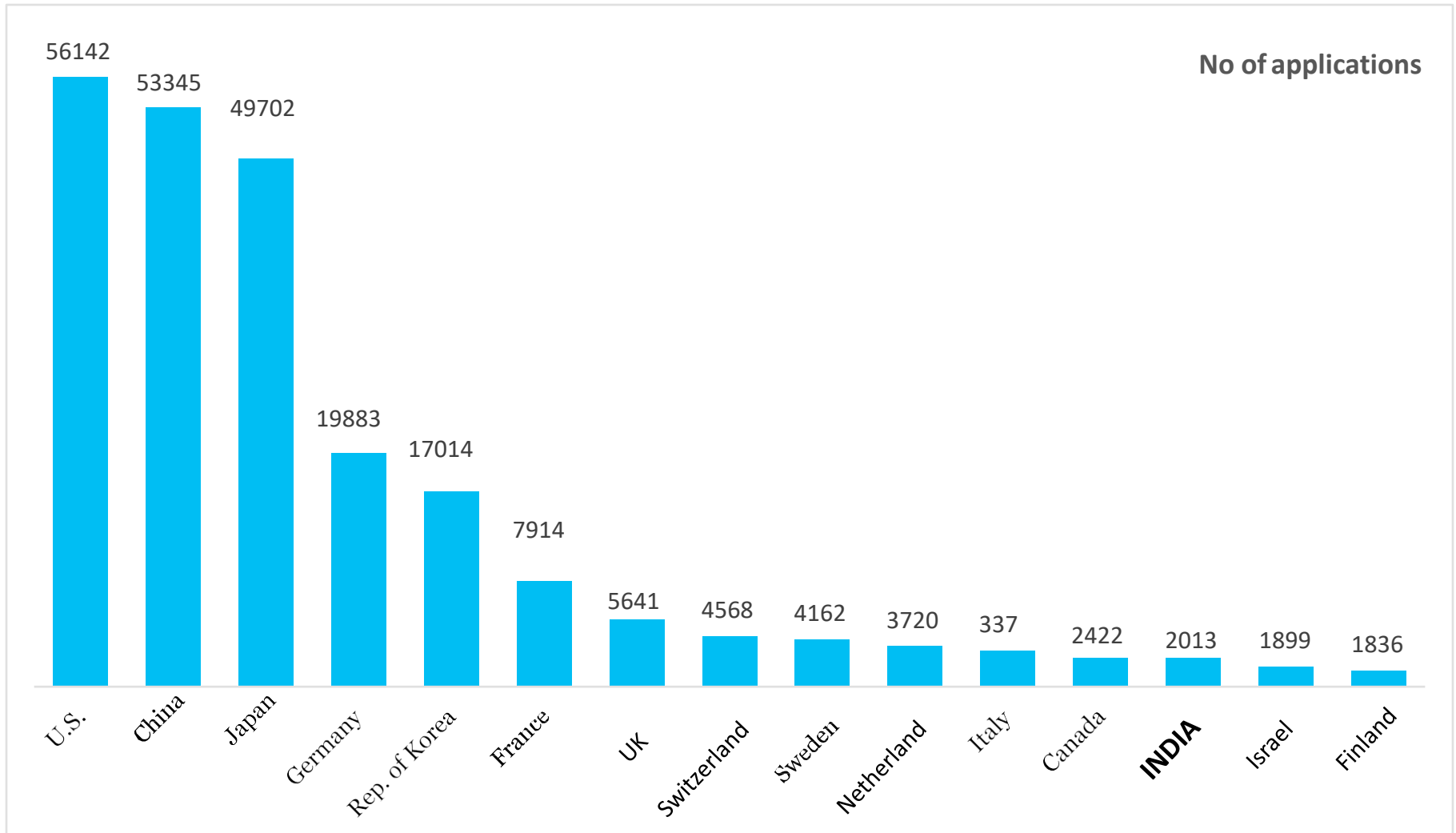
Trend in PCT filings

Patent applications filed worldwide reached 3.3 million



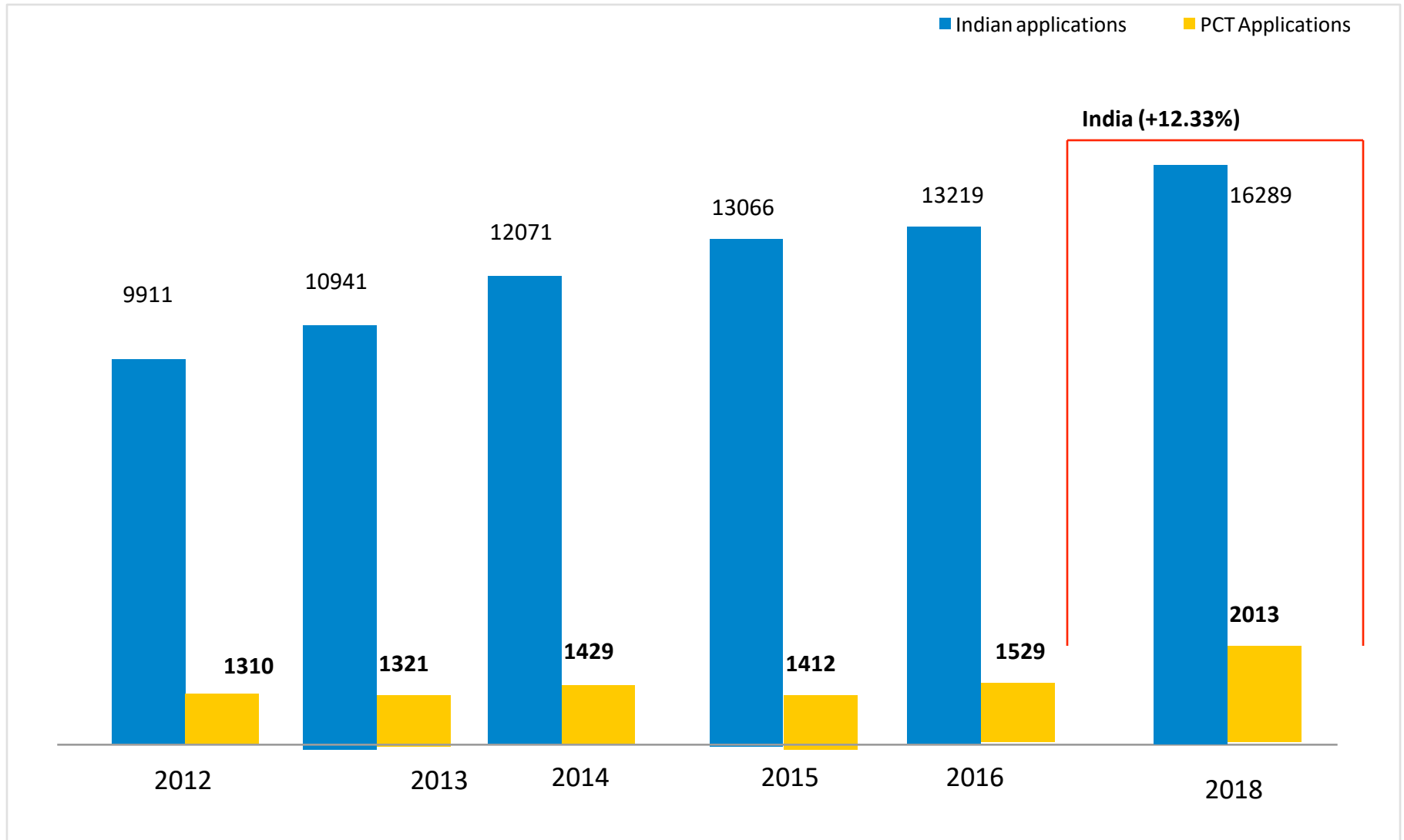
PCT applications from top 15 countries

India ranks 13th in the PCT filings out of 152 countries



International Patent applications from India

only 12.33% of the Indian applicants file PCT applications, which needs to be promoted to increase our ranking worldwide



Top PCT applicants from India

Applicant	Applications
COUNCIL OF SCIENTIFIC AND INDUSTRIAL RESEARCH	109
SUN PHARMACEUTICAL INDUSTRIES LIMITED	49
RELIANCE INDUSTRIES LIMITED	41
DR. REDDY'S LABORATORIES LTD.	32
MYLAN LABORATORIES LTD.	22
LUPIN LIMITED	21
INDIAN INSTITUTE OF TECHNOLOGY	18
PIRAMAL ENTERPRISES LIMITED	17
WOCKHARDT LIMITED	15
CIPLA LIMITED	14

Top Indian applicants for patents

Applicant	Applications
INDIAN INSTITUTE OF TECHNOLOGY	536
BHARAT HEAVY ELECTRICALS LTD.	179
BOSCH LIMITED	173
TATA CONSULTANCY SERVICES	171
CSIR	165
WIPRO LIMITED	147
TVS MOTOR	129

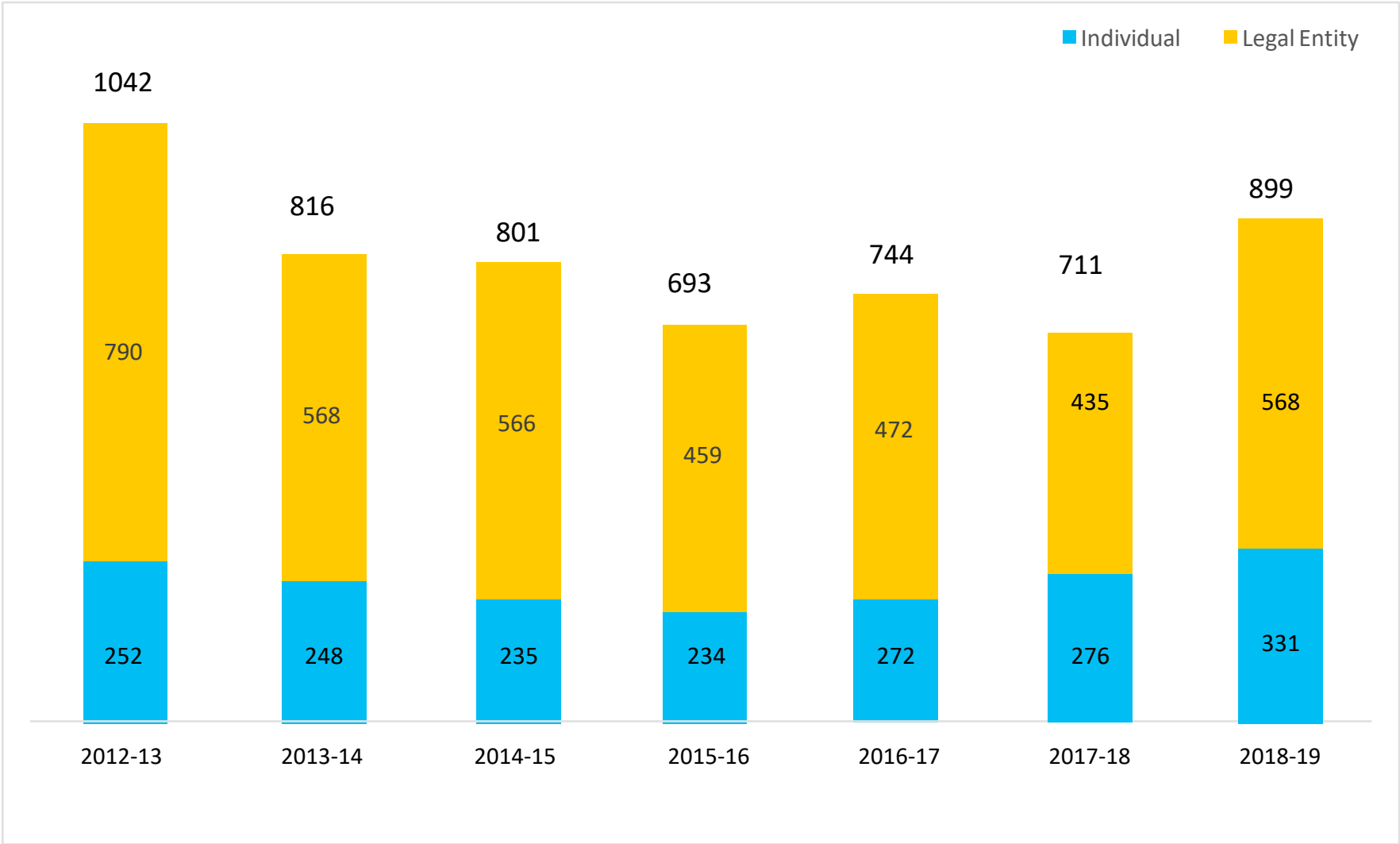
PCT Applicants: Top 15 Universities

Sl.No	Name of the University	Country	Applications
1	UNIVERSITY OF CALIFORNIA	United States of America	434
2	MASSACHUSETTS INSTITUTE OF TECHNOLOGY	United States of America	236
3	HARVARD UNIVERSITY	United States of America	162
4	JOHNS HOPKINS UNIVERSITY	United States of America	158
5	UNIVERSITY OF TEXAS SYSTEM	United States of America	152
6	SEOUL NATIONAL UNIVERSITY	Republic of Korea	122
7	UNIVERSITY OF TOKYO	Japan	108
8	LELAND STANFORD JUNIOR UNIVERSITY	United States of America	104
9	HANYANG UNIVERSITY	Republic of Korea	101
10	UNIVERSITY OF FLORIDA	United States of America	97
11	UNIVERSITY OF PENNSYLVANIA	United States of America	96
12	UNIVERSITY OF MICHIGAN	United States of America	94
13	KOREA UNIVERSITY	Republic of Korea	87
14	SHENZHEN UNIVERSITY	China	87
15	KOREA ADVANCED INSTITUTE OF SCIENCE AND TECHNOLOGY	Republic of Korea	87

Top-PCT Applicants: Government and Public Research Organizations

Sl.No	Organization	Country	Applications
1	COMMISSARIAT A L'ENERGIE ATOMIQUE ET AUX ENERGIES ALTERNATIVES	France	329
2	FRAUNHOFER-GESELLSCHAFT ZUR FORDERUNG DER ANGEWANDTEN FORSCHUNG E.V.	Germany	252
3	AGENCY OF SCIENCE, TECHNOLOGY AND RESEARCH	Singapore	162
4	INSTITUT NATIONAL DE LA SANTE ET DE LA RECHERCHE MEDICALE (INSERM)	France	146
5	CHINA ACADEMY OF TELECOMMUNICATIONS TECHNOLOGY	China	145
6	CENTRE NATIONAL DE LA RECHERCHE SCIENTIFIQUE (CNRS)	France	135
7	NATIONAL INSTITUTE OF ADVANCED INDUSTRIAL SCIENCE AND TECHNOLOGY	Japan	122
8	COUNCIL OF SCIENTIFIC AND INDUSTRIAL RESEARCH	India	109
9	KOREA INSTITUTE OF INDUSTRIAL TECHNOLOGY	Republic of Korea	83
10	SLOAN-KETTERING INSTITUTE FOR CANCER RESEARCH	United States of America	73

PCT International Applications filed at RO/IN

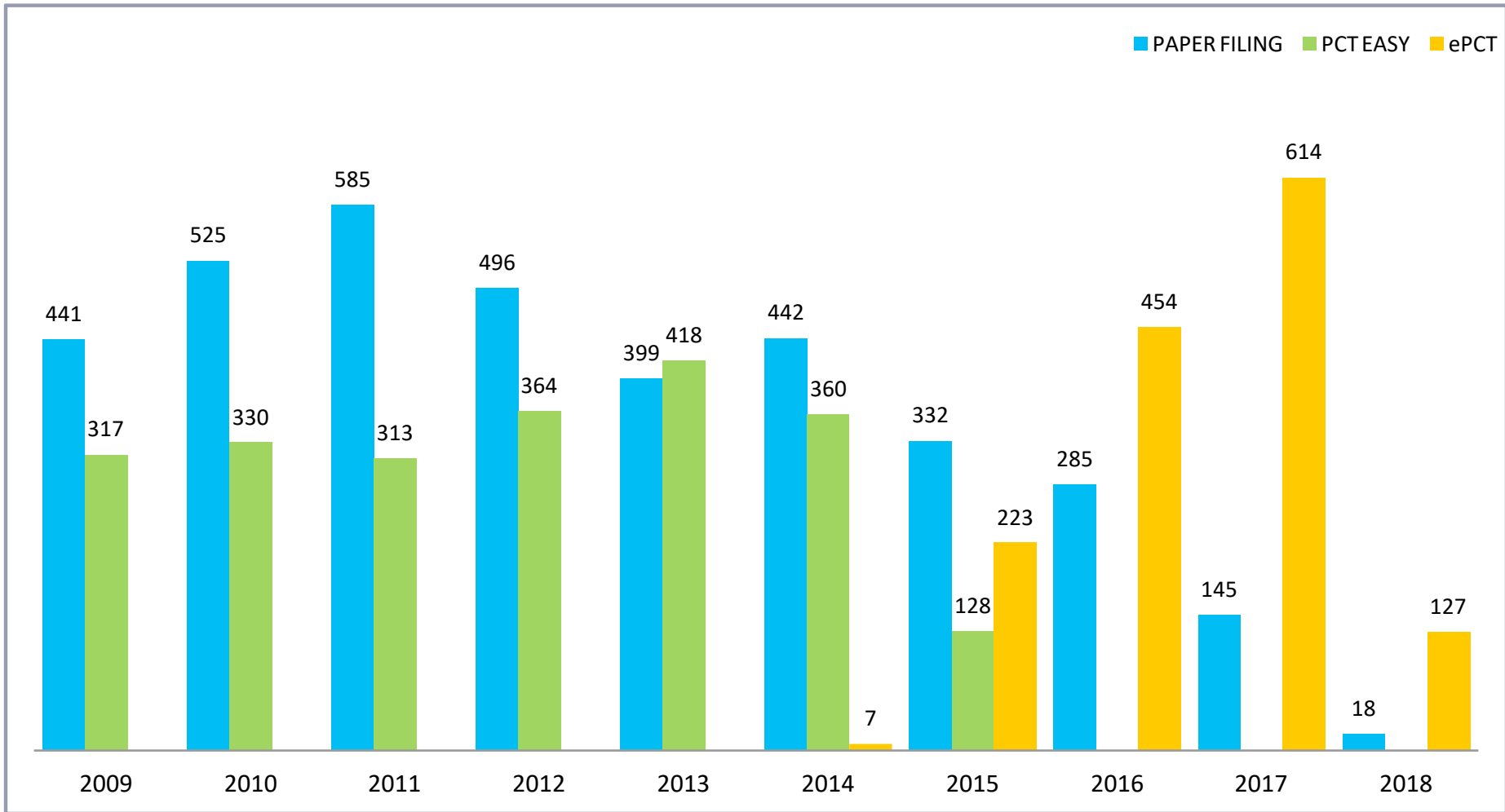


e-PCT

- ❑ Indian Patent office participated in the development and testing of e-PCT
- ❑ Filing and processing of International applications through e PCT was centralized in April 2017
- ❑ Applications filed under PCT online ,through e PCT module are being processed and record copy transmitted to WIPO by Patent Office Delhi.

Year Wise Paper and E-PCT Filing 2009-2018

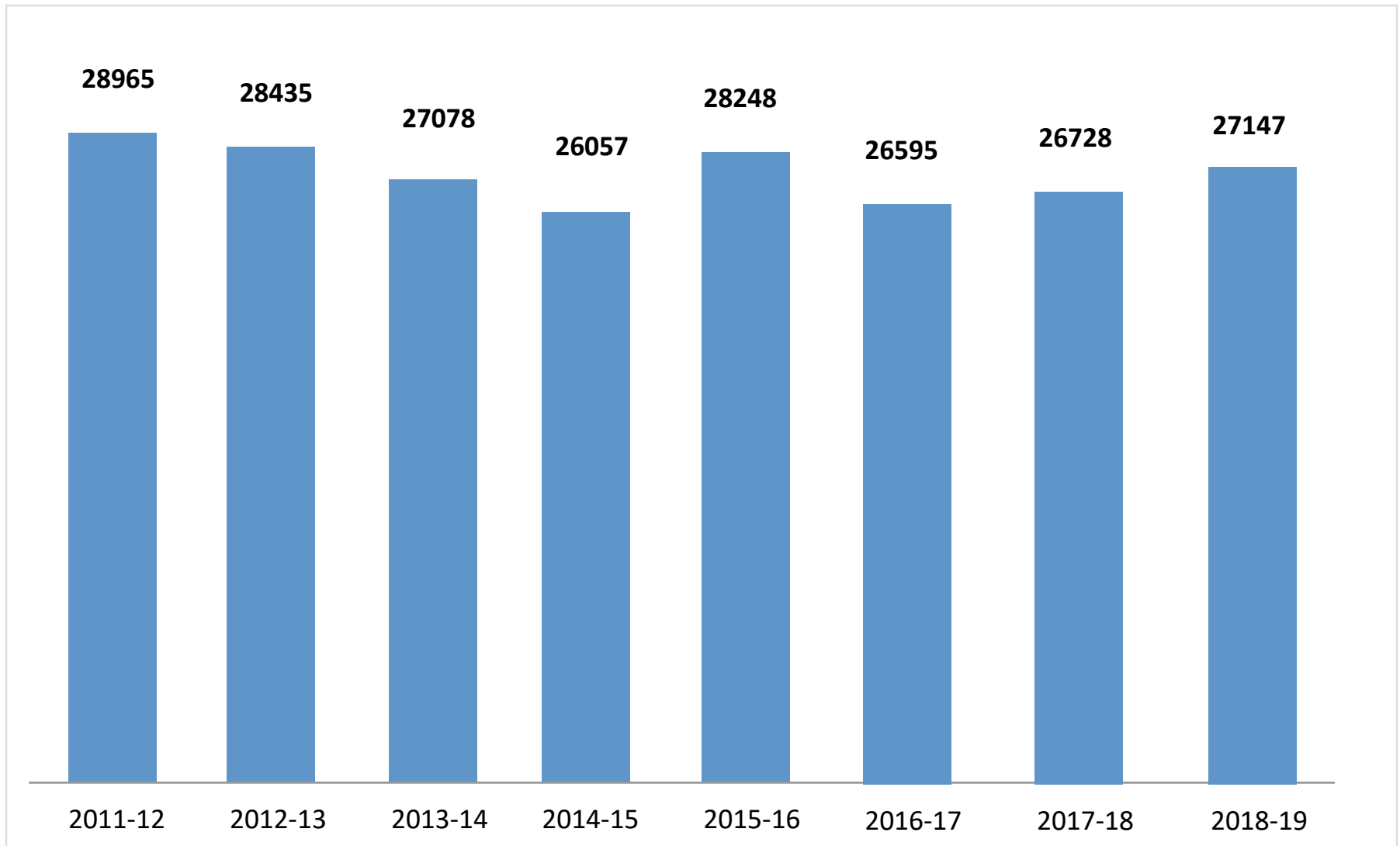
~80% of the applications are filed electronically, slowly moving towards diminishing paper filing practice



National phase in India

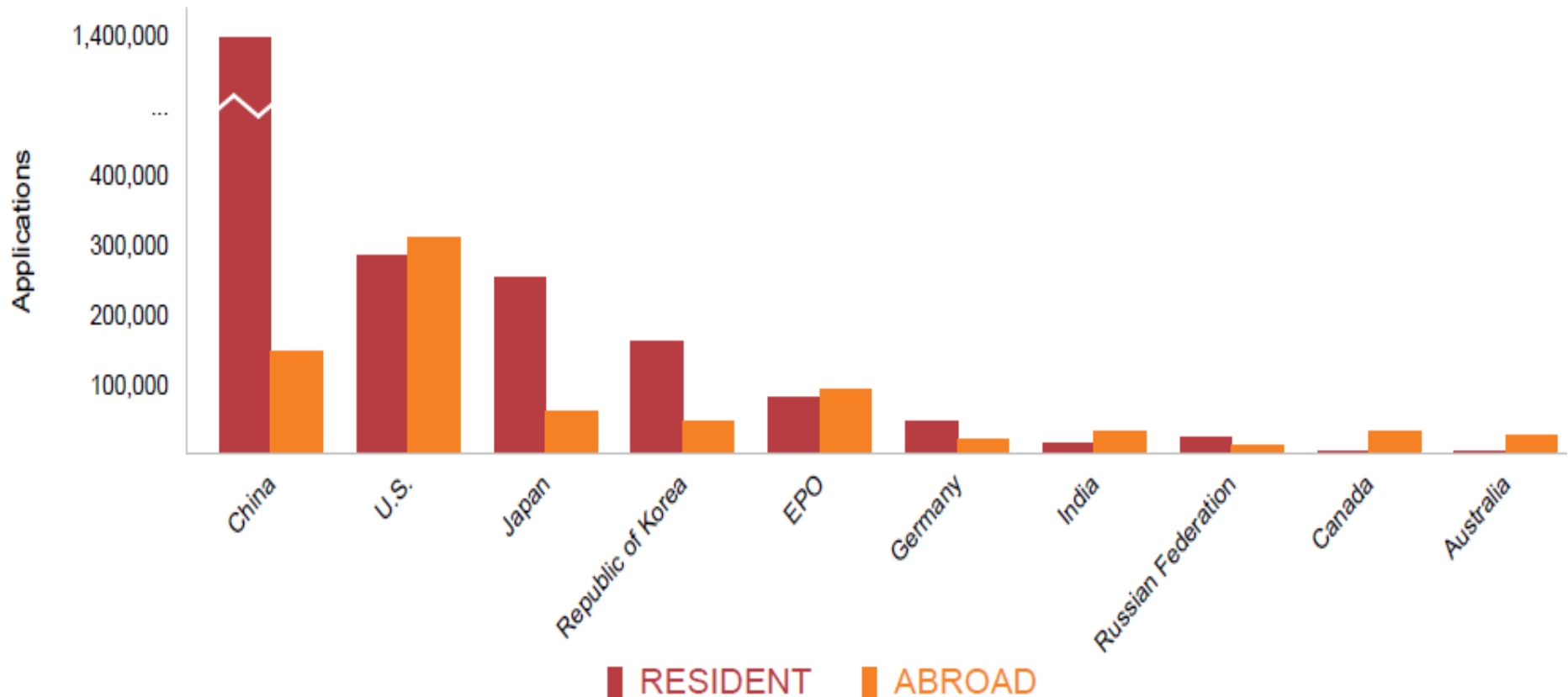
- ❑ For grant of patent in India, the applicant has to file a national phase application in India before the expiry of 31 months from the priority date of the application.
- ❑ **This time limit is not extendable**
- ❑ The international application as filed designating India under the PCT is treated as corresponding application in India.

National Phase filing under PCT

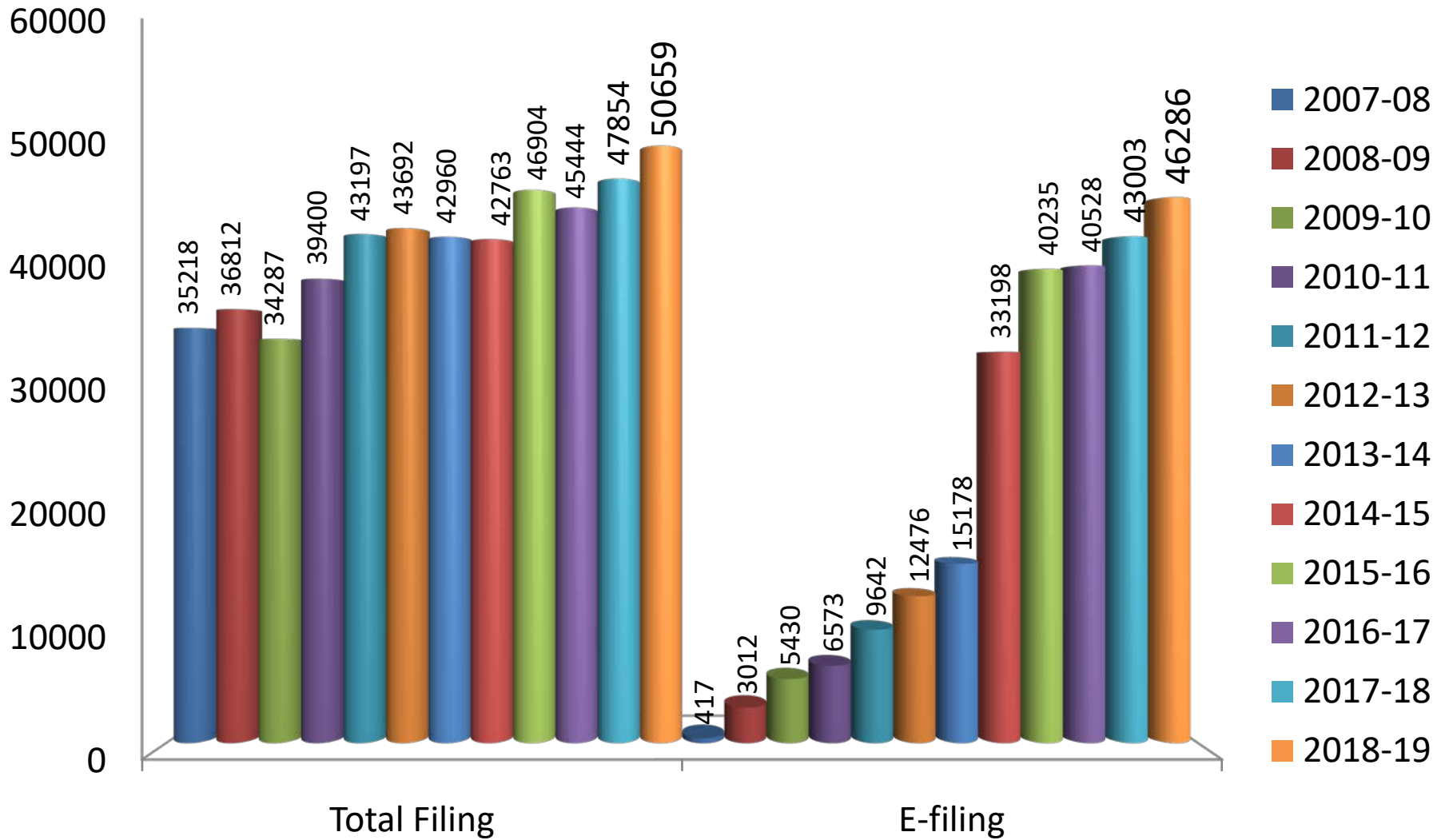


Patent applications at the top 10 offices , 2018

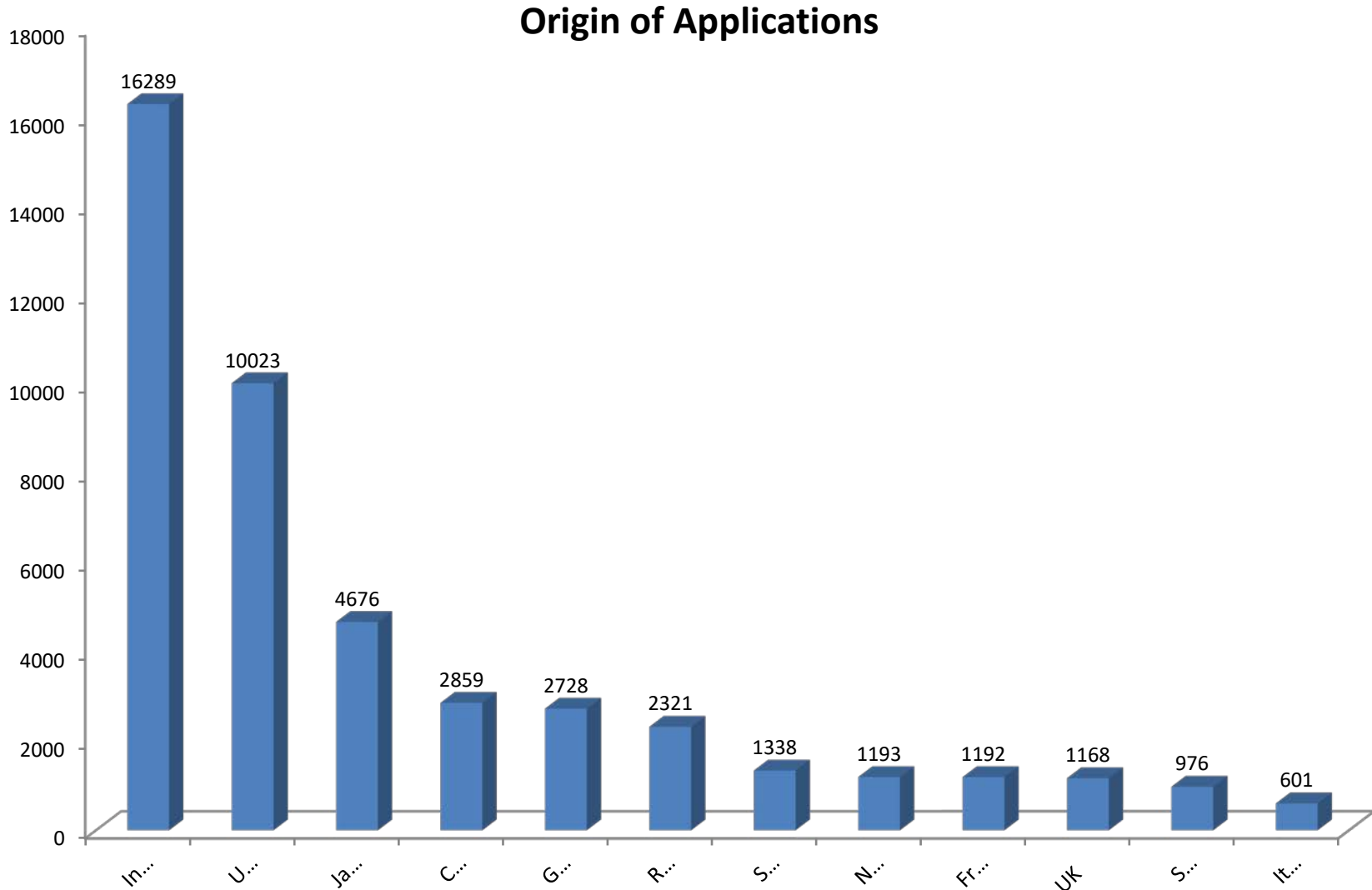
- Filing activity in China grew by 11.6% for patents
- India saw strong growth in patent filings (+7.5%)



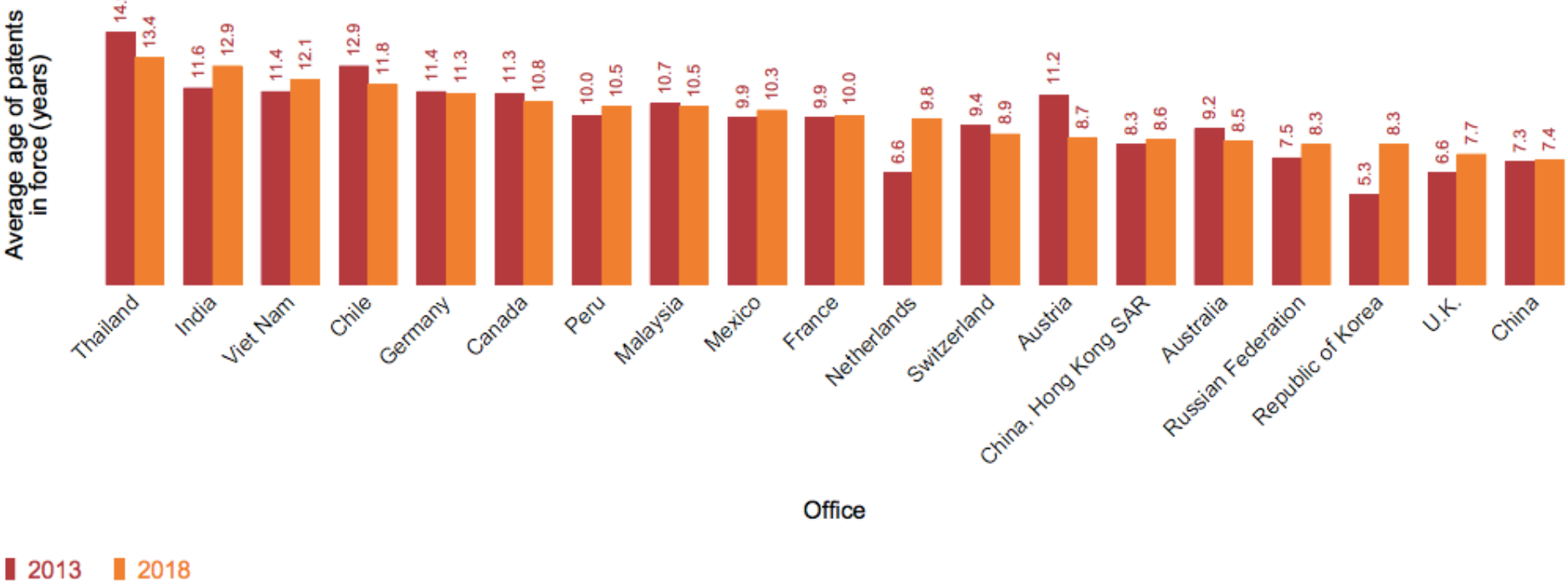
FILING TREND (NEW APPLICATIONS)



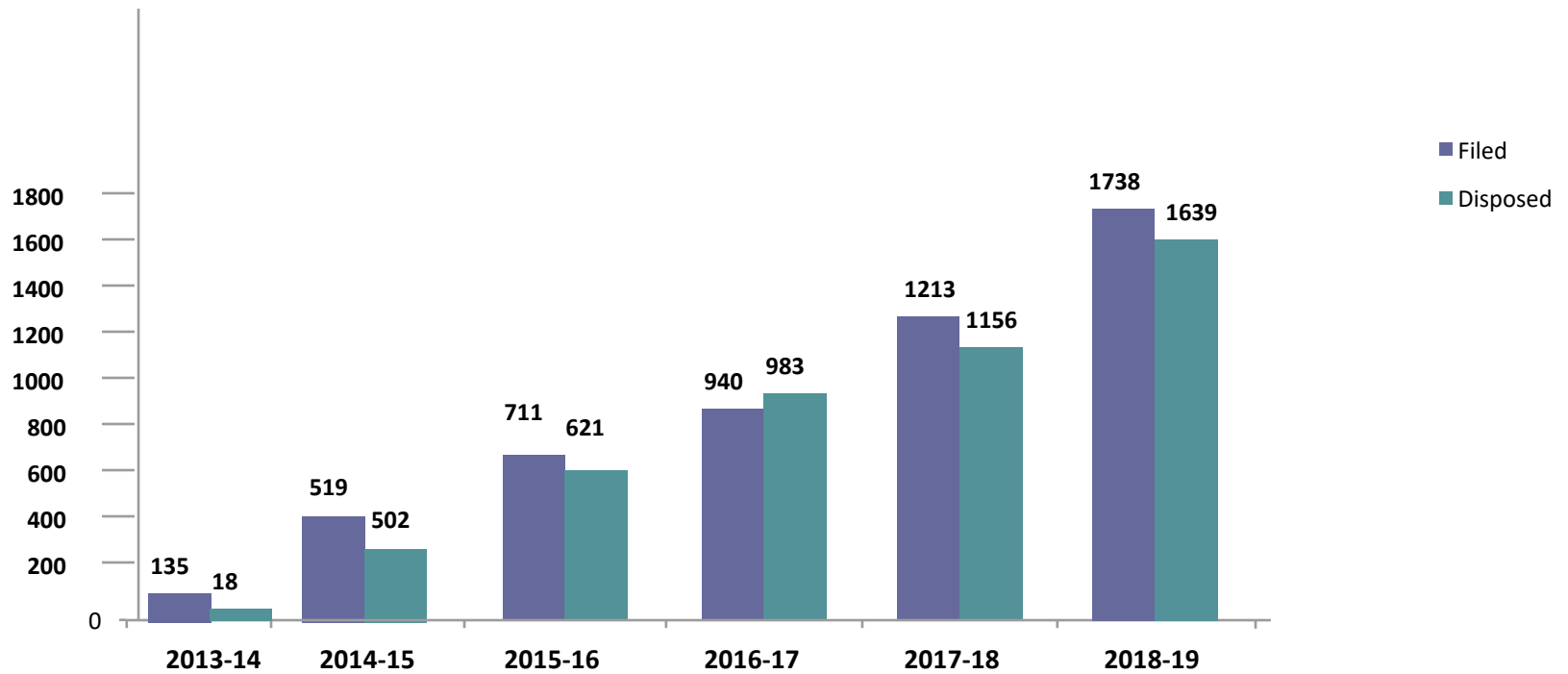
Origin of Applications in India



Average age of patent in force at selected offices 2018



Trend of Filing and disposal of applications in ISA, India



Measures to improve International applications under PCT

- ❑ Considering the difficulties faced by the applicants for payments in USD, a new INR A/C was opened in Central Bank of India
- ❑ Now applicant can make payment towards IB fee and ISA (except ISA/IN) fees directly through NEFT /RTGS and submit the UTR /Ref nos via email to RO/IN
- ❑ RO prepares debit instructions to the bank and transmits the payment subsequently to IB and ISA and also intimate the same through e mail to all International authorities.
- ❑ No unnecessary burden on applicant towards bank charges and commission for Demand Draft and Bank charges

Measures to improve International applications under PCT- **WIPO-DAS**

- ❑ Notification and Implementation of WIPO Digital Access Service (DAS) for submission and retrieval of Priority documents (Under the Framework Provisions of WIPO Digital Access Service)
- ❑ IPO as a depositing Office will deposit certified copies of patent and industrial design applications as priority documents, including PCT applications filed at the Office on and after 31.01.2018, which the applicant specifically requests be made available to the service
- ❑ IPO as an accessing Office will recognize priority documents available to it through the service for the purposes of any application for which the time for furnishing the priority document has not expired by 31.01.2018.
- ❑ All documents and information will be exchanged in black and white and in PDF format through the WIPO DAS Office web portal and based on WIPO PCT-EDI;
- ❑ As an Accessing Office, the Office will accept color, grey-scale black and white documents in PDF format as deposited by depositing Offices.

Important developments

- **Expedited examination**
 - **For startups**
 - Applicant selecting Indian Patent office as ISA or IPA
 - Fastest case granted in just 113 days
- **Startups**
 - 80% Fee reductions
 - Fee reimbursement for facilitators
- **MSMEs/ Small Entities**
 - 50% Fee reduction
 - 55 % patent applications by **Indian MSMEs**
- **Auto allotment**
 - Application gets allotted to an Examiner from the closest technical field in any of the 4 locations
- **Cross location examination**
 - Applications are referred to examiners and controllers at any location
- **E filing**
 - 10% lower fees for e-filing: electronic filing increased from around 30 percent to more than 90 percent.
- **Video conferencing**
 - applicants and patent agents can use video conferencing
 - higher level of customer service.
- **Augmentation of human resources:**
 - 458 new Patent Examiners recruited in addition to the existing 130



THANK YOU
