



A Practical Guide To Patent Cooperation Treaty (PCT)



Summary of PCT System

- 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 of:
 - filing of the international application
 - international search
 - 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.

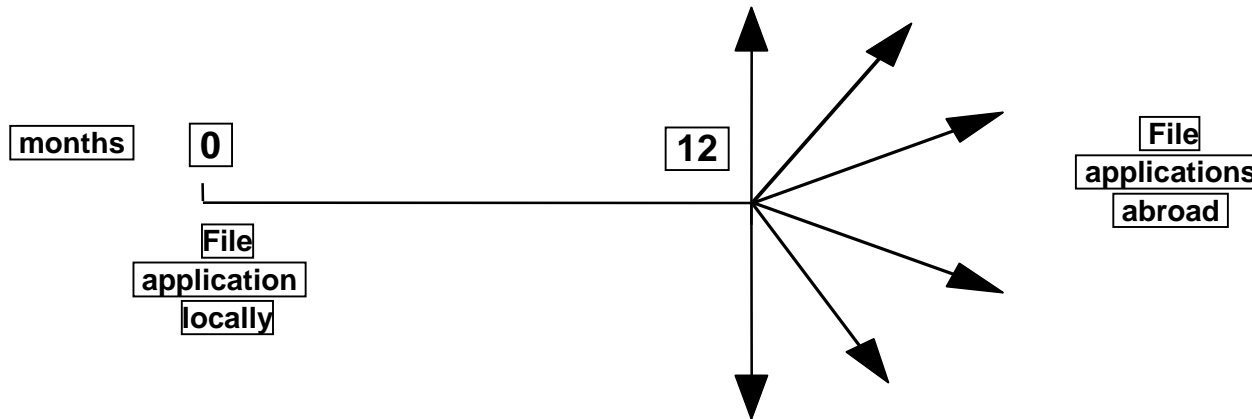


Traditional Patent System Approach

- File patent application in Malaysia claiming invention
- File multiple national patent applications within twelve months (during Convention Year)
- Disadvantages:
 - ✓ Multiple translations
 - ✓ Multiple formalities
 - ✓ Multiple filing fees
 - Multiple searches
 - Multiple examinations
 - Multiple publications



Traditional Patent Systems



Local patent application followed within 12 months by multiple foreign applications claiming priority under Paris Convention:

- multiple formality requirement
- multiple searches
- multiple publications
- multiple examinations and prosecutions of applications
- translations and national fees required at 12 months



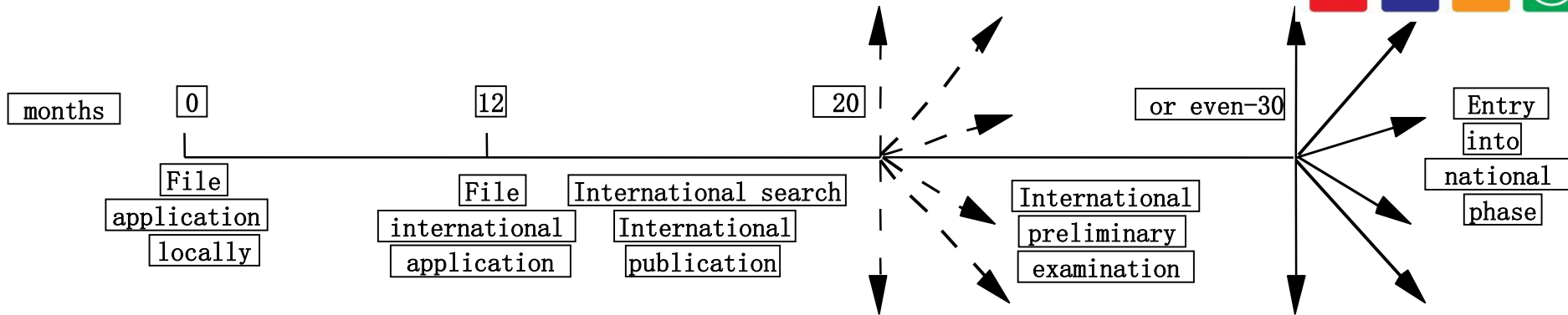
PCT Approach

- File an application in Malaysia, and have it considered a filing in each of the countries which have adhered to the Patent Cooperation Treaty (now 130)
- Defer the preparation and filing of translations, hiring of patent attorneys, and the payment of official fees for up to 30 months from the filing date
- Seek International Search, International Preliminary Examination, and Amendment of Claims prior to entering National Phase



PCT System

PINTAS
" Today's Asset, Tomorrow's Value "

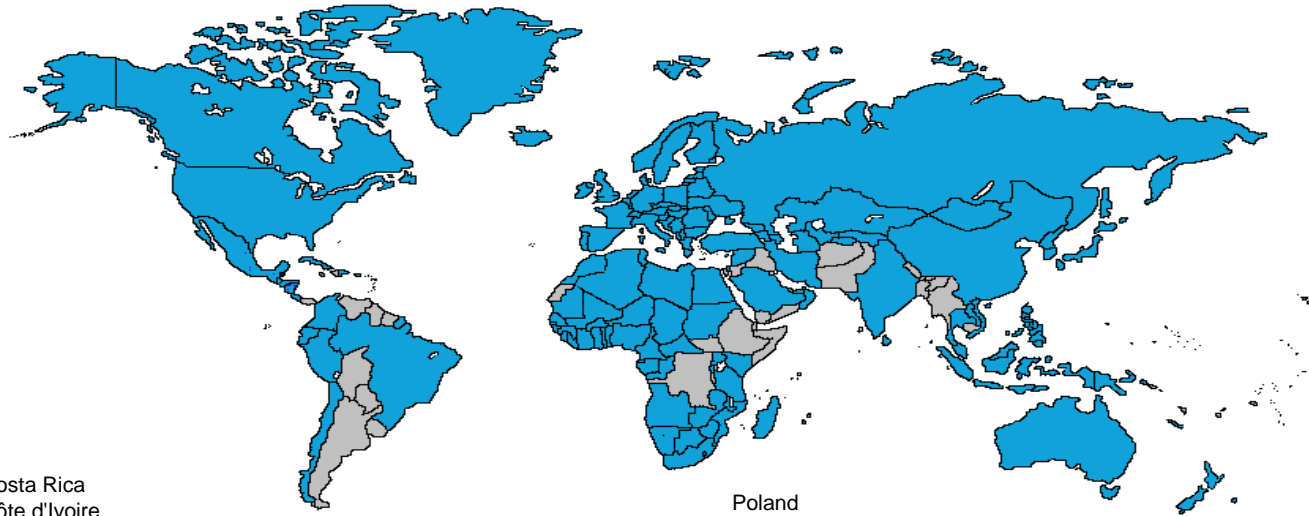


Local patent application followed within 12 months by international application under the PCT claiming Paris Convention priority, with “national phase” commencing at 20 or 30 months:

- one set of formality requirements
- international search
- international publication
- international preliminary examination
- international application can be put in order before national phase
- translations and national fees required at 20 or 30 months



PCT Member States



Albania
Algeria
Angola
Antigua and Barbuda
Armenia
Australia
Austria
Azerbaijan
Bahrain
Barbados
Belarus
Belgium
Belize
Benin
Bosnia and Herzegovina
Botswana
Brazil
Brunei Darussalam
Bulgaria
Burkina Faso
Cameroon
Canada
Central African Republic
Chad
Chile
China
Colombia
Comoros
Congo

Costa Rica
Côte d'Ivoire
Croatia
Cuba
Cyprus
Czech Republic
Democratic People's
Republic of Korea
Denmark
Dominica
Dominican Republic
Ecuador
Egypt
El Salvador
Equatorial Guinea
Estonia
Finland
France
Gabon
Gambia
Georgia
Germany
Ghana
Greece
Grenada
Guatemala
Guinea

Guinea-Bissau
Honduras
Hungary
Iceland
India
Indonesia
Iran
Ireland
Israel
Italy
Japan
Kazakhstan
Kenya
Kyrgyzstan
Lao People's Dem Rep.
Latvia
Lesotho
Liberia
Libyan Arab Jamahiriya
Liechtenstein
Lithuania
Luxembourg
Madagascar

Malawi
Malaysia
Mali
Malta
Mauritania
Mexico
Monaco
Mongolia
Montenegro
Morocco
Mozambique
Namibia
Netherlands
New Zealand
Nicaragua
Niger
Nigeria
Norway
Oman
Panama
Papua New Guinea
Peru
Philippines

Poland
Portugal
Qatar
Republic of Korea
Republic of Moldova
Romania
Rwanda
Russian Federation
Saint Lucia
Saint Vincent and
the Grenadines
San Marino
Sao Tomé e Príncipe
Saudi Arabia
Senegal
Serbia
Seychelles
Sierra Leone
Singapore
Slovakia
Slovenia
South Africa
Spain
Sri Lanka
Sudan
Swaziland

St. Kitts and Nevis
Sweden
Switzerland
Syrian Arab Republic
Tajikistan
Thailand
The former Yugoslav
Republic of Macedonia
Togo
Trinidad and Tobago
Tunisia
Turkey
Turkmenistan
Uganda
Ukraine
United Arab Emirates
United Kingdom
United Republic of Tanzania
United States of America
Uzbekistan
Viet Nam
Zambia
Zimbabwe

Countries not yet in PCT

Afghanistan

Andorra

Argentina

Bahamas

Bangladesh

Bhutan

Bolivia

Burundi

Cambodia

Cape Verde

Democratic Republic of

Congo

Djibouti

Eritrea

Ethiopia

Fiji

Guyana

Haiti

Iraq

Jamaica

Jordan

Kiribati

Kuwait

Lebanon

Maldives

Marshall Islands

Mauritius

Micronesia

Myanmar

Nauru

Nepal

Pakistan

Palau

Paraguay

Samoa

Solomon Islands

Somalia

South Sudan

Suriname

Timor-Leste

Tonga

Tuvalu

Uruguay

Vanuatu

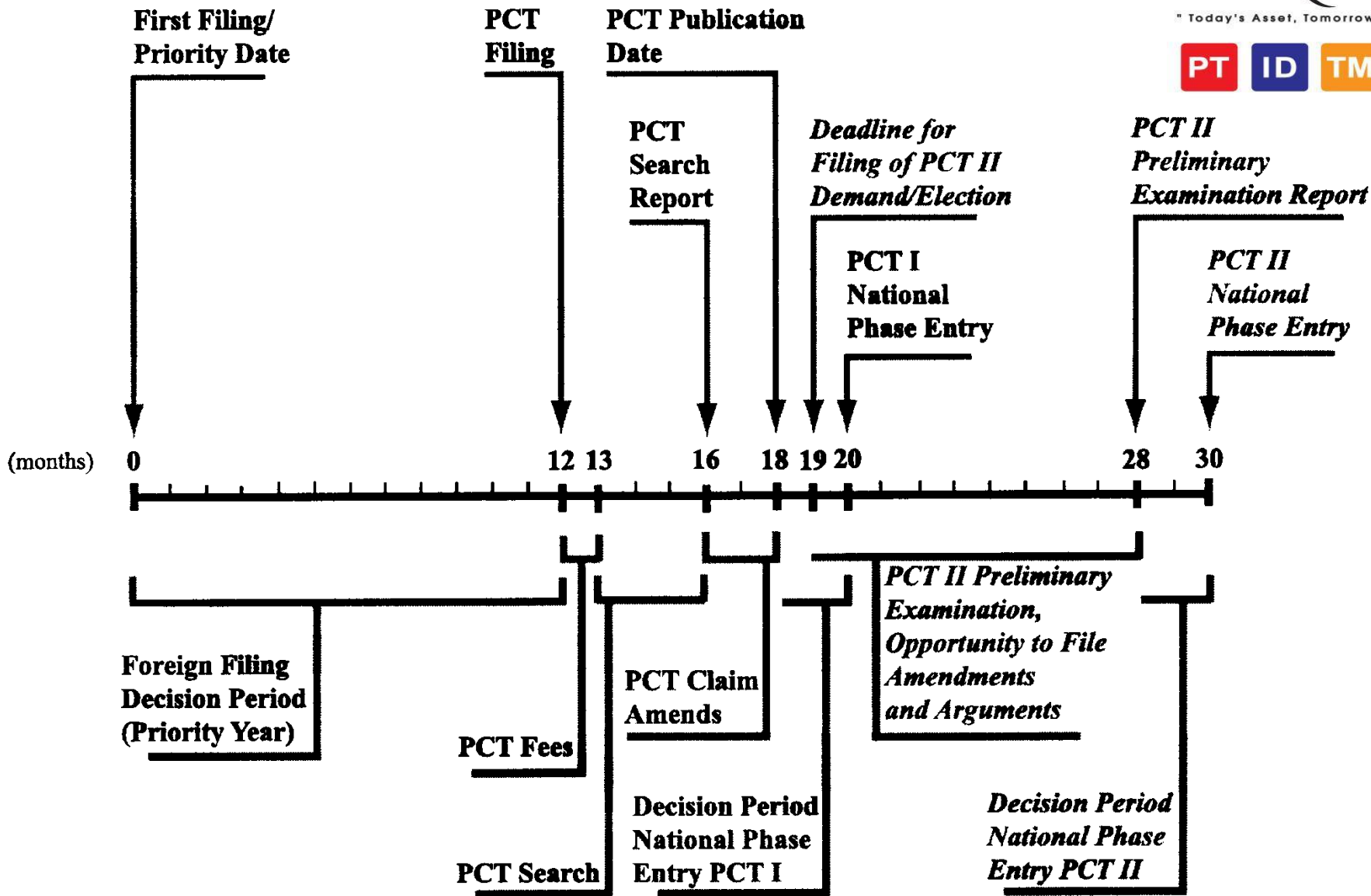
Venezuela

Yemen



PCT TIMELINE A

PCT Filing at the End of the Priority Year



General Advantages of PCT System

- Update on commercial value and patentability based on search + preliminary opinion
- Possibility to change application world-wide before entry national phase. Keep all country options open until 30 months after filing
- Cost effective: only entry in national phase when commercial value high enough





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