

# PATENT COOPERATION TREATY (PCT) WORKING GROUP

## Information-Sharing Workshop: Patent Prosecution Highway (PPH) and the PCT


















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Brazilian Delegation

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# Brazilian Priority Programs (fast-tracks)



	Elderly applicant		Realize of resources for production		Green technology
	Applicant with serious illness		Applicant accusing counterfeiting		Healthy technology
	Handicapped applicant		Third accused counterfeit		COVID-19 technology
	SMS applicant		Third technology holder		
	Science and technology Institution		Technology resulting from public funding		Family stated in Brasil
	<i>Startups</i>		Technology made available on the market		<i>Patent Prosecution Highway</i>

- ✓ Brazil recognizes the benefits of the PPH system for applicants and Offices alike:
  - quality improvement
  - accelerated processing
  - efficiency
- ✓ Brazil has bilateral PPH agreements with some Offices, including PCT-PPH;
- ✓ Brazilian agreements are established based on the needs, interests and convenience of each partner Office;
- ✓ Brazilian legislation is established in a way that allows our Office to limit the scope of the PPH, aiming to maintain a balance in the capacity to deal with the demands that such a system requests, mainly regarding human resources.

# PPH implementation phases

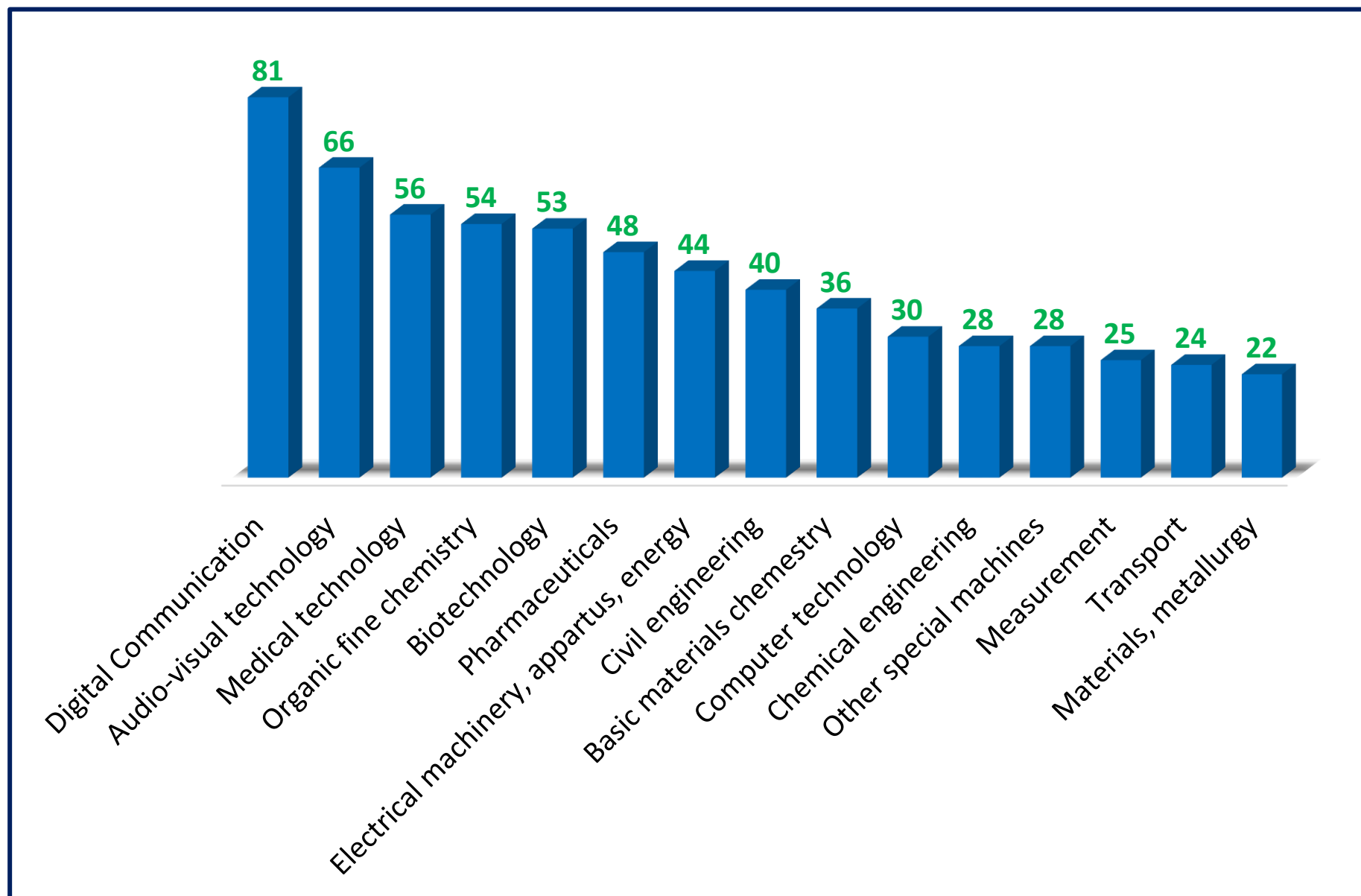
Phase I (01/12/19 to 31/12/20)	Phase II (01/01/21 to 31/12/21)	Phase III (01/01/22 to 31/12/22)	Phase IV (01/01/23 to today)
All technological fields	All technological fields	All technological fields	All technological fields
Up to <u>400 total</u> applications per year	Up to <u>600 total</u> applications per year	Up to <u>800 total*</u> applications per year	Up to <u>800 total*</u> applications per year
		* Up to 100 PCT results	* Up to 100 PCT results
Up to <u>100 requests per IPC</u> section per year	Up to <u>150 requests per IPC</u> section per year	Up to <u>150 requests per IPC</u> section per year	Up to <u>250 requests per IPC</u> section per year
1 request per applicant <u>per month</u>	1 request per applicant <u>per week</u>	1 request per applicant <u>per week</u>	1 request per applicant <u>per week</u>
<u>OFF = OEE</u> (the patent family must have started at the exam office presented)	<u>Any partner OFF</u> (the patent family must have started at any partner Institute)	<u>Any partner OFF</u> (the patent family must have started at any partner Institute)	<u>Any partner OFF</u> (the patent family must have started at any partner Institute)
Decision to grant	Decision to grant	Decision to grant <u>and PCT positive results</u>	Decision to grant <u>and PCT positive results</u>

- ✓ Brazil has concerns about PPH in the PCT regarding the possibility of establishing its own limitations to allow that national priorities to be achieved, in terms of quality and efficient workflow for non PPH applications;
- ✓ Some points that Brazil considers important and could limit the implementation of the PPH in the PCT:
  - number of requests by Office;
  - technological area (by classification) by Office;
  - number of requests per applicant.
- ✓ Specifically in Brazil:
  - Negative impact on the examining capacity of technical divisions;
  - Imbalance between PPH and other priority programs ;
  - Disparity between priority requests and cases that do not use such a mechanism.

# PCT National phase - BR



## Top 15 of technology



**Thank you!**

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