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The Patent Cooperation Treaty (PCT) in 1996

The World Intellectual Property Organization (WIPO), Geneva, announces the main events which occurred in 1996 in relation to the Patent Cooperation Treaty (PCT) and the results of operations under the PCT for that year.

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1. Since 1978, the PCT system has offered inventors and industry an advantageous route for obtaining patent protection internationally. By filing one “international” patent application under the PCT, protection for an invention can be sought simultaneously in each of a large number of countries.
2. **Developments in 1996.** The worldwide use of the PCT route continued to increase considerably during 1996. In that year, the International Bureau of WIPO received 47,291 international applications filed worldwide,¹ which is 8,385 (21.6%) more than in 1995—the greatest increase in the number of filings since PCT operations began. In February 1996, the International Bureau received the 250,000th international application filed under the PCT, only five years after receiving the 100,000th. The 47,291 international applications received in 1996 had the effect of 1,330,058 national applications, and of 104,410 regional applications, which in turn had the effect of 1,326,795 applications for patent protection in the member States of the regional patent systems, that is, a total equivalent effect of 2,656,853 national applications.
3. During 1996, the PCT entered into force with respect to five new Contracting States:
Turkey became bound by the PCT on January 1, 1996;
Israel became bound by the PCT on June 1, 1996;
Cuba became bound by the PCT on July 16, 1996;
Saint Lucia became bound by the PCT on August 30, 1996;
Bosnia and Herzegovina became bound by the PCT on September 7, 1996.

1. Figures based on the number of copies of international applications sent, under PCT Article 12, to the International Bureau by PCT receiving Offices (including by the International Bureau itself as a receiving Office).

4. The 87 States party to the PCT on December 31, 1996, were the following:

Albania	Democratic People's	Lithuania	Spain
Armenia	Republic of Korea	Luxembourg	Sri Lanka
Australia	Denmark	Madagascar	Sudan
Austria	Estonia	Malawi	Swaziland
Azerbaijan	Finland	Mali	Sweden
Barbados	France	Mauritania	Switzerland
Belarus	Gabon	Mexico	Tajikistan
Belgium	Georgia	Monaco	The former Yugoslav
Benin	Germany	Mongolia	Republic of
Bosnia and	Greece	Netherlands	Macedonia
Herzegovina	Guinea	New Zealand	Togo
Brazil	Hungary	Niger	Trinidad and Tobago
Bulgaria	Iceland	Norway	Turkey
Burkina Faso	Ireland	Poland	Turkmenistan
Cameroon	Israel	Portugal	Uganda
Canada	Italy	Republic of Korea	Ukraine
Central African	Japan	Republic of Moldova	United Kingdom
Republic	Kazakstan	Romania	United States of
Chad	Kenya	Russian Federation	America
China	Kyrgyzstan	Saint Lucia	Uzbekistan
Congo	Latvia	Senegal	Viet Nam
Côte d'Ivoire	Lesotho	Singapore	
Cuba	Liberia	Slovakia	
Czech Republic	Liechtenstein	Slovenia	

5. Instruments of accession to the PCT were deposited on November 1, by *Yugoslavia* and on November 26, 1996, by *Ghana*, which will become bound by the PCT on February 1 and February 26, 1997, respectively, as the 88th and 89th Contracting States.

6. On January 1, 1996, it became possible to include in an international application a designation for a Eurasian patent. Kyrgyzstan, the Republic of Moldova and Armenia became bound by the Eurasian Patent Convention on January 13, February 16 and February 27, 1996, respectively. Therefore, those States, in addition to Azerbaijan, Belarus, Kazakstan, the Russian Federation, Tajikistan and Turkmenistan, may now be designated either for a national or a Eurasian patent, or for both a national and a Eurasian patent, and nationals and residents of those States may file international applications with the Eurasian Patent Office as receiving Office, in addition to their respective national Offices and the International Bureau of WIPO.

7. On March 1, 1996, Finland became bound by the European Patent Convention. Therefore, Finland may now be designated either for a national or a European patent, or for both a national and a European patent, and nationals and residents of Finland may file international applications with the European Patent Office as receiving Office, in addition to the National Board of Patents and Registration of Finland and the International Bureau of WIPO.

8. On September 7, 1996, Greece became bound by Chapter II of the PCT (International Preliminary Examination), following the withdrawal of its declaration under PCT Article 64(1)(a). Consequently, nationals and residents of Greece are now entitled to file demands for international preliminary examination of their international applications, and it is now possible to elect Greece for the purpose of a European patent. The only PCT Contracting State not yet bound by Chapter II at the end of 1996 was Spain.

9. With effect from January 1, 1996, certain fees (the basic fee, the supplement per sheet over 30, the designation fee, the confirmation fee and the handling fee) were reduced by 75% in respect of international applications filed by certain applicants from countries whose per capita national income is below a specified level.² With effect from May 1, 1996, a 75% reduction also became applicable to the transmittal fee payable to the International Bureau as receiving Office.

10. Following the adoption of a revised Schedule of Fees by the Assembly of the PCT Union in October 1995, the maximum number of designation fees payable was increased from 10 to 11, with effect from January 1, 1996.

11. *Summary of the procedure under the PCT.* The system of patent cooperation established by the PCT means that, by filing only one international application with one Office, the PCT applicant can obtain the effect of regular national filings in any or all PCT Contracting States without initially having to furnish a translation of the application or to pay national fees. The national patent granting procedure and the related high expenses are postponed, in the majority of cases, by up to 18 months (or even longer in the case of some Offices).

12. In addition to designations of PCT Contracting States for national patents, an international application may include designations for regional patents: ARIPO (African Regional Industrial Property Organization) patents having effect in those States party to the Harare Protocol on Patents and Industrial Designs which are also Contracting States of the PCT, Eurasian patents having effect in States party to the Eurasian Patent Convention, European patents having effect in States party to the European Patent Convention, and OAPI (African Intellectual Property Organization) patents having effect in States party to the Bangui Agreement.

13. Each international application is subjected to an international search carried out by one of the major patent Offices of the world acting as an International Searching Authority under the PCT which establishes an international search report setting out the relevant prior art. That report is received by the applicant about 16 months from the priority date. The international application is published, along with the international search report, by the International Bureau 18 months after the priority date and is then transmitted to the designated Offices and to the applicant.

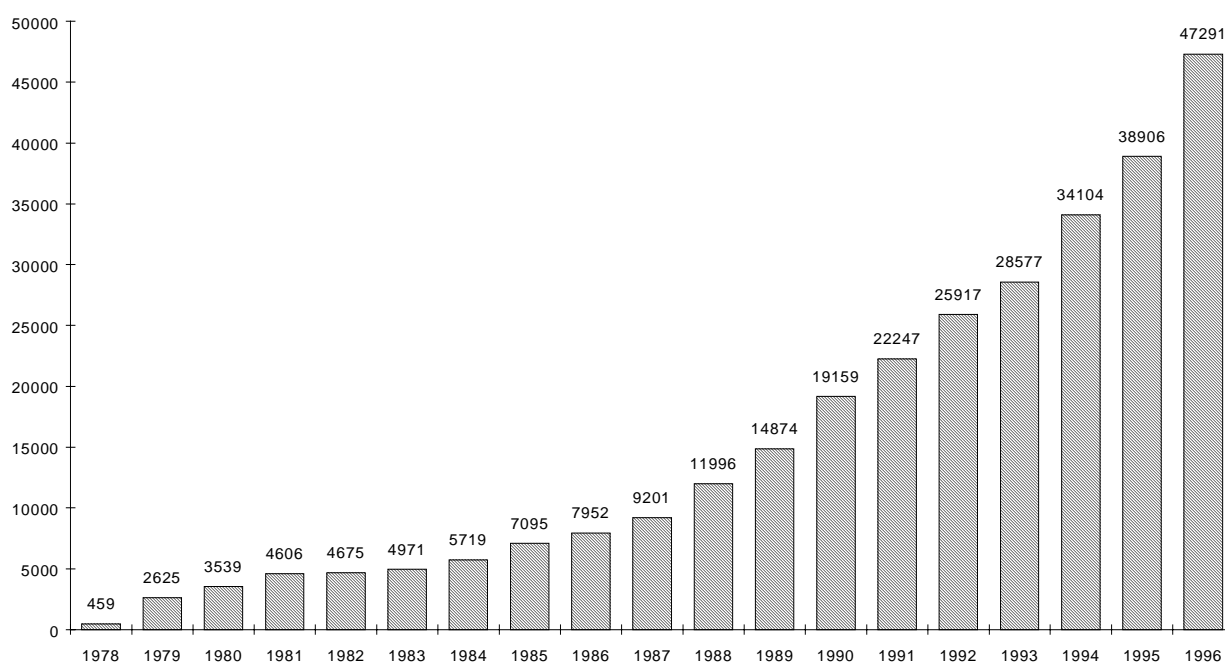
2. Natural persons who are nationals of and reside in the following PCT Contracting States are eligible: Albania, Armenia, Azerbaijan, Belarus, Benin, Bosnia and Herzegovina, Brazil, Bulgaria, Burkina Faso, Cameroon, Central African Republic, Chad, China, Congo, Côte d'Ivoire, Cuba, Czech Republic, Democratic People's Republic of Korea, Estonia, Gabon, Georgia, Ghana (as from February 26, 1997), Guinea, Hungary, Kazakstan, Kenya, Kyrgyzstan, Latvia, Lesotho, Liberia, Lithuania, Madagascar, Malawi, Mali, Mauritania, Mexico, Mongolia, Niger, Poland, Republic of Moldova, Romania, Russian Federation, Saint Lucia, Senegal, Slovakia, Sri Lanka, Sudan, Swaziland, Tajikistan, The former Yugoslav Republic of Macedonia, Togo, Turkey, Turkmenistan, Uganda, Ukraine, Uzbekistan, Viet Nam and Yugoslavia (as from February 1, 1997).

14. If the applicant so requests, and most do (see paragraph 25, below), the international application is also subjected to international preliminary examination under Chapter II of the PCT carried out by one of the Offices which act as International Preliminary Examining Authorities under the PCT. That examination results in a report which includes an opinion as to whether the claimed invention fulfills the criteria of novelty, inventive step and industrial applicability. The international preliminary examination report is received by the applicant about 28 months from the priority date.

15. With the international search report, and, where it has been requested, the international preliminary examination report, the applicant is in a much better position to decide whether to initiate the national patent granting procedure before the various designated patent Offices. It is only if the applicant is convinced, in the light of such reports, that it is worthwhile to seek patent protection in the various countries, that he will normally decide to pay national fees, the cost of preparing translations and professional fees for patent agents abroad. This need not be done until eight or 18 months later than under the traditional system (that is, when the PCT is not used, in which case separate patent applications would have to be filed for all countries and regions of interest), depending on whether there is only an international search report or also an international preliminary examination report. At that later time, the applicant is also in a much better position to decide about the need for patent protection having regard to increased knowledge of the technical and economic prospects of the invention.

16. *Statistics.* The following graph shows the number of international applications received by the International Bureau³ in each calendar year since the beginning of PCT operations:

Number of international applications received since 1978



3. Figures based on the number of copies of international applications sent, under PCT Article 12, to the International Bureau by PCT receiving Offices (including by the International Bureau itself as a receiving Office).

17. The following table shows, by country of origin, the number of international applications received by the International Bureau,⁴ and the corresponding percentages of the total, in 1996 as compared with 1995:

<i>Country of origin</i> ⁵		<i>Number of applications</i>		<i>Percentage</i>	
		1996	(1995)	1996	(1995)
US	United States of America	20,828	(16,588)	44.0	(42.6)
DE	Germany	5,695	(5,054)	12.0	(13.0)
JP	Japan	3,861	(2,700)	8.2	(6.9)
GB	United Kingdom ⁶	3,440	(3,425)	7.3	(8.8)
FR	France	2,307	(1,808)	4.9	(4.6)
SE	Sweden	1,844	(1,572)	3.9	(4.0)
NL	Netherlands	1,589	(1,297)	3.4	(3.3)
CH	Switzerland ⁷	1,075	(786)	2.3	(2.0)
CA	Canada	940	(786)	2.0	(2.0)
AU	Australia	873	(877)	1.8	(2.2)
FI	Finland	703	(718)	1.5	(1.8)
IT	Italy	652	(570)	1.4	(1.5)
DK	Denmark	580	(554)	1.2	(1.4)
RU	Russian Federation	366	(288)	0.8	(0.7)
AT	Austria	335	(332)	0.7	(0.8)
NO	Norway	312	(246)	0.7	(0.6)
BE	Belgium	291	(232)	0.6	(0.6)
ES	Spain	273	(170)	0.6	(0.4)
KR	Republic of Korea	260	(192)	0.5	(0.5)
IL	Israel	203	(-)	0.4	(-)
NZ	New Zealand	153	(140)	0.3	(0.4)
IE	Ireland	119	(76)	0.2	(0.2)
CN	China	114	(106)	0.2	(0.3)
HU	Hungary	77	(68)	0.2	(0.2)
BR	Brazil	57	(66)	0.1	(0.2)
LU	Luxembourg	41	(31)	<0.1	(<0.1)
SI	Slovenia	32	(32)	<0.1	(<0.1)
CZ	Czech Republic	31	(28)	<0.1	(<0.1)
GR	Greece	28	(25)	<0.1	(<0.1)
SG	Singapore	25	(21)	<0.1	(<0.1)
MX	Mexico	24	(10)	<0.1	(<0.1)
BG	Bulgaria	21	(12)	<0.1	(<0.1)
SK	Slovakia	21	(10)	<0.1	(<0.1)
PL	Poland	19	(22)	<0.1	(<0.1)
UA	Ukraine	14	(10)	<0.1	(<0.1)
RO	Romania	13	(16)	<0.1	(<0.1)
BY	Belarus	11	(11)	<0.1	(<0.1)
PT	Portugal	11	(6)	<0.1	(<0.1)
MC	Monaco	7	(3)	<0.1	(<0.1)
IS	Iceland	5	(3)	<0.1	(<0.1)
LV	Latvia	5	(0)	<0.1	(0)
CU	Cuba	4	(-)	<0.1	(-)

[continued on next page]

4. Figures based on the number of copies of international applications sent, under PCT Article 12, to the International Bureau by PCT receiving Offices (including by the International Bureau itself as a receiving Office).

5. Of the international applications received by the International Bureau, 5,766 (= 12.2%) were received from the European Patent Office (EPO) as receiving Office and 1,487 (= 3.1%) were received from the International Bureau as receiving Office; those applications, and applications received from other regional Offices as receiving Offices, are included in the figures concerning the country of origin of the applicant.

6. Includes figures for Hong Kong and the Isle of Man, since the national Office of the United Kingdom also acts as receiving Office for residents of Hong Kong and the Isle of Man.

7. Includes figures for Liechtenstein, since the national Office of Switzerland also acts as receiving Office for nationals and residents of Liechtenstein.

[number of international applications received by the International Bureau in 1996 and 1995, continued]

Country of origin ⁸	Number of applications		Percentage	
	1996	(1995)	1996	(1995)
MD Republic of Moldova	4	(2)	<0.1	(<0.1)
TR Turkey	4	(-)	<0.1	(-)
KZ Kazakstan	3	(1)	<0.1	(<0.1)
LT Lithuania	3	(0)	<0.1	(0)
MK The former Yugoslav Republic of Macedonia	3	(0)	<0.1	(0)
AM Armenia	2	(0)	<0.1	(0)
EE Estonia	2	(0)	<0.1	(0)
LK Sri Lanka	2	(1)	<0.1	(<0.1)
OA OAPI States	2	(2)	<0.1	(<0.1)
AL Albania	1	(0)	<0.1	(0)
GE Georgia	1	(1)	<0.1	(<0.1)
KG Kyrgyzstan	1	(0)	<0.1	(0)
LS Lesotho	1	(0)	<0.1	(0)
MW Malawi	1	(2)	<0.1	(<0.1)
SZ Swaziland	1	(0)	<0.1	(0)
UZ Uzbekistan	1	(1)	<0.1	(<0.1)
BB Barbados	0	(1)	0	(<0.1)
KE Kenya	0	(2)	0	(<0.1)
LR Liberia	0	(2)	0	(<0.1)
TOTAL	47,291	(38,906)	100.00	(100.00)

The table above shows that in 1996 there was a notable increase in the number of international applications received from the following major user countries: Japan (1,161 more than in 1995 (43% increase)), Switzerland (289 more than in 1995 (36.8% increase)), France (499 more than in 1995 (27.6% increase)), the United States of America (4,240 more than in 1995 (25.6% increase)) and the Netherlands (292 more than in 1995 (22.5% increase)).

18. In 1996, the average number of designations made per international application was 30.3 (1995: 25.3), having the effect, on average, of national or regional applications in 56.2 (1995: 46.5) Contracting States. This figure is much higher than the number of States where patent protection will eventually be sought because the applicants in respect of 45.2% (1995: 46.1%) of all international applications received by the International Bureau in 1996 used the possibility of paying the maximum of 11 designation fees while designating any number of (and frequently all) PCT Contracting States in order to extend the effects of the international application to as many States as might be of interest to them, retaining the option of deciding at a later stage in which States they wished to proceed. The difference between the number of designations and their effect as national or regional applications is due to the fact that each designation for a regional (ARIPO, Eurasian, European or OAPI) patent covers several States. Many applicants make such designations for regional patents; for example, in 1996, a European patent was sought in 96.2% of all international applications.

19. In 1996, the International Bureau of WIPO as PCT receiving Office received 1,500 international applications (1995: 1,151) from applicants from 38 countries, including 344 which benefited from the safeguard procedure under which an international application that is filed with a "non-competent" receiving Office is transmitted to the International Bureau in its

8. Of the international applications received by the International Bureau, 5,766 (= 12.2%) were received from the European Patent Office (EPO) as receiving Office and 1,487 (= 3.1%) were received from the International Bureau as receiving Office; those applications, and applications received from other regional Offices as receiving Offices, are included in the figures concerning the country of origin of the applicant.

capacity as receiving Office, allowing applicants to retain the date of receipt by the “non-competent” receiving Office as the international filing date.

20. A copy of every international application is sent to the International Searching Authority competent for carrying out the international search. Where more than one Authority is competent, the applicant chooses the one he prefers. The number of international applications sent to each International Searching Authority in 1996 is indicated below:

<i>International Searching Authority</i>	<i>Number of applications</i>		<i>Percentage</i>	
	1996	(1995)	1996	(1995)
European Patent Office	26,029	(21,541)	55.0	(55.4)
United States of America	11,889	(9,628)	25.1	(24.7)
Sweden	3,791	(3,490)	8.0	(8.9)
Japan	3,562	(2,522)	7.5	(6.5)
Australia	999	(1,011)	2.1	(2.6)
Russian Federation	383	(302)	0.8	(0.8)
Austria	283	(244)	0.6	(0.6)
Spain	240	(60)	0.5	(0.2)
China	115	(108)	0.2	(0.3)
TOTAL	47,291	(38,906)	100.0	(100.0)

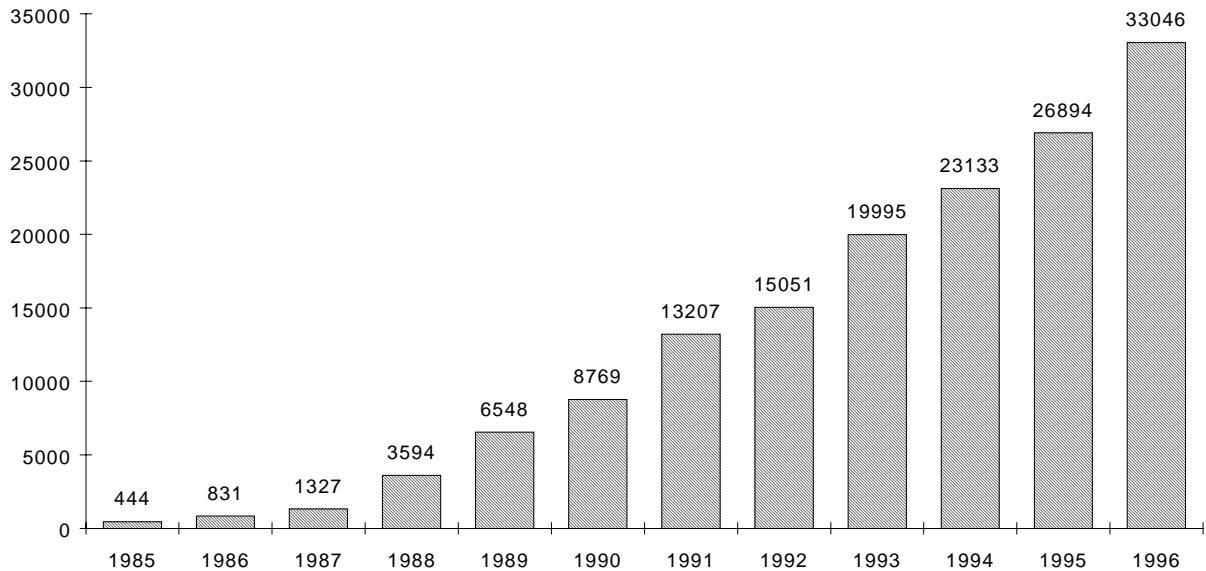
21. The international applications received by the International Bureau in 1996 were filed in the following languages:

<i>Language of filing</i>	<i>Number of applications</i>		<i>Percentage</i>	
	1996	(1995)	1996	(1995)
English	32,130	(26,519)	67.9	(68.1)
German	6,558	(5,733)	13.9	(14.7)
Japanese	3,566	(2,526)	7.5	(6.5)
French	2,434	(1,895)	5.1	(4.9)
Swedish	862	(744)	1.8	(1.9)
Russian	364	(302)	0.8	(0.8)
Dutch	335	(225)	0.7	(0.6)
Finnish	320	(387)	0.7	(1.0)
Spanish	270	(160)	0.6	(0.4)
Norwegian	175	(143)	0.4	(0.4)
Danish	168	(175)	0.4	(0.4)
Chinese	109	(97)	0.2	(0.3)
TOTAL	47,291	(38,906)	100.0	(100.0)

22. In 1996, the International Bureau sent the final batch of notifications to applicants about the possibility of requesting the extension of the effects of their international applications to certain successor States of the former Soviet Union that had made a declaration of continued application of the PCT.

23. The number of demands for international preliminary examination received by the International Bureau from the International Preliminary Examining Authorities in 1996 amounted to 33,046, which represents an increase over 1995 of 22.9%. The number of demands in each calendar year since 1985 is as follows:

Number of demands filed worldwide



24. Those demands were received by the International Bureau from the Offices indicated below in their capacity as International Preliminary Examining Authorities:

<i>International Preliminary Examining Authority</i>	<i>Number of demands</i>		<i>Percentage</i>	
	1996	(1995)	1996	(1995)
European Patent Office	18,213	(14,428)	55.1	(53.7)
United States of America	9,569	(8,178)	29.0	(30.4)
Sweden	2,478	(1,969)	7.5	(7.3)
Japan	1,563	(1,110)	4.7	(4.1)
Australia	893	(864)	2.7	(3.2)
Russian Federation	138	(127)	0.4	(0.5)
Austria	117	(138)	0.4	(0.5)
China	75	(80)	0.2	(0.3)
TOTAL	33,046	(26,894)	100.0	(100.0)

25. The demands for international preliminary examination received in 1996 relate mainly to international applications filed in 1995. Applicants are increasingly (in about 80% of applications) taking advantage of the benefits of the procedure under Chapter II of the PCT.

26. **Meetings.** The PCT Committee for Administrative and Legal Matters (PCT/CAL) held its sixth session from April 29 to May 2, 1996, in Geneva, and discussed the following:

- a proposal for a supplementary international search system giving applicants the possibility of requesting a supplementary international search report from an International Searching Authority different from the one that carries out the usual “mandatory” international search; it was concluded that further consultation with interested parties would be necessary;
- a proposal according to which the *PCT Gazette*, which is currently published in separate English- and French-language editions, would be published as a single bilingual edition, and would no longer contain abstracts and drawings relating to published international applications; the Committee agreed to this proposal in principle but requested the International Bureau to study the matter further and to put it before an appropriate PCT body;
- an outline proposal which would permit the filing of international applications in a broader range of languages than is currently possible; the Committee generally welcomed the envisaged liberalization and invited the International Bureau to draw up detailed proposals for further consideration at a later date.

27. In 1996, officials of the International Bureau participated in 95 seminars which dealt with the use and advantages of the PCT. In the course of those seminars, which were held in Argentina, Bolivia, Brazil, Burkina Faso, China, Costa Rica, Cuba, Egypt, Finland, France, Germany, Guyana, Honduras, Indonesia, Iran (Islamic Republic of), Israel, Japan, Kazakstan, Kenya, Libya, Mexico, Morocco, Panama, Peru, the Republic of Korea, the Republic of Moldova, the Russian Federation, Saint Lucia, Singapore, Slovakia, Sri Lanka, Sweden, Switzerland, Syria, Turkey, Uganda, Ukraine, the United Kingdom, the United States of America and Venezuela, presentations were given in Arabic, Chinese, English, French, German, Japanese, Korean, Portuguese, Russian or Spanish to about 7,700 users and potential users of the PCT system.

28. **Publications under the PCT.** The weekly publication of the *PCT Gazette*, in separate English and French editions, continued in 1996. It included entries relating to the 42,186 international applications (1995: 35,638) which were published in 1996 in the form of PCT pamphlets (in Chinese, English, French, German, Japanese, Russian or Spanish, depending on the language of filing) on the same day as the relevant issue of the *PCT Gazette*. The *PCT Gazette* also included, in Section IV, a substantial volume of information of a general character concerning new Contracting States and the requirements of the various Offices and International Authorities. In January and July, special issues of the *PCT Gazette* (Nos. 01/1996 and 32/1996) were published, containing consolidated general information relating to Contracting States, national and regional Offices and International Authorities. In May, two special issues of the *PCT Gazette* were published, one (No. 19/1996) containing the amended list of PCT minimum documentation (list of periodicals), and another (No. 24/1996) containing the consolidated text of the *Administrative Instructions under the PCT*, as in force from May 6, 1996. In August, a bilingual (English and French) index of the *PCT Gazette* was published for 1995, containing a consolidated version of the indexes published in Section II and an index to Section IV.

29. The number of international applications published in 1996 in each of the languages of publication was as follows:

<i>Language of publication</i>	<i>Number of applications</i>		<i>Percentage</i>	
	1996	(1995)	1996	(1995)
English	30,878	(26,004)	73.2	(73.0)
German	6,023	(5,082)	14.3	(14.3)
Japanese	2,768	(2,267)	6.5	(6.4)
French	1,987	(1,799)	4.7	(5.0)
Russian	240	(273)	0.6	(0.7)
Spanish	200	(129)	0.5	(0.4)
Chinese	90	(84)	0.2	(0.2)
TOTAL	42,186	(35,638)	100.0	(100.0)

30. The *PCT Applicant's Guide*, which contains information on the filing of international applications and the procedure during the international phase as well as information on the national phase and the procedure before the designated (or elected) Offices, was updated twice in 1996 to include the many changes that had occurred during the year in respect of the PCT. About 600 updating sheets were sent to each subscriber in 1996.

31. Twelve issues of the *PCT Newsletter* were published in 1996. This monthly publication provides up-to-date news for users of the PCT. It contains information on the essential items included in Section IV of the *PCT Gazette* and supplements the *PCT Applicant's Guide*, with practical advice for applicants and agents, a list of forthcoming PCT seminars, consolidated tables of PCT fees in various currencies, and other items of general interest. It also includes tear-out provisional sheets permitting easy inclusion of certain important changes in the *PCT Applicant's Guide* prior to the issuance of six-monthly updates.

32. In 1996, the International Bureau continued, in cooperation with the European Patent Office, the production of ESPACE WORLD CD-ROMs, each disk containing the full text and the drawings of about 500 published international applications in facsimile form as well as the corresponding bibliographic data in coded, searchable form. All international applications published since 1978 are available in CD-ROM format (on a total of 593 CD-ROMs).

33. **Ordering of PCT publications.** PCT publications may be ordered from WIPO, Publications Sales and Distribution Section, P.O. Box 18, CH-1211 Geneva 20, Switzerland, facsimile No. (41-22) 740 18 12 or 733 54 28. Publications of particular interest include:

- the *PCT Applicant's Guide*, a five-binder loose-leaf publication of more than 1,000 pages (available in English and French from WIPO, also available from other sources in German and Japanese—contact WIPO for details);
- PCT pamphlets containing published international applications (in various languages—see paragraph 28, above—and containing the title and the abstract in both the language of publication and English);
- the *PCT Gazette* (available in English and French);
- the *PCT Newsletter* (available in English only);

- booklets containing the text of the PCT and the PCT Regulations (in Arabic, English, French, German, Italian, Portuguese, Russian and Spanish);
- special issues of the *PCT Gazette* (see paragraph 28, above) (in English and French).

34. A leaflet entitled *Basic Facts about the Patent Cooperation Treaty (PCT)* is available free of charge in English, French, German, Japanese, Portuguese and Spanish.

35. The ESPACE WORLD CD-ROMs containing published international applications may be ordered from the European Patent Office, Schottenfeldgasse 29, Postfach 82, A-1072 Vienna, Austria. However, CD-ROMs containing the international applications published between 1978 and 1989 can be obtained only from WIPO, at the address indicated in paragraph 33, above.

36. **Internet site.** WIPO's home page on the Internet includes general information on the PCT. Further material will be added in 1997. The World Wide Web address is: <http://www.wipo.int>.

[End]