

# ■ Results of CWS Survey on SPCs and PTEs

CWS/7 item 16(b)

# General

- Approved by CWS/6 in Oct 2018
- Issued in Dec 2018; responses through Mar 2019
- 26 IP Offices responded

AU: Australia

BE: Belgium

BR: Brazil

CA: Canada

CH: Switzerland

CN: China

CO: Colombia

CR: Costa Rica

CZ: Czech Republic

DE: Germany

DO: Dominican Republic

EA: Eurasian Patent  
Organization (EAPO)

EE: Estonia

ES: Spain

FR: France

GB: United Kingdom

HR: Croatia

IT: Italy

JP: Japan

KR: Republic of Korea

MD: Republic of Moldova

RU: Russian Federation

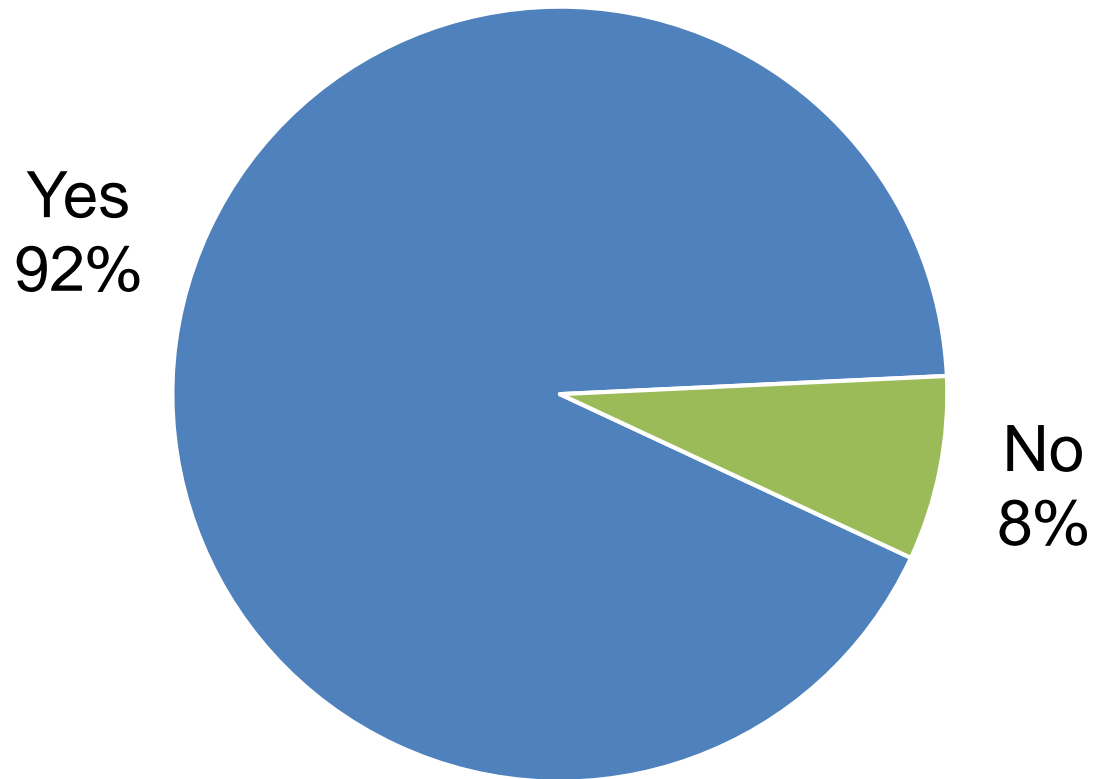
SE: Sweden

SK: Slovakia

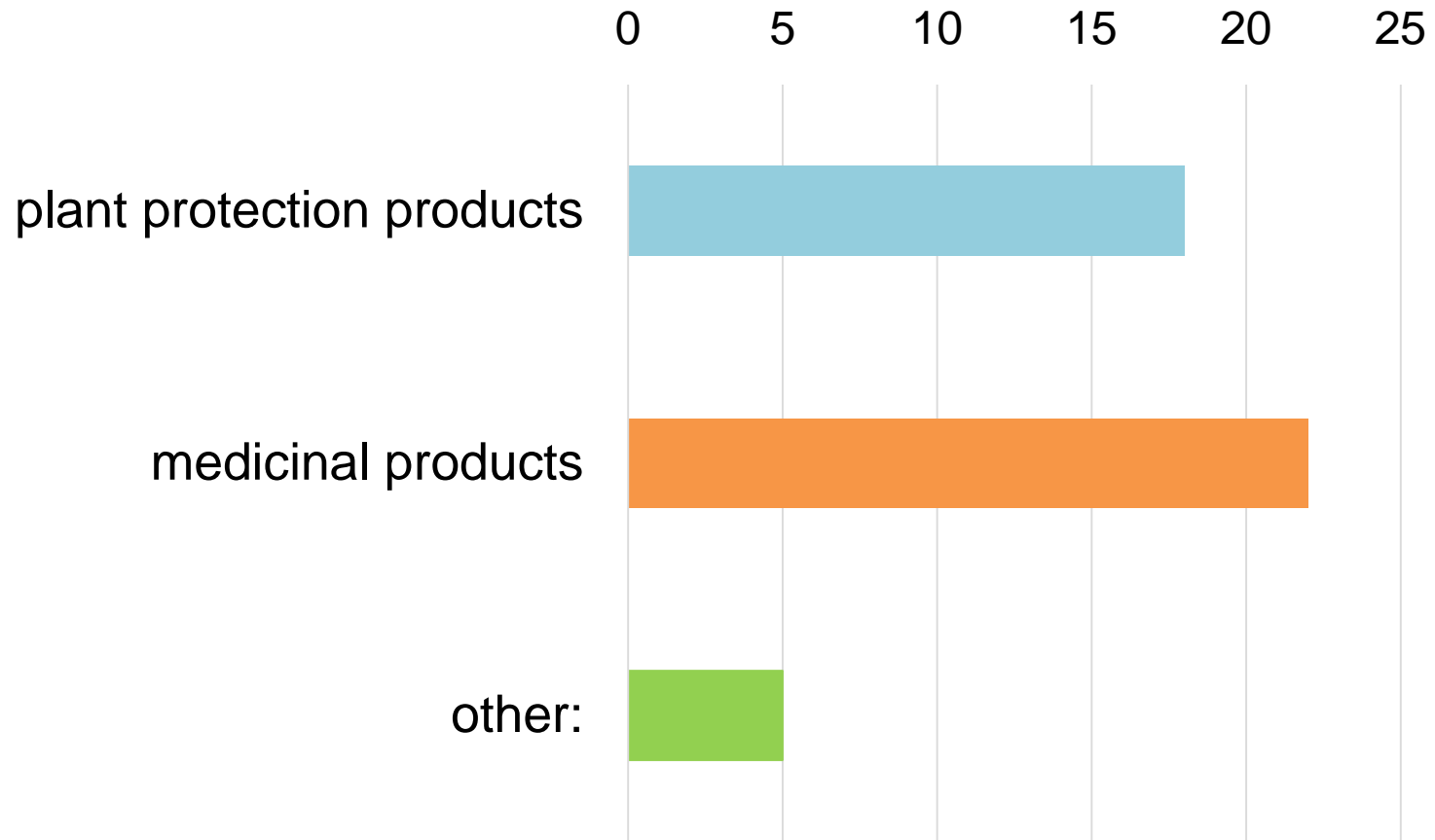
UA: Ukraine

US: United States of  
America

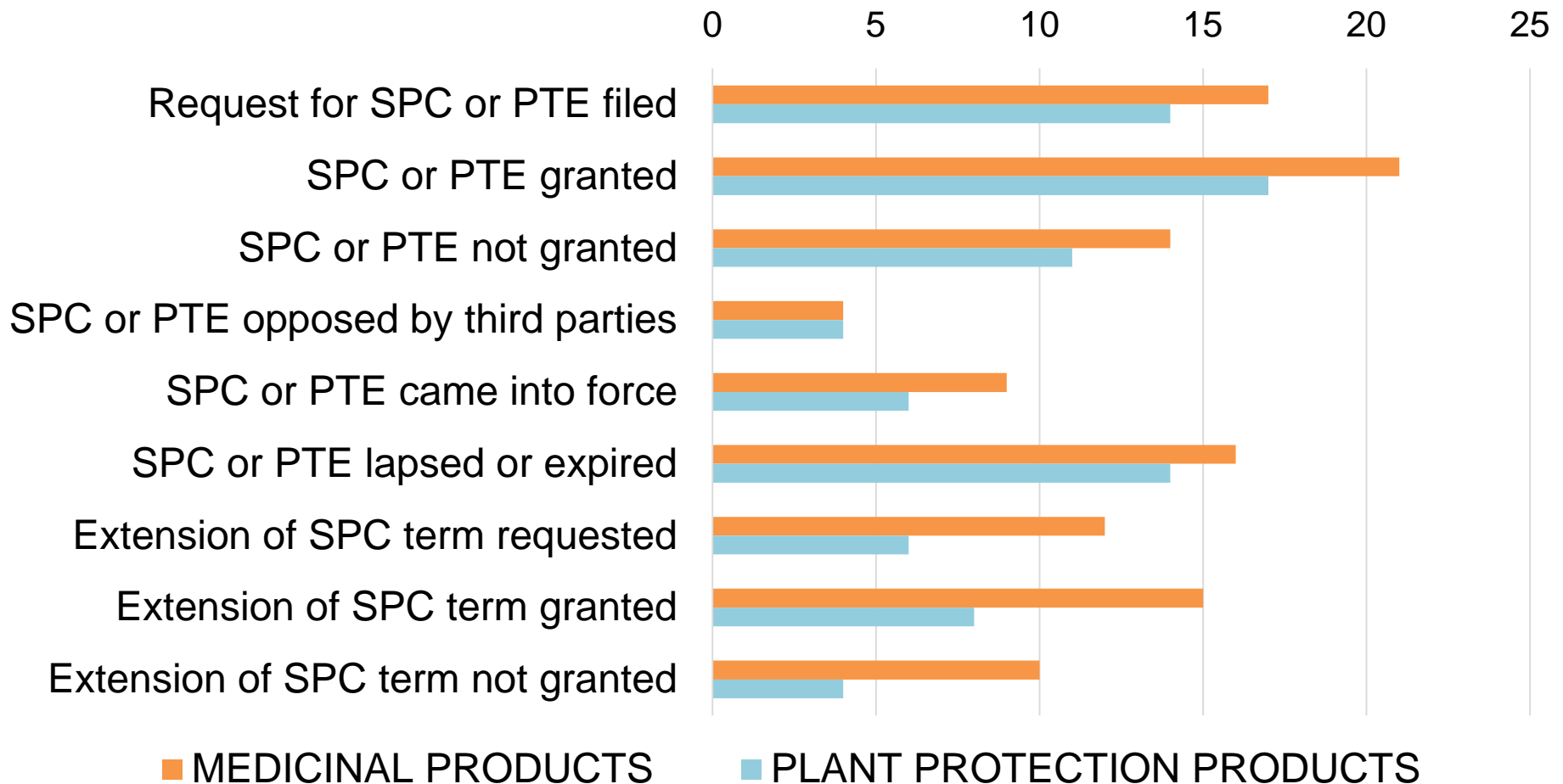
# Do you provide SPCs or PTEs?



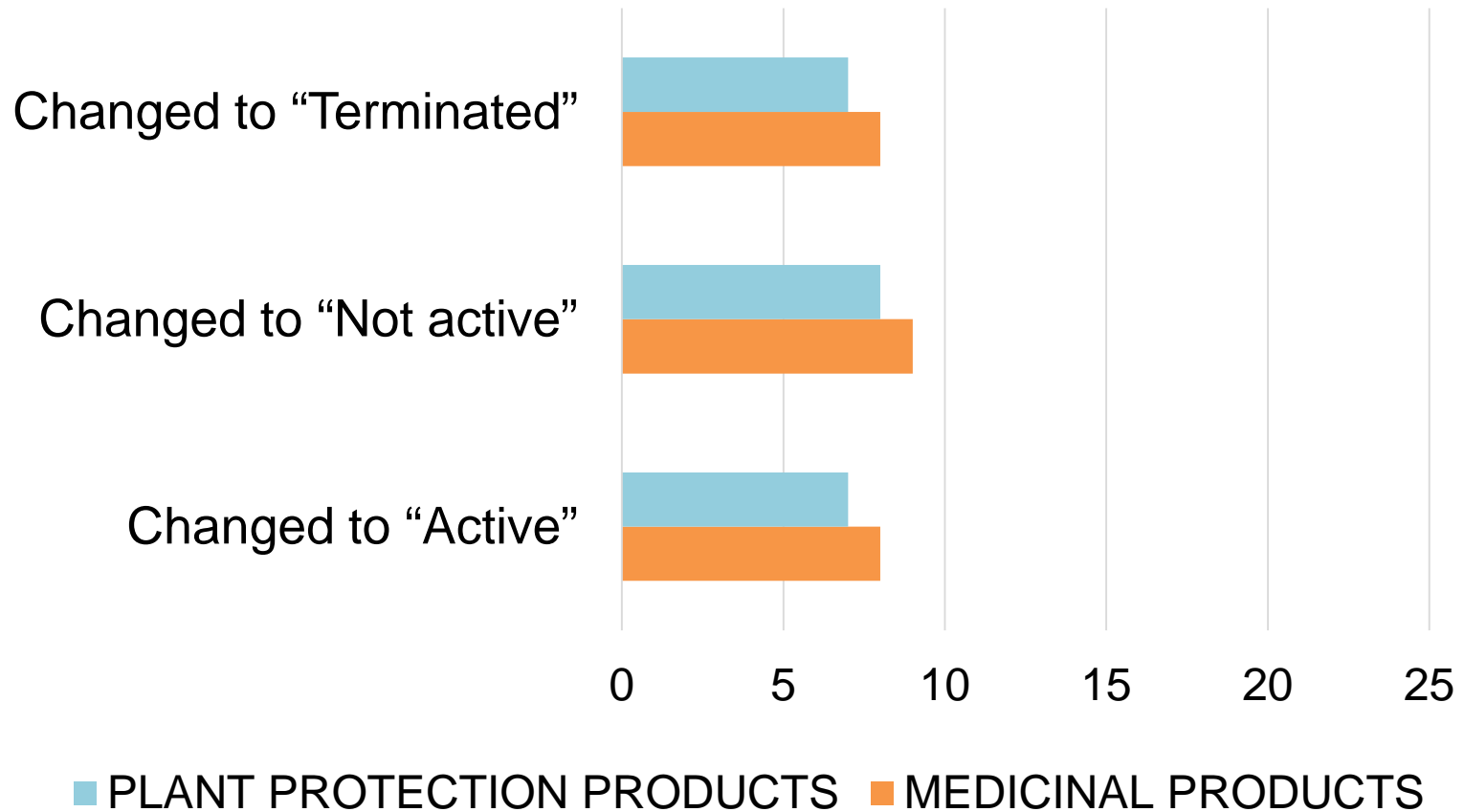
# Products eligible for an SPC or PTE



# Do you (intend to) publish events for an SPC or PTE?



# Do you (intend to) publish ST.27 state changes for an SPC or PTE?



# Observations 1

- Protection for medicinal products is most common (90%)
- Plant products are almost as common (75%)
- Common requirements to qualify for protection include:
  - the product is protected by a patent
  - the product was subject to regulatory review or approval before commercial marketing
  - the product has not previously received supplemental protection
  - the market approval is the first such approval for the product
  - there was an unreasonable delay in granting the patent or regulatory approval

# Observations 2

- Many IPOs (60% to 80%) plan to publish common events, when an SPC or PTE is:
  - requested, granted, not granted, lapsed or expired, requested an extension, and granted an extension
- Some events are not published very often (less than 50% of IPOs):
  - oppositions filed, when the protection came into force, and when an extension was not granted
- Most offices publish SPC or PTE information daily or weekly, in online databases (85%) or an Official Gazette (70%)



# Outcomes

- IB to update part 7.7 of WIPO Handbook with results pending CWS approval

■ Thank you for your attention!