

C. PCT 1305

May 19, 2011

Madam,  
Sir,

*Development of a request for indication of availability for licensing purposes in PCT applications*

This Circular is addressed to your Office in its capacity as a receiving Office (RO), International Searching Authority (ISA), International Preliminary Examining Authority (IPEA) and/or designated/elected Office (DO/EO) under the Patent Cooperation Treaty (PCT). It is also addressed to certain non governmental organizations representing users of the PCT.

This Circular concerns the development of a new PCT feature whereby applicants interested in licensing the invention(s) contained in their international applications filed under the PCT can request the International Bureau to make this information available in relation to the application on its PATENTSCOPE website.

The PCT Contracting States, acting in the context of the PCT Working Group stated:

“211. It is recommended that a system for promoting licensing should be established, including introducing a register that encourages applicants to signal their willingness to license their potential patents...” (document PCT/WG/3/14 Rev. paragraph 129 (page 29)).

The PCT Assembly subsequently noted the development of this feature (document PCT/A/41/4, paragraph 8).

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Annex I to this Circular contains proposals as to the functionality of this new licensing feature under the PCT, including sample screens showing how the licensing indications would appear on PATENTSCOPE for international application in relation to which it has been requested.

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Annex II to this Circular contains proposed new form PCT/IB/382 "*Request for indication of availability for licensing purposes*" which could be used by applicants to submit indications about the licensing of their invention(s).

The International Bureau would appreciate receiving any comments on both Annexes by June 19, 2011, preferably by fax to: (+41 22) 910 00 30 or by email to: [pctlegal@wipo.int](mailto:pctlegal@wipo.int).

Yours sincerely,



Francis Gurry  
Director General

Enclosures: Annex I – Proposed description of the functionality of the new PCT licensing feature

Annex II – Proposed new Form PCT/IB/382 "*Request for indication of availability for licensing purposes*"

PROPOSED DESCRIPTION OF THE FUNCTIONALITY  
OF THE NEW PCT LICENSING FEATURE

*Summary*

It is proposed to implement this new PCT licensing feature, as follows:

- (i) the applicant would preferably submit new form PCT/IB/382 (see Annex II) or send a letter indicating that the claimed invention(s) is(are) available for licensing. The form or letter could include further licensing terms;
- (ii) such licensing indications could be submitted at any time from filing of the international application to the expiration of the 30-month time period;
- (iii) the licensing indications would be reflected in the bibliographic data relating to the particular application but not be part of the published international application itself, and a link would be created between the indications in the bibliographic data and the content of the submitted form or letter; in addition, the form or letter would also be available under the “*Documents*” tab on PATENTSCOPE;
- (iv) the existence of licensing indications would become a search criterion within PATENTSCOPE.

*Submission of request for indication of availability for licensing purposes*

Applicants would have the option to submit their request for indication of availability for licensing purposes via the PCT Online Document Upload Service on PATENTSCOPE. Alternatively, applicants could mail their request via surface mail or fax it to the International Bureau.

Moreover, nothing would prevent applicants from submitting this licensing request at the time of filing, e.g. via PCT-SAFE by attaching the licensing availability request (using the new form or letter) to their application as “*Other*” under “*Accompanying items*” and label it for instance “*Licensing availability request*”.

Where the applicant has submitted a request to the International Bureau, the indications would appear under the “*Bibliographic data*” tab for the particular application concerned on PATENTSCOPE, as shown in Figure 1 below.

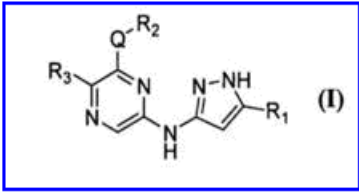


Biblio. Data	Description	Claims	National Phase	Notices	Documents
<p><b>Latest bibliographic data on file with the International Bureau</b> <span style="float: right;">🔍</span></p> <hr/> <p><b>Pub. No.:</b> WO/2009/089042      <b>International Application No.:</b> PCT/US2009/000123  <b>Publication Date:</b> 16.07.2009      <b>International Filing Date:</b> 09.01.2009</p> <p><b>IPC:</b> C07D 401/14 (2006.01), A61K 31/496 (2006.01), A61P 35/00 (2006.01), C07D 403/12 (2006.01), C07D 403/14 (2006.01), C07D 407/14 (2006.01), C07D 413/14 (2006.01), C07D 417/14 (2006.01)</p> <p><b>Applicants:</b> SIGNAL PHARMACEUTICALS, LLC [US/US]; 4550 Towne Centre Court San Diego, CA 92121 (US) (<i>All Except US</i>).  SLOSS, Marianne, K. [US/US]; (US) (<i>US Only</i>).  MCKENNA, Jeffery [GB/GB]; (GB) (<i>US Only</i>).  YOON, Won, Hyung [KR/US]; (US) (<i>US Only</i>).  NORRIS, Stephen [US/US]; (US) (<i>US Only</i>).  ROBINSON, Dale [US/US]; (US) (<i>US Only</i>).  PARNES, Jason [US/US]; (US) (<i>US Only</i>).  SHEVLIN, Graziella [US/US]; (US) (<i>US Only</i>).</p> <p><b>Inventors:</b> SLOSS, Marianne, K.; (US).  MCKENNA, Jeffery; (GB).  YOON, Won, Hyung; (US).  NORRIS, Stephen; (US).  ROBINSON, Dale; (US).  PARNES, Jason; (US).  SHEVLIN, Graziella; (US).</p> <p><b>Agent:</b> INSOGNA, Anthony M. et al.; Jones Day, 222 East 41st Street, New York, NY 10017-6702 (US) .</p> <p><b>Priority Data:</b> 61/010,866 09.01.2008 US</p> <p><b>Title:</b> PYRAZOLE PYRAZINE AMINE COMPOUNDS AS KINASE INHIBITORS, COMPOSITIONS THEREOF AND METHODS OF TREATMENT THEREWITH</p> <p><b>Abstract:</b> Provided herein are Pyrazole Pyrazine Amine Compounds having the following structure: Formula (I). Wherein Q and R<sup>1</sup>-R<sup>3</sup> are as defined herein, compositions comprising an effective amount of a Pyrazole Pyrazine Amine Compound and methods for treating or preventing inflammatory conditions, immunological conditions, cancer, neurodegenerative diseases, age-related diseases, cardiovascular diseases and metabolic conditions, or conditions treatable or preventable by inhibition of an IKK, or an IKK pathway, comprising administering an effective amount of a Pyrazole Pyrazine Amine Compound to a patient in need thereof.</p> <div style="text-align: center;">  <p style="text-align: right;">(I)</p> </div> <p><b>Designated States:</b> AE, AG, AL, AM, AO, AT, AU, AZ, BA, BB, BG, BH, BR, BW, BY, BZ, CA, CH, CN, CO, CR, CU, CZ, DE, DK, DM, DO, DZ, EC, EE, EG, ES, FI, GB, GD, GE, GH, GM, GT, HN, HR, HU, ID, IL, IN, IS, JP, KE, KG, KM, KN, KP, KR, KZ, LA, LC, LK, LR, LS, LT, LU, LY, MA, MD, ME, MG, MK, MN, MW, MX, MY, MZ, NA, NG, NI, NO, NZ, OM, PG, PH, PL, PT, RO, RS, RU, SC, SD, SE, SG, SK, SL, SM, ST, SV, SY, TJ, TM, TN, TR, TT, TZ, UA, UG, US, UZ, VC, VN, ZA, ZM, ZW.  African Regional Intellectual Property Org. (ARIPO) (BW, GH, GM, KE, LS, MW, MZ, NA, SD, SL, SZ, TZ, UG, ZM, ZW)  Eurasian Patent Organization (EAPO) (AM, AZ, BY, KG, KZ, MD, RU, TJ, TM)  European Patent Office (EPO) (AT, BE, BG, CH, CY, CZ, DE, DK, EE, ES, FI, FR, GB, GR, HR, HU, IE, IS, IT, LT, LU, LV, MC, MK, MT, NL, NO, PL, PT, RO, SE, SI, SK, TR)  African Intellectual Property Organization (OAPI) (BF, BJ, CF, CG, CI, CM, GA, GN, GQ, GW, ML, MR, NE, SN, TD, TG).</p> <p><b>Publication Language:</b> English (EN)  <b>Filing Language:</b> English (EN)</p> <p><b>Licensing availability request:</b> The applicant has requested the International Bureau to indicate the availability for licensing purposes of the invention(s) claimed in this international application</p> <p style="text-align: right;">   <a href="#">View the document</a> </p>					


Figure 1: Licensing indications under the "Bibliographic data" tab on PATENTSCOPE

A link will be created between the licensing statement appearing under the “*Bibliographical data*” tab (see above, Figure 1) and the content of the request (form PCT/IB/382 or any letter submitted containing the licensing indications), allowing third parties to directly access its content. In addition, the licensing availability request would also be available under the “*Documents*” tab on PATENTSCOPE as a separate document (see Figure 2, below).

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1. (WO2011000001) TITLE OF INVENTION

**PCT Biblio. Data | Description | Claims | National Phase | Notices | Documents**

International Application Status <sup>?</sup>			
Date	Title	View	Download
06.01.2011	International Application Status Report	HTML, PDF	PDF, XML

Published International Application			
Date	Title	View	Download
06.01.2011	Initial Publication with ISR (A1 06/2011)	HTML, PDF (102p.)	PDF (102p.), ZIP(XML + TIFFs)

Related Documents on file at the International Bureau			
Date	Title	View	Download
06.01.2011	Application Body as Filed	PDF (100p.)	PDF (100p.), ZIP(XML + TIFFs)
06.01.2011	Request form (RO/101)	PDF (4p.)	PDF (4p.), ZIP(XML + TIFFs)
06.01.2011	Cover Letter	PDF (2p.)	PDF (2p.), ZIP(XML + TIFFs)
06.01.2011	Validation Log	PDF (1p.)	PDF (1p.), ZIP(XML + TIFFs)
06.01.2011	Notification of the International Application Number and of the International Filing Date (RO/105)	PDF (1p.)	PDF (1p.), ZIP(XML + TIFFs)
06.01.2011	Notification of Receipt of Search Copy (ISA/202)	PDF (1p.)	PDF (1p.), ZIP(XML + TIFFs)
06.01.2011	Invitation to Correct Defects in the International Application (RO/106)	PDF (2p.)	PDF (2p.), ZIP(XML + TIFFs)
06.01.2011	Notification of receipt of record copy (IB/301)	PDF (1p.)	PDF (1p.), ZIP(XML + TIFFs)
06.01.2011	Notification of transmittal of the international search report and the written opinion of the international searching authority, or the declaration (ISA/220)	PDF (1p.)	PDF (1p.), ZIP(XML + TIFFs)
06.01.2011	International Search Report	PDF (4p.)	PDF (4p.), ZIP(XML + TIFFs)
06.01.2011	Replacement, Substitute sheets under rule 26	PDF (10p.)	PDF (10p.), ZIP(XML + TIFFs)
06.01.2011	Power of Attorney	PDF (5p.)	PDF (5p.), ZIP(XML + TIFFs)
06.01.2011	Notification Concerning Availability of Publication of the International Application (IB/311)	PDF (1p.)	PDF (1p.), ZIP(XML + TIFFs)


Licensing availability request			
Date	Title	View	Download
06.01.2011	Request for indication of availability for licensing purposes (IB/382)	HTML, PDF (2p.)	PDF (2p.), ZIP(XML + TIFFs)

Figure 2: Access to the request for indication of availability for licensing purposes via the “Documents” tab on PATENTSCOPE


*Searching for international applications for which licensing indications have been submitted*

The licensing indications would become a search criterion within PATENTSCOPE, allowing third parties to identify those international applications in relation to which indications have been submitted concerning availability of the claimed invention(s) for licensing purposes (as shown in Figure 3 below). This search criterion could also be used in combination/multi-field searches.

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**Structured Search**

**Fields**

	Front Page	=	
AND	WIPO Publication Number	=	
AND	Application Number	=	
AND	Publication Date	=	
AND	English Title	=	
AND	English Abstract	=	
AND	Applicant Name	=	
AND	International Class	=	
AND	Inventor Name	=	
AND	Office Code	=	
AND	English Description	=	
AND	English Claims	=	
AND	Licensing / License	=	
AND	Inventor Name	Is Empty:	<input checked="" type="radio"/> N/A <input type="radio"/> Yes <input type="radio"/> No

Language  Stem

**Office**

<input type="checkbox"/> PCT	<input type="checkbox"/> Ecuador	<input type="checkbox"/> Panama	<input type="checkbox"/> ARIPO
<input type="checkbox"/> Argentina	<input type="checkbox"/> El Salvador	<input type="checkbox"/> Peru	<input type="checkbox"/> EPO
<input type="checkbox"/> Brazil	<input type="checkbox"/> Guatemala	<input type="checkbox"/> Republic of Korea	<input type="checkbox"/> LATIPAT
<input type="checkbox"/> Chile	<input type="checkbox"/> Honduras	<input type="checkbox"/> Singapore	<input checked="" type="checkbox"/> All
<input type="checkbox"/> Colombia	<input type="checkbox"/> Israel	<input type="checkbox"/> South Africa	
<input type="checkbox"/> Costa Rica	<input type="checkbox"/> Mexico	<input type="checkbox"/> Spain	
<input type="checkbox"/> Cuba	<input type="checkbox"/> Morocco	<input type="checkbox"/> Uruguay	
<input type="checkbox"/> Dominican Rep.	<input type="checkbox"/> Nicaragua	<input type="checkbox"/> Viet Nam	

0 results

(+) Add another search field | (-) Reset search fields | Tooltip Help

Figure 3: Licensing indications availability criterion on PATENTSCOPE

*Time limit for filing of request for indication of availability for licensing purposes*

It is proposed that the request for indication of availability for licensing purposes should not be part of the international application as filed, that is, it should not be part of the PCT/RO/101 request form. However, nothing would prevent applicants from submitting this request at the time of filing as a separate document submitted *together with* the international application. The outer time limit for submitting such licensing requests to the International Bureau is proposed to be 30 months from the priority date. However, if member States are comfortable with and desire for the International Bureau to do so, the International Bureau would be willing to receive such requests and reflect them on PATENTSCOPE even after the expiration of 30 months.

*Language of the Request for indication of availability for licensing purposes*

It is proposed to create form PCT/IB/382 in English and French (see Annex II). The International Bureau will reflect upon expanding it to other publication languages. Any request submitted in the form of a letter should be drafted in English or French, as per Rule 92.2(d).

*Licensing incentives in national phase*

The International Bureau would like to call the attention of the Member States to the fact that some national laws have set certain incentives in relation to licensing agreements (e.g. as per Section 46 of the UK Patent Act, by marking the register that anyone is entitled to a non-exclusive license the licensor is entitled to pay half rate renewal fee; whereas pursuant to Section 23(1) of the German Patent Law, by filing a declaration of willingness to license, the licensor is entitled to pay half the maintenance fee).

The International Bureau would like to invite all Member States to inform it about any relevant existing provisions and conditions for their applicability, and urges Member States that already apply such incentives to extend such benefits to this request for indication of availability for licensing purposes made during the international phase, or possibly even after the expiration of the 30-month time limit.

[Annex II follows]

The request for indication of licensing availability must be filed with the International Bureau preferably via online document upload at: <https://webaccess.wipo.int/pctservice/en> or by facsimile: +41 22 338 82 70

## PATENT COOPERATION TREATY

# PCT

### REQUEST FOR INDICATION OF AVAILABILITY FOR LICENSING PURPOSES

Applicant's or agent's file reference	International filing date (day/month/year)
International application No.	Priority date (day/month/year)
Applicant	

1. The applicant hereby requests the International Bureau **to indicate the availability for licensing purposes** of the invention(s) claimed in this international application on its PATENTSCOPE website.

2. Licensing terms (*optional*): The applicant is willing to license the claimed invention(s):

in:

all PCT Contracting States

all PCT Contracting States except (*indicate each State by its two-letter code*): \_\_\_\_\_

\_\_\_\_\_

the following State(s) only (*indicate each State by its two-letter code*): \_\_\_\_\_

\_\_\_\_\_

for **exclusive** use by the licensee                       for **non-exclusive** use by the licensee

3. Additional licensing terms (*optional*) (*if the space below is insufficient, please use the Annex to this form*):

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

4. Licensing contact:  
Any person interested in a licensing agreement for the invention(s) claimed in this international application should contact the following person:

\_\_\_\_\_

\_\_\_\_\_

5. Signature of applicant(s), agent or common representative:

Name: \_\_\_\_\_ Capacity: \_\_\_\_\_ Date: \_\_\_\_\_



**ANNEX TO FORM PCT/IB/382**

International application No.

Continuation of item 3 (*If this Annex is not used, this sheet should not be included in this request*):