

Committee on WIPO Standards (CWS)

Reconvened Fourth Session Geneva, March 21 to 24, 2016

INFORMATION ON THE ENTRY INTO NATIONAL (REGIONAL) PHASE OF PUBLISHED PCT INTERNATIONAL APPLICATIONS

Document prepared by the Secretariat

1. The Committee on WIPO Standards (CWS), according to Task No. 23, monitors “the inclusion, in databases, of information about the entry, and, where applicable, the non-entry into the national (regional) phase of published PCT international applications”. The International Bureau should report at meetings of the CWS every second year on the progress of the said Task. (See document CWS/3/12 and paragraph 73 of CWS/3/14).
2. The CWS considered the status reports concerning the above-mentioned Task prepared by the European Patent Office (EPO) and the International Bureau at its second session in April/May 2012. (See document CWS/2/9 and paragraphs 45 to 47 of document CWS/2/14).
3. As a follow-up to the above, the Secretariat invited both the International Bureau and the EPO to prepare their corresponding status reports on the progress made with regard to Task No. 23 since the second session of the CWS. The status reports were presented for consideration by the CWS at its fourth session held in May 2014 (see document CWS/4/12). Annex I to document CWS/4/12, including the Appendices thereto, contains said status report by the EPO and Annex II, the report by the International Bureau. The updates of said reports, covering the period since May 2014, are provided in Annex I and Annex II, respectively, to the present document.

4. In April 2014, the Patent Documentation Group (PDG) sent a letter to the International Bureau pointing out its concerns with respect to the delivery of legal status data regarding PCT international applications entering the national or regional phase. The letter is reproduced as the Annex to document CWS/4/12 ADD.

5. *The CWS is invited to:*

(a) note the contents of the status reports by the EPO and the International Bureau on Task No. 23 reproduced as Annexes I and II, respectively, to this document, and reproduced as Annexes I and II, respectively, to document CWS/4/12; and

(b) note the comments by the PDG reproduced in the Annex to document CWS/4/12 ADD.

[Annex I follows]

STATUS REPORT ON SDWG TASK NO. 23

Document prepared by the European Patent Office (EPO)

TERMS OF REFERENCE

1. This is an update to the status report provided in March 2014. The current report refers to the situation in early February 2016 and follows the lines expressed by the working title allocated to Task No. 23 at the 11th session of the SDWG in Geneva, October 26 to 30, 2009: "Monitor the inclusion, in databases, of information about entry, and, where applicable, the non-entry into the national (regional) phase of published PCT international applications"

PROGRESS MADE

2. Efforts have continued in keeping up with the data delivered by the patent offices, in particular the co-operation with WIPO in this task is essential. Currently, out of over 65 patent authorities contributing to the EPO's Legal Status Database, 43 are delivering or have delivered in the past information about the entry into the national (regional) phase. Taking into account that several member states of the European Patent Office allow only regional designations, the number of countries covered is 55. Comparing the situation to the one reported previously, only small improvements can be noted.

PRESENT STATUS

3. Direct inputs (from national offices) as well as the updates sent by WIPO are used for the legal status database of the EPO. Presently the EPO receive regular deliveries from 25 authorities. The country distribution according to the source of data is:

- provided to WIPO and by the national office	13
- provided via WIPO only	11
- provided by national office only	1

Details can be gathered from the attached database contents table (see Appendix 1 and 2 to Annex I). An analysis of the Appendix data reveals that:

- the EPO receives regular deliveries from 14 authorities
- timing improved for 4 authorities as compared to 2014
- the EPO receives from WIPO regular deliveries of 10 national data
- for 10 authorities the deliveries from WIPO are outdated (over 2 years old)

4. PCT entry data is exchanged between WIPO and the EPO on a monthly schedule. However, certain countries provide data to WIPO under the condition that this data is not to be distributed further. WIPO has contacted all these countries to get permission to provide the data to the EPO. Currently the following countries fall into this category: CU, IN, PH, SG, TR and VN. The data supply is mostly restricted to PCT entry information. It rarely covers follow-up events as national republication of the patent application or national grant. Currently WIPO investigates whether these events could be re-included or not.

5. No significant progress has been achieved concerning the non-entry information. Currently only three Patent Offices supply this kind of information in a reliable way: the EPO, Germany and Japan. The non-entry information was available for additional countries in the past (for instance: Canada, the Republic of Korea, Russia), however no recent data is available.

FUTURE PLANNING

6. The EPO is dedicating continuous efforts to improve the coverage, timeliness and completeness of the PCT entry information. However, observing the past two years period, only minor achievements can be reported. Further efforts concerning the completeness of information have to be made to get hold of such important events as refusals or withdrawals of national entries. This information is mostly not yet supplied.

7. Authorities reporting the non-entry information continue to be isolated cases and actions continue in order to persuade more countries to provide or to resume delivery of the non-entry data. This information is crucial for the patent information community, in particular for countries with a high activity in PCT entries in comparison to the number of designations.

[Appendices follow]

APPENDIX 1: CONTENT OF THE WORLDWIDE LEGAL STATUS DATABASE – PCT APPLICATION ENTRY DELIVERED BY WIPO

Updates to the report of 2014 are in bold.

Entries of Lithuania, Latvia and Slovenia were removed from the table, as the direct PCT route had been closed; entry data is available via EP route.

Week: 2016/05
Edition: 05.02.2016

CC	Country	from	until		Last input week
AE	United Arab Emirates		30.09.2010	PCT application entry delivered by WIPO	2011/46
AP	ARIPO	01.07.1996	06.08.2008	PCT application entry delivered by WIPO	2011/46
AT	Austria	01.02.1995	30.11.2011	PCT application entry delivered by WIPO	2012/05
AU	Australia	10.12.1998	25.09.2012	PCT application entry delivered by WIPO	2012/42
BG	Bulgaria	02.01.2001	19.12.2007	PCT application entry delivered by WIPO	2011/46
BY	Belarus	15.06.2007	28.02.2008	PCT application entry delivered by WIPO	2011/46
BZ	Belize	27.08.2002	23.03.2007	PCT application entry delivered by WIPO	2007/37
CA	Canada	01.04.1993	08.06.2012	PCT application entry delivered by WIPO	2012/34
CH	Switzerland	04.01.2001	10.02.2015	PCT application entry and further legal events delivered by WIPO	2015/49
CN	China	01.01.2002	20.11.2008	PCT application entry delivered by WIPO	2009/43
CZ	Czech Republic	21.02.1995	03.10.2014	PCT application entry and further legal events delivered by WIPO	2014/50
DE	Germany	01.01.1993	18.08.2011	PCT application entry delivered by WIPO	2012/05
EA	Eurasian Patent Organization	18.04.2007	30.06.2014	PCT application entry delivered by WIPO	2014/31
EG	Egypt	03.08.2008	28.02.2011	PCT application entry delivered by WIPO	2011/14
ES	Spain	30.05.1990	30.06.2011	PCT application entry delivered by WIPO	2011/33
FI	Finland	19.05.1981	31.12.2013	PCT application entry delivered by WIPO	2015/41
GB	United Kingdom	21.09.1989	30.10.2015	PCT application entry delivered by WIPO	2015/51
GE	Georgia	02.07.2007	23.10.2015	PCT application entry delivered by WIPO	2015/51

CC	Country	from	until		Last input week
HR	Croatia	21.07.2000	14.08.2015	PCT application entry delivered by WIPO	2015/51
HU	Hungary	03.11.2006	06.04.2011	PCT application entry delivered by WIPO	2012/05
IL	Israel	02.01.2013	29.10.2015	PCT application entry delivered by WIPO	2015/49
JP	Japan	01.01.2002	31.01.2013	PCT application entry delivered by WIPO	2013/08
KE	Kenya	07.01.2004	12.05.2006	PCT application entry delivered by WIPO	2011/46
KR	Republic of Korea	03.01.1997	05.01.2010	PCT application entry delivered by WIPO	2007/44
LT	Lithuania	12.04.1995	08.03.2011	PCT application entry delivered by WIPO	2011/46
LV	Latvia	22.11.2005	10.06.2006	PCT application entry delivered by WIPO	2007/44
MD	Republic of Moldova	10.01.2008	17.10.2008	PCT application entry delivered by WIPO	2011/46
MX	Mexico	21.12.2005	09.12.2008	PCT application entry delivered by WIPO	2011/46
MY	Malaysia	09.03.2007	30.09.2010	PCT application entry delivered by WIPO	2010/50
NZ	New Zealand	01.05.2001	30.11.2011	PCT application entry delivered by WIPO	2012/05
PH	Philippines	14.03.2002	19.12.2008	PCT application entry delivered by WIPO	2009/43
PL	Poland	22.12.2002	31.05.2012	PCT application entry delivered by WIPO	2012/36
RO	Romania	17.12.2004	28.01.2008	PCT application entry delivered by WIPO	2009/43
RU	Russian Federation	24.03.2004	31.10.2012	PCT application entry delivered by WIPO	2013/06
SE	Sweden	18.08.1985	07.07.2010	PCT application entry delivered by WIPO	2011/46
SI	Slovenia	01.01.2001	18.10.2011	PCT application entry delivered by WIPO	2012/08
SK	Slovakia	10.09.2008	09.06.2011	PCT application entry delivered by WIPO	2012/05
TH	Thailand	01.09.2010	27.01.2014	PCT application entry delivered by WIPO	2014/02
UA	Ukraine	20.07.2005	21.08.2014	PCT application entry delivered by WIPO	2014/42
US	United States of America	14.07.1992	28.08.2015	PCT application entry delivered by WIPO	2015/51
UZ	Uzbekistan	02.01.2001	23.06.2006	PCT application entry delivered by WIPO	2006/37
ZA	South Africa	21.12.1999	07.02.2008	PCT application entry delivered by WIPO	2009/43

APPENDIX 2: CONTENT OF THE WORLDWIDE LEGAL STATUS DATABASE –
PCT APPLICATION ENTRY LOADED DIRECTLY BY THE EPO

Updates to the report of 2014 are in bold.

Entries of Lithuania, Latvia and Slovenia were removed from the table, as the direct PCT route had been closed; entry data is available via EP route. Entries of US and NZ have been deleted from this table as data is provided to the EPO via WIPO.

Week: 2016/05
Edition: 05.02.2016

CC	Country	from	until		Last input week
AT	Austria	01.02.1995	13.08.2014	PCT appl. entry into the national phase	2014/37
AU	Australia	28.11.2002	04.02.2016	PCT appl. entry into the national phase - via Gazette	2016/05
BG	Bulgaria	02.01.2001	30.04.2010	PCT appl. entry into the national phase	2010/24
BR	Brazil	01.03.1995	02.02.2016	PCT appl. entry into the national phase - via Gazette	2016/05
CA	Canada	27.12.1979	03.02.2016	PCT appl. entry into the national phase	2016/05
DE	Germany	22.04.1971	04.02.2016	PCT appl. entry/non-entry into the national phase	2016/05
EP	European Patent Office	20.12.1978	03.02.2016	PCT appl. entry/non-entry into the national phase	2016/05
ES	Spain	30.05.1990	30.06.2011	PCT appl. entry into the national phase	2012/27
GB	United Kingdom	01.04.1998	22.01.2016	PCT appl. entry into the national phase	2016/05
GE	Georgia	31.08.1998	18.02.2015	PCT appl. entry into the national phase	2016/05
JP	Japan	01.09.1996	29.01.2016	PCT appl. entry/non-entry into the national phase	2016/05
KE	Kenya	11.12.1995	18.11.2013	PCT appl. entry into the national phase	2013/50
KR	Republic of Korea	01.01.2000	15.01.2016	PCT appl. entry/non-entry into the national phase	2016/04
LT	Lithuania	01.07.1997	25.01.2012	PCT appl. entry into the national phase	2012/05
LV	Latvia	01.01.1998	30.07.2007	PCT appl. entry into the national phase	2008/47
MD	Republic of Moldova	01.06.2006	31.01.2016	PCT appl. entry into the national phase	2016/05
NZ	New Zealand	29.06.2004	21.12.2012	Register Entries from Gazette	2013/05

CC	Country	from	until		Last input week
RO	Romania	01.01.2002	30.04.2015	PCT appl. entry into the national phase	2015/37
RU	Russian Federation	30.01.2002	30.01.2015	PCT appl. entry into the national phase	2015/53
SI	Slovenia	01.01.2001	18.10.2011	PCT appl. entry into the national phase	2012/05
SK	Slovakia	01.01.1993	15.12.2015	PCT appl. entry into the national phase	2016/05
US	United States of America	05.08.1980	06.11.2006	PCT appl. entry into the national phase	2006/12
UZ	Uzbekistan	02.01.2001	30.06.2006	PCT appl. entry into the national phase	2006/37

[Annex II follows]

STATUS REPORT ON CWS TASK NO. 23*Document prepared by the International Bureau***BACKGROUND**

1. The International Bureau invited national patent offices to supply data regarding the entry into the national phase of Patent Cooperation Treaty (PCT) applications in 2004 to improve coverage and timeliness of the data. Various data formats were proposed by the International Bureau, in order to facilitate the task of the national offices and to allow flexibility to those offices that agreed to provide the requested data.

2. PCT Regulations (Rule 86) envisage that designated/elected Offices should provide information to the International Bureau on PCT national phase entries for the purposes of further dissemination of the information. Not all offices have the capacity to furnish this information, however the number of offices providing this data has increased over the period from 2004 to present.

CURRENT STATUS

3. The International Bureau makes available national phase information via the PATENTSCOPE search engine. Information is available from 48 Offices amounting to around 6.2 million entries of PCT national phase information held in PATENTSCOPE. This represents an increase of around 0.7 million entries since the last status report in May 2014.

PCT NATIONAL PHASE ENTRIES

Office	Start Date	End Date	NP Entries	Published	Granted	Refused	Non Entry	Withdrawal
AE	1-Sep-10	30-Sep-10	106	N	N	N	N	N
AP	1-Jul-96	6-Aug-08	1081	N	N	N	N	N
AT	28-Nov-80	30-Nov-11	3281	N	N	N	N	N
AU	5-Dec-97	22-Dec-15	294773	Y	Y	Y	N	Y
BG	6-Jan-04	19-Dec-07	1332	Y	Y	Y	N	Y
BY	7-Jan-07	15-Jun-07	44	Y	N	N	N	Y
BZ	27-Aug-02	9-Feb-07	106	Y	Y	Y	N	N
CA	1-Feb-90	25-May-15	524032	N	N	N	N	Y
CH	8-Jul-08	2-Oct-15	443	N	N	N	N	N
CN	3-Jan-94	30-Jun-15	633549	N	N	N	N	N
CU	3-Nov-09	24-Jun-11	303	N	N	N	N	N
CZ	9-Nov-90	18-Nov-14	28780	Y	Y	Y	N	Y
DE	13-Nov-80	7-Dec-15	228064	N	N	N	N	Y
EA	1-Nov-06	30-Nov-15	7523	N	N	N	N	N
EG	2-Jan-08	28-Feb-11	3803	N	N	N	N	N
EP	28-May-80	30-Dec-15	1461152	Y	Y	Y	N	Y
ES	30-May-90	30-Jun-11	1724	Y	Y	Y	N	Y
FI	14-Jan-80	31-Dec-15	22327	N	Y	N	N	N
GB	9-Mar-87	30-Oct-15	37786	Y	Y	Y	N	Y
GE	26-Jan-01	4-Dec-15	2699	N	N	N	N	Y
HR	23-Apr-99	14-Aug-15	4137	Y	Y	Y	N	Y
HU	4-Jan-06	21-Dec-10	89	Y	Y	N	N	Y
IL	6-Dec-96	31-Dec-15	69506	Y	Y	N	N	Y
IN	1-Feb-99	29-Dec-12	215033	Y	Y	N	N	N
JP	3-Apr-91	30-Oct-15	842148	N	N	Y	N	Y
KE	6-Jan-98	12-May-06	238	N	N	N	N	N

Office	Start Date	End Date	NP Entries	Published	Granted	Refused	Non Entry	Withdrawal
KR	26-Jan-87	30-Dec-15	384227	Y	Y	Y	N	Y
LT	12-Apr-95	8-Mar-11	702	Y	Y	Y	N	Y
LV	5-Jan-98	19-May-08	336	N	N	N	N	N
MD	10-Jan-08	17-Oct-08	395	Y	Y	Y	N	Y
MX	24-Oct-92	9-Dec-08	114339	N	N	N	N	N
MY	9-Mar-07	30-Sep-10	4274	N	Y	Y	N	Y
NZ	17-May-92	30-Nov-11	70419	Y	Y	N	N	N
PH	3-Jan-02	29-Jan-16	34109	N	Y	N	N	Y
PL	22-Nov-02	3-Sep-14	4710	N	N	N	N	N
RO	6-Jan-90	28-Jan-08	3980	N	N	N	N	N
RU	17-Jul-01	29-Aug-14	126772	N	N	N	N	Y
SE	16-Dec-82	7-Jul-10	2062	Y	N	N	N	N
SG			28153	N	N	N	N	N
SI	10-Jan-01	22-Apr-05	218	N	N	N	N	N
SK	14-Jan-93	27-Nov-08	13490	N	N	N	N	N
TH	30-Sep-10	25-Apr-15	6270	N	N	N	N	N
TR	20-Mar-96	7-Dec-15	14383	Y	Y	Y	N	Y
UA	14-Jun-05	21-Aug-14	7481	Y	Y	Y	N	Y
US	29-Dec-80	13-Oct-15	922623	Y	Y	N	N	N
UZ	2-Jan-01	23-Jun-06	966	N	N	N	N	N
VN	3-Apr-95	9-Apr-08	11852	N	N	N	N	N
ZA	21-Dec-99	7-Feb-08	58808	N	N	N	N	N

4. The information as supplied to the International Bureau varies significantly in format, content and regularity of delivery and this represents a challenge for the International Bureau. In some cases the full national data is supplied and the International Bureau extracts the information relating to PCT applications.

5. Since the fourth session of the Committee on WIPO Standards (CWS) held in May 2014, a number of quality checks of the National Entry Phase data were conducted and some of the inconsistencies found were corrected while others are still under review. As a result of the de-duplication of the data as well as other requests for modification of erroneous data, some of the figures have dropped from the report presented for consideration by the fourth session of the CWS even though the time interval have remained the same or increased. While the data in this report is more accurate, it is envisaged to continue with the remaining quality checks and corrections of the data in the coming months.

6. The Office Modernization program offered by the International Bureau continues to provide technical assistance to Intellectual Property (IP) offices particularly in developing countries and LDCs for automation of the IP business systems. These projects contribute to further national patent collections and provide the opportunity for the International Bureau to obtain information for inclusion in PATENTSCOPE.

[End of Annex II and of document]