



Managing your patent under the Patent Cooperation Treaty (PCT)

International IP Helpdesks
in cooperation with:
European Patent Office (EPO)

15 September 2021

Overview of today's webinar

- 10:00 – 10:10 Importance of a patent strategy
- 10:10 – 10:20 Managing Patents under PCT (advantages/disadvantages)
- 10:20 – 10:30 International filing (fees & how to file)
- 10:30 – 10:50 Role of the EPO
- 10:50 – 11:00 Q&A



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What we offer...

Free of charge, first-line confidential assistance on IP protection, management and enforcement in third markets

Beneficiaries

EU SMEs and **SMEs from Associated countries:**

- working with entities in India, LA, SEA, China
- Established in either of those countries
- potentially interested in establishing commercial and R&D activities in these markets



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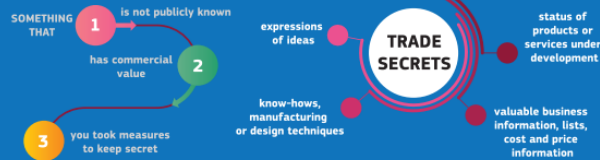


Protecting Your Trade Secrets in China

Prevention is the key to protection.



WHAT EXACTLY CAN BE A TRADE SECRET



KEEP IT SECRET, KEEP IT SAFE

It is important to remember that once trade secrets become publicly known, they can no longer be protected as trade secrets.



CONFIDENTIAL

DON'T FORGET YOUR EMPLOYEES

- Limit access and copying rights to the personnel who actually need it.
- Require all employees to sign an employment agreement with strict confidentiality provisions.
- Be sure to hold exit-interviews and have them return documents, materials, computers, and files.
- Establish an internal management system for trade secrets. Training and clear written guidelines are essential.

DEALING WITH THIRD PARTIES

Business dealings or negotiations with third parties: potential partners, suppliers, contractors, licensees, or customers



monitor your partners, suppliers or licensees to make sure they are complying with your trade secrets protection policy



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FACTSHEET

Argentina IP Country Factsheet



- IPRs in Argentina for SMEs: BACKGROUND
 - Intellectual Property Rights for SMEs: Why is this RELEVANT to you?
 - How does Argentina's IP legal framework compare to INTERNATIONAL STANDARDS?
- IP Rights in Argentina: THE BASICS
 - Copyright and related rights
 - Patents
 - Industrial Designs
 - Trademarks
- ENFORCING your IP
- Using CUSTOMS to block counterfeits
- RELATED LINKS and Additional Information

1. IPRs in Argentina for SMEs: BACKGROUND

A. Intellectual Property Rights for SMEs: Why is this RELEVANT to you?

Intellectual Property (IP) refers to all creations of the mind, such as images used in commerce or music. IP is usually divided into two categories, namely Industrial Property, which relates to inventions, designs or signs used in commerce, and Copyright (or 'author's right', according to some non-English definitions), which relates to literary and artistic works.

Intellectual Property Rights (IPRs) are exclusive rights. As such, they confer a temporary monopoly over creations on the right holders, granting them exclusivity on the use and exploitation of their intellectual creations and also the right to prevent any unauthorized use by third parties.

Therefore, this protection system allows creators or owners to benefit from their own intellectual work or investments in creations and innovations, as well as to protect their moral and economic interests resulting from the authorship of scientific, literary or artistic productions.

The following IP rights are further developed throughout this factsheet, focusing on Argentinean particularities: Copyright, Patents, Industrial Designs and Trademarks. Other IP rights such as Geographical Indications, Appellations of Origin and Plant Varieties are addressed in other factsheets (please see website).

All the aforementioned examples of IP features are considered "intangible assets", together with other IP-related terms such as licenses, trade secrets or know-how. All intangible assets are defined by a lack of physical substance and the ability to generate future economic benefits.

SOUTH-EAST ASIA IPR SME HELPDESK

IP considerations in ICT Industry in South-East Asia

For free, confidential, business-focused IP advice within three working days
E-mail: question@southeastasia-iprhelpdesk.eu

- Overview: ICT Industry in South-East Asia
- Frequent IP issues in ICT Industry in South-East Asia
- IP Licensing
- SME Case Studies
- Take-away messages
- Glossary of terms
- Related links and additional information

1. Overview: ICT Industry in South-East Asia

Information and Communications Technology ("ICT") is considered to play a pivotal role in supporting regional integration and connectivity efforts between the countries in South-East Asia. The latest ASEAN ICT Industry Masterplan 2016-2020 aims to propel ASEAN towards a digitally-enabled economy that is secure, sustainable, and transformative and to enable an innovative, inclusive and integrated ASEAN Community¹. The ICT industry is one of the sectors presenting major business growth opportunities for EU SMEs in South-East Asia.

It is reported that there is a steady improvement on the affordability of ICT products and services in the ASEAN, more particularly, cost of accessing the internet and mobile-phone services. With robust infrastructure development, decreasing internet costs and low cost of mobile handsets, the proportion of ASEAN citizens with access to broadband internet and mobile phone services has increased significantly. This is particularly apparent in Myanmar where prices of SIM cards fell from US\$2,000 to US\$1.5 over the period of 2009 to 2014².

Also, ICT service exports provide a huge contribution to the economy. ICT services, in relation to all services exports, have gradually increased, and this indicates that the countries have been in transition to become more technologically and digitally driven. Over the past decade, Cambodia, Indonesia, Malaysia, the Philippines, Singapore and Thailand have seen a continuous growth of ICT service exports as a percentage of total service exports³.

¹ ASEAN ICT masterplan 2020 http://www.asean.org/storage/images/2015/November/ICT150920-1620AMR2020_Publication_Final.pdf
² Bloomberg report <http://www.bloomberg.com/news/articles/2014-09-29/myanmar-opens-its-mobile-phone-market-cuang-carrie-ferry>
³ ASEAN ICT Masterplan 2015 Completion Report <http://www.asean.org/storage/images/2015/December/1615HASEAN/2015ICTM2015CompletionR2015Report.pdf>



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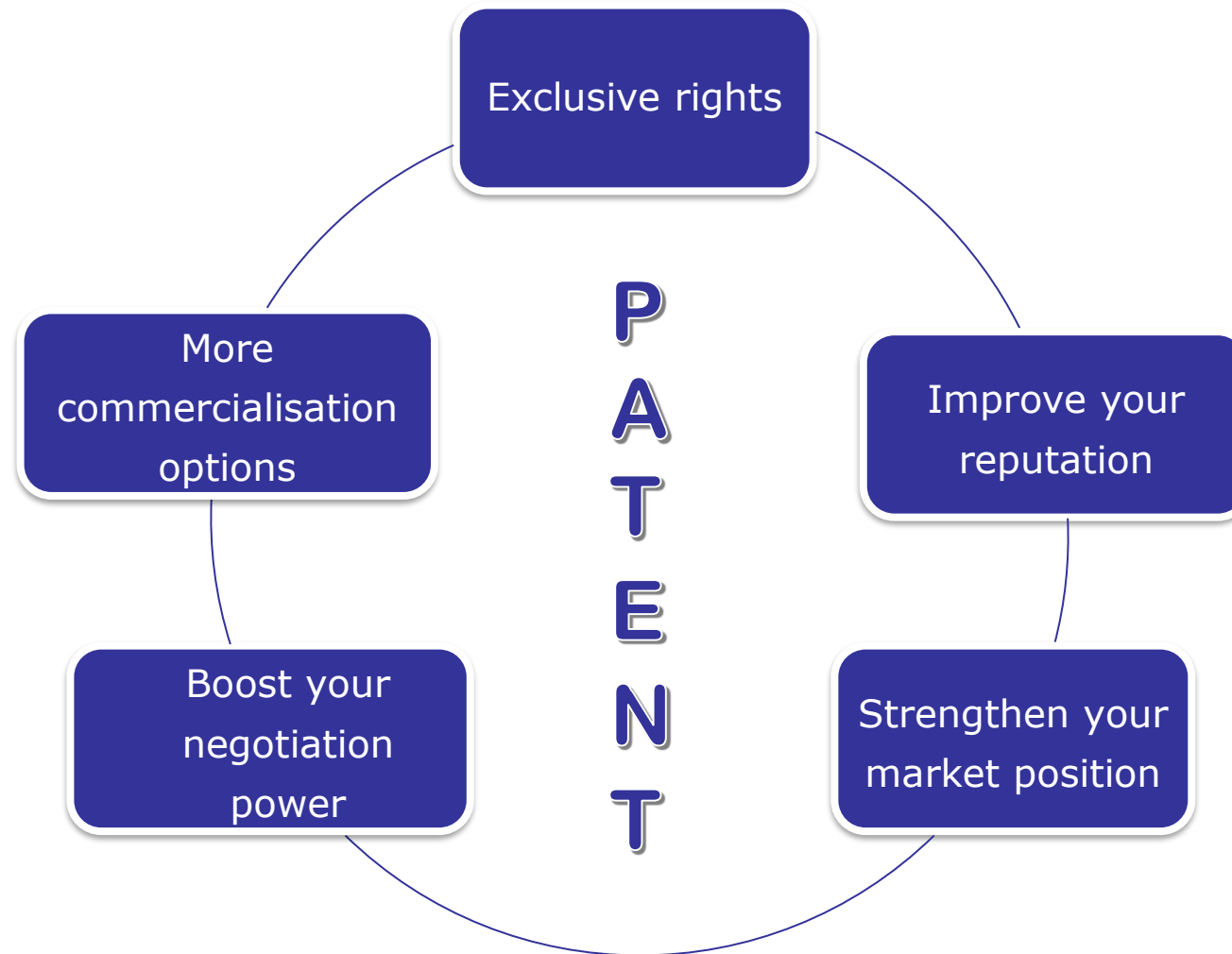
ec.europa.eu/ip-helpdesk

Five IP SME Helpdesk



Internal Market, Industry, Entrepreneurship and SMEs

1. Importance of a patent strategy



2. Managing Patents under the PCT [8 Advantages]

- **Multiplying effects** = seeking patent protection simultaneously in multiple countries (153 CS)
- **Upfront information** = receive fast/reliable 1st opinion on prior art + patentability of the invention
- **Amendment mechanisms** = applicants may amend their application during Int. phase
- **Additional searches** = further (optional) PCT reports/written opinions
- **Additional time** = the PCT provides up to 19 more months to decide
- **Fast-track procedures** = numerous bilateral agreements under the Patent Prosecution Highway
- **Flexible procedure** = request early entry into the national phase at any time before expiry of deadline
- **Overall cost-effectiveness** = streamlined & central prosecution + assessment information



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European
Commission

2. Managing Patents under the PCT [5 Disadvantages]

- ***Only applicable to the registration procedure***
- ***Potentially higher final costs*** = PCT international filing and search fees + national phases fees
- ***Some countries/territories are not yet covered by the PCT***
- ***Longer time to obtain a patent*** = entry into national phase is foreseen after 30/31 months DL
- ***Effectiveness of the PCT procedure depends on the size of a company and on the number of countries / jurisdictions of interest***



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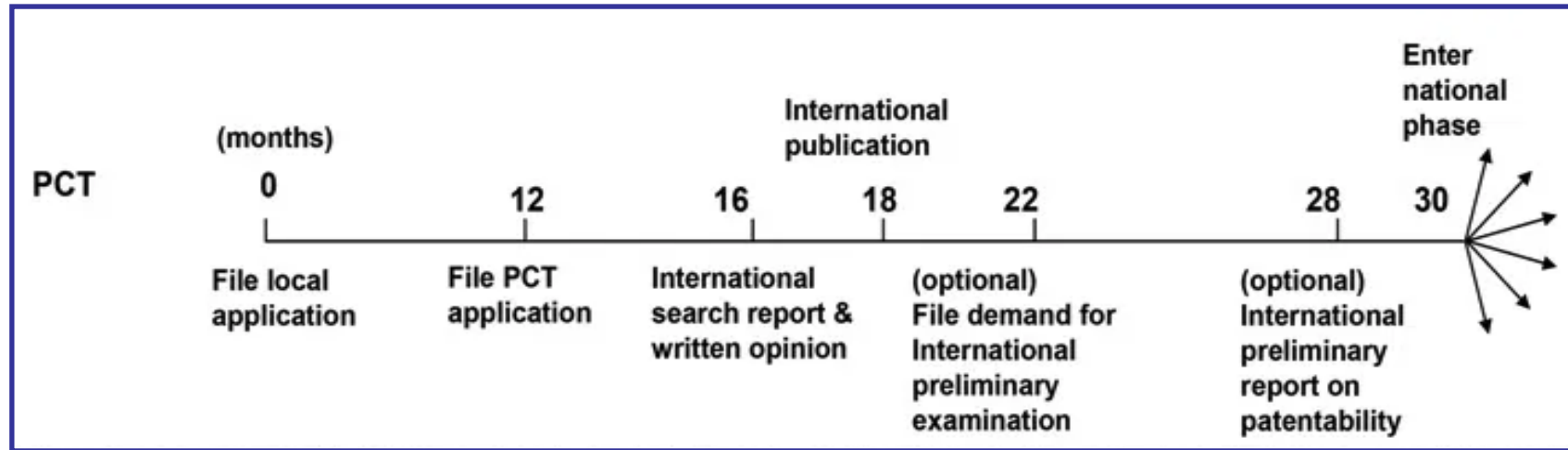
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3. International Filing: Fees and 'How to file'



Step 1 : International phase	Step 2 : National / Regional phase
Filing the international application	<ul style="list-style-type: none"> The national or regional phase consists of processing of the international application before each designated patent office. The entry requirements into the national phase depend on each state or designated office. NO invitation to the national phase (responsability of the applicant)
International Search & Examination	
Notification & International Publication	
<p>Optional Procedures (Supplementary International Search) (International Preliminary Examination)</p>	

3. International Filing: Fees and 'How to file'

Under the PCT, applicants have to comply with only **one set of formal requirements**. An international application includes the following elements: ✓ PCT request ✓ description ✓ claim(s) ✓ an abstract ✓ drawings (only required when necessary for the understanding of the invention).

INTERNATIONAL FILING FEE	SEARCH FEE ⁶	TRANSMITTAL FEE ⁷
CHF 1 330	CHF 150 - 2 000 (depending on the selected International Searching Authority) The fee at the EPO is CHF 1 939	Varies depending on the receiving Office (usually around 100 EUR)

The abovementioned fees are payable to the receiving Office with which the international application is filed.

PCT applicants generally pay three types of fees when they file an international application:

- (a) **an international filing fee** of 1,330 Swiss francs,
- (b) **a search fee** which can vary from approx. 150 to 2,000 Swiss francs depending on the ISA chosen, and
- (c) **a small transmittal fee** which varies depending on the receiving Office.

3. International Filing: Fees and 'How to file'

LATIN AMERICA			
Brazil National Institute of Industrial Property Translation into Portuguese required	Invention patent		Must file through an agent. Any natural or legal person resident in Brazil can act as an agent.
	Filing fee	BRL 175	
	Examination	BRL 590 (up to 10 claims)	
	Utility Model		
	Filing fee	BRL 175	
	Exemptions/Reductions		
	No exemptions, reductions or refunds of the national fee.		

SOUTH EAST ASIA			
Brunei Darussalam Brunei Intellectual Property Office (BRUIPO) Application in English	Claims > 25	BND 20	Foreign
	Fee for Entry into National Phase under section 83(3).	BND 160	Applicants are required to file through an authorised representative
	Invention patent		(agent) with a local address in Brunei Darussalam.
	Filing	BND 160	
	Publication	BND 200	
	Search and Examination	BND 2 600	
	Examination	BND 1 100	
Cambodia Ministry of Industry and Handicraft Applications and supporting documents may be in Khmer or English	Invention patent		Foreign
	Filing	KHR 320 000	Applicants are required to file through an authorised representative (agent) with a local address
	Publication	KHR 120 000	
	Utility Model		
	Filing	KHR 160 000	
Indonesia Directorate General of Intellectual Property (DGIP) The specification can be in English	Claims > 10	IDR 75 000	Foreign
	Invention patent		Applicants are required to file through an authorised representative (agent) with a local address.
	Filing	IDR 1 250 000	
	Examination	IDR 3 000 000	
	Utility Model		
	Filing	IDR 800 000	
	Examination	IDR 500 000	

CHINA			
Mainland China China National Intellectual Property Administration (CNIPA) Translation into Chinese required	Per priority claim	RMB 80	Must file through an agent. Any patent agency legally incorporated in China may act as agent.
	Claims > 10	RMB 150	
	Invention patent		
	Filing	RMB 900	
	Publication	RMB 50	
	Examination	RMB 2 500	
	Utility Model		
	Filing	RMB 500	
	Per priority claim	RMB 80	
	Exemptions/Reductions		
	No filing fee if international application filed with CNIPA as receiving office.		
Hong Kong Intellectual Property Department of the Government of the Hong Kong SAR English accepted (title and abstract must also be in Chinese)	Invention Patent		Use of an agent not obligatory if the company has business address in Hong Kong.
	Filing fee	HKD 380	
	Recordal fee	HKD 380	
	Publication	HKD 68	
	Short-term Patent		
	Filing Fee	HKD 755	
	Publication	HKD 68	

3. International Filing: Fees and 'How to file'

Particularities of India

1. Examination Fee Reduction & Priority when Indian Patent Office is chosen as International Search Agency (ISA) there is considerable fee reduction during national phase entry.

2. Translation: Verified translated documents have to be submitted either to WIPO or at Indian Patent Office and not submitting it on time can result in loss of priority.

3. Amendments: make sure that amendments are directly covered either by claims described or shown in the specification before amendment. (Deletion of claims possible but not additions.)

4. Foreign Applications should inform the controller detail particulars of the same patent filed in other countries and update any changes in the application. **(Extremely Important as non-compliance is ground of revocation).**

India							
Indian Patent Office (Delhi, Chennai, Kolkata, Mumbai)	On What Payable	E-filing		For Physical Filing		Applicants are required to file through an authorised representative (agent) with a local address.	
		Natural Person or, Small Entities or Start-Ups	Others	Natural Person or, Small Entities or	Others		
	Transmittal Fess	1600 INR	8000 INR	3750 INR	17600 INR		
	Search Fee for Indian Applicant choosing Indian Patent Office as International Search Agency (ISA)	2500 INR (around 35 Euros)	10000 INR (around 125 Euros)	NA	NA		
	Preliminary Examination where the ISR was issued by International ISA.	3000 INR (around 40 euros)	12000 INR	NA	NA		
	Preliminary Examination Fee where ISR was issued by Indian Patent Office as ISA	2500 INR	10000 INR	NA	NA		

4. Role of the EPO



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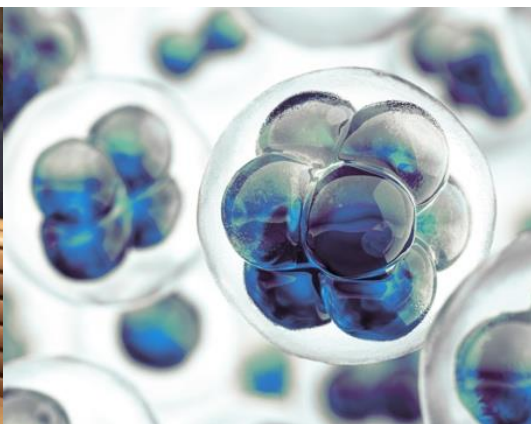
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Protecting your invention abroad

Take advantage of the PCT with the EPO



Camille-Rémy Bogliolo

Head of Department | PCT Affairs

15 September 2021

What does the PCT bring to your patent filing strategy?

- *Keep control of your timing:*
 - use the multiplying effect in up to **153 States**
 - **All-designation system**
- *Time gain* – from 12 m of the Paris Convention up to 30 / 31 months of the PCT
- *Cost and administrative efficiency: **ONE** procedure in **ONE** language with **ONE** agent*

Benefits of the PCT system:
PCT search at 9 months max for first filings; 16 months in average for second filings
If needed: application amended within 30 m

*Time gain of 18m of international phase can be shortened by **early entry** into the national phase if you wish to accelerate!*

The EPO today ... an area with some 700m inhabitants

38 European member states

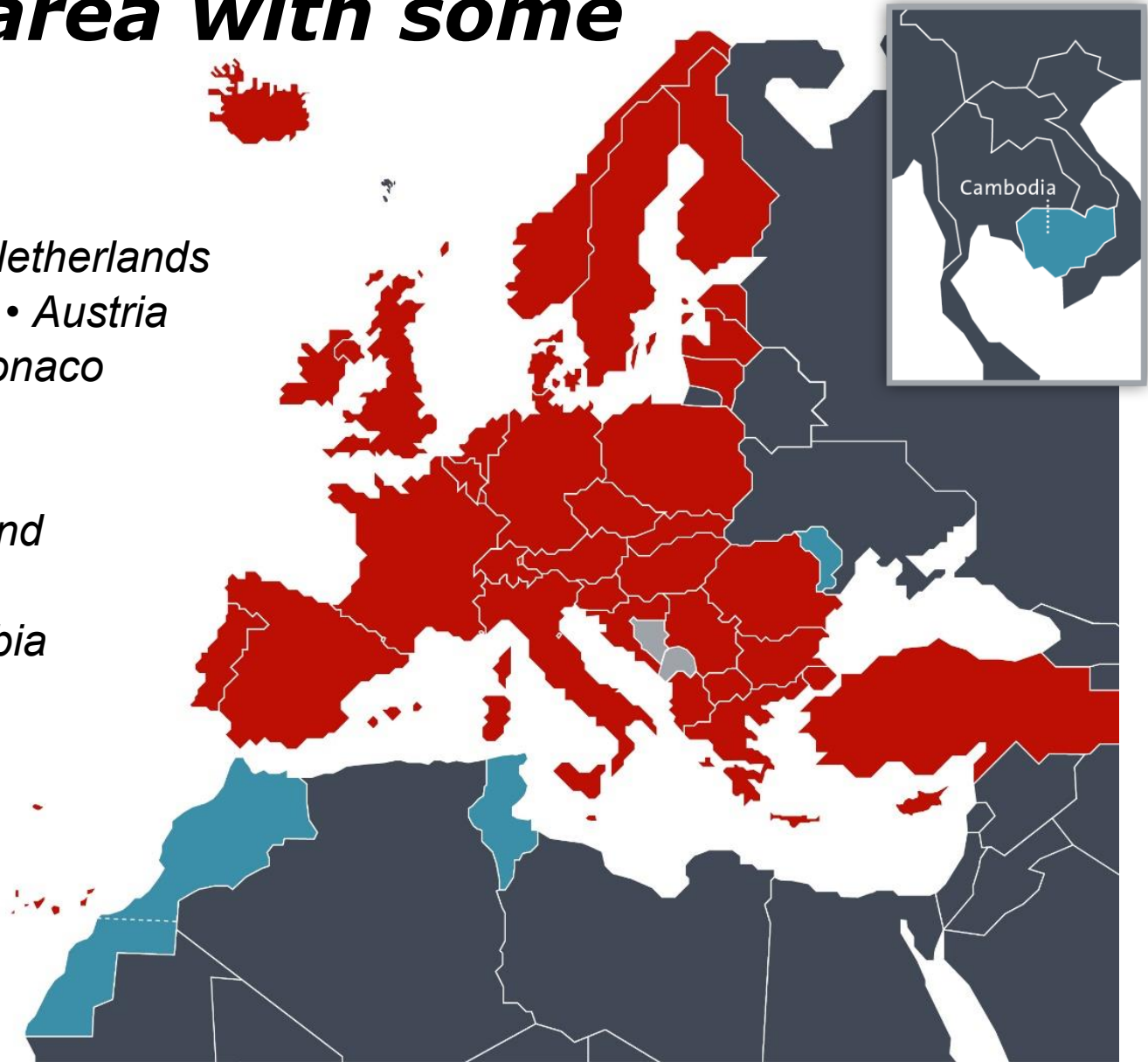
*Belgium • Germany • France • Luxembourg • Netherlands
Switzerland • United Kingdom • Sweden • Italy • Austria
Liechtenstein • Greece • Spain • Denmark • Monaco
Portugal • Ireland • Finland • Cyprus • Turkey
Bulgaria • Czech Rep. • Estonia • Slovakia
Slovenia • Hungary • Romania • Poland • Iceland
Lithuania • Latvia • Malta • Croatia • Norway
North Macedonia • San Marino • Albania • Serbia*

Two European extension states

Bosnia and Herzegovina • Montenegro

Four validation states

*Republic of Moldova • Morocco • Tunisia
Cambodia*



How can the EPO support you in your journey?

You must be interested in ... Europe and the World!

- **where do you seek for patent protection?**

Quality is in our DNA!

- **same standard for both EP & PCT procedures**

Flowers in the Garden

- **exploiting the wonders of the PCT**

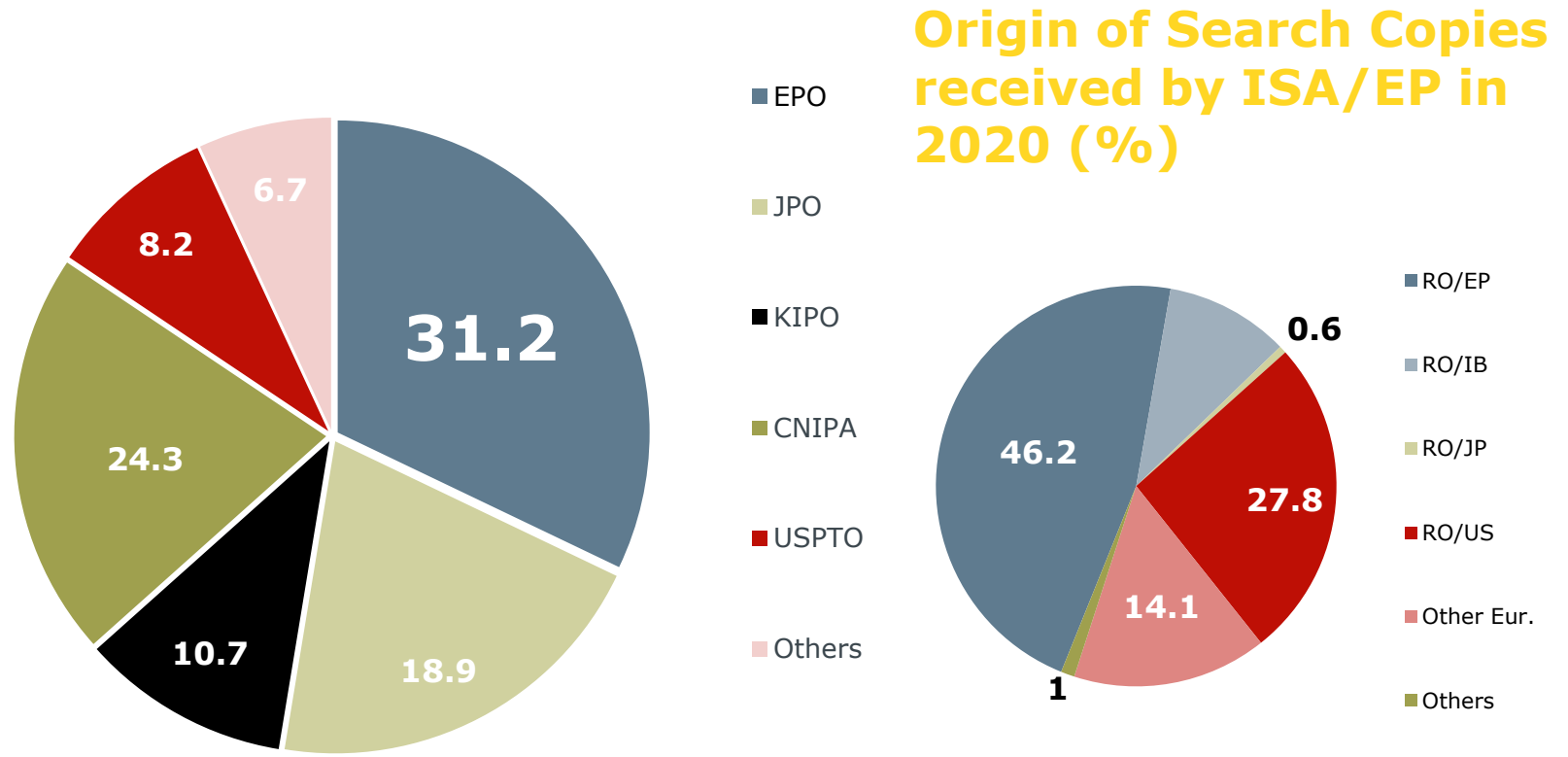
EPO as ISA has universal competence and is competent ISA for applicants from 147 countries, incl. India, China, South-East Asia, all Latin American countries which are PCT member states

*Quality assurance in the entire patent process:
ISO 9001 certified quality management system*

*EPO timeliness to establish PCT search reports within 17m from the priority date: **96% (2020)***

*EPO has planted **many flowers in the PCT garden** e.g. PCT-CLAR and PCT Direct services, preliminary opinion in case of non-unity, info sheet on search strategy*

Some figures: the EPO as ISA in 2020



ISRs established in 2020

**EPO is Nr 1 ISA in 2019:
80 700 search reports**

**EPO as Nr 1 IPEA in 2019:
6 000 exam. reports
(55% of the total)**

**EPO's services as IPEA
include
top-up search and full
dialogue
with examiner**

With the EPO, many benefits come along the road

- *Keeping all options open as long as possible*
...
... by entering the European phase
- *Recognition of EPO's own PCT search and exam. reports is boosting your grant process:*
 - **Fast track: dispense of search (and thus no supplementary search fee)**
 - **75% examination fee reduction (in case of PCT exam. report by the EPO)**

States which have closed their national route in favour of the EPO:
Belgium, Cyprus, France, Greece, Ireland, Latvia, Lithuania, Monaco, Montenegro, Netherlands, Slovenia.

Benefits for an applicant having EPO=ISA+IPEA and entering into the European phase:

- -1 350 EUR (Eur. Suppl. Search fee) and -1 425 EUR (Exam. Fee)
= -2 775 EUR
- 12m faster

You may export your invention all over the world using PCT-PPH



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For more information, you are invited to consult the
"Euro-PCT guide" provided by the EPO at: www.epo.org

For any questions or queries, please contact:

international_pct_affairs@epo.org

Q&A



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Questions?

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