



# 中国专利保护协会

Patent Protection Association of China

## 产业界对共同的PPH请求表的需求

Need From Industry For A Unified PPH Request  
Form

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# 综述

## Overview

- 各局PPH申请表格的现状  
Current status of PPH request forms at IP5 Offices
- 共同申请表格对产业界的贡献  
Contribution from a Unified PPH request form to industry

# 各局PPH申请表格的现状

## Current Status of PPH Request Forms

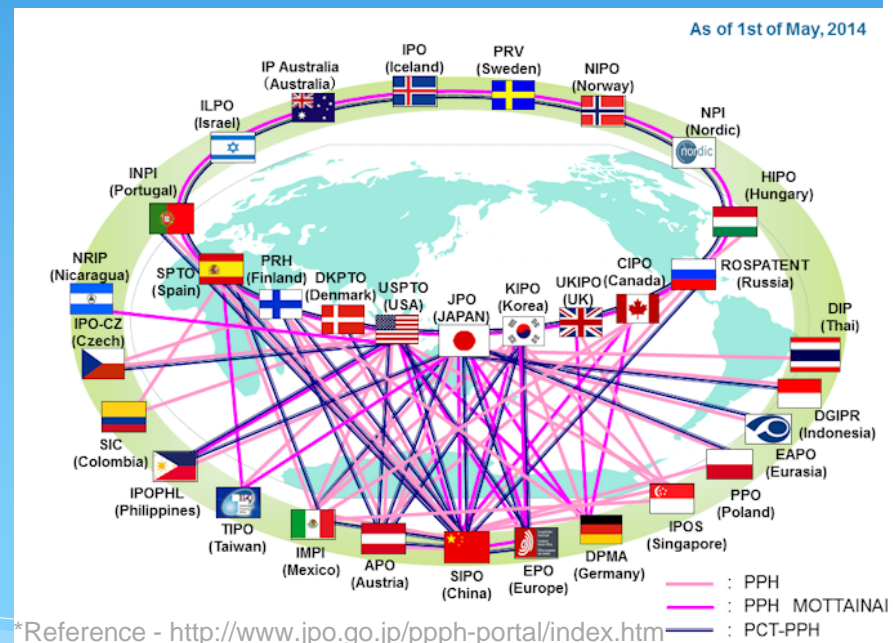
- 多样性

There are many PPH systems, A variety of forms for use under a variety of PPH programs

- 双边PPH（比如中美、中日间）  
Bilateral PPH (e.g., SIPO-JPO)
- 多边PPH（比如中国、美国、德国之间的）  
Multilateral PPH (e.g., SIPO-USPTO-DPMA)

- 今年1月生效的Global PPH和IP5 PPH试点项目

Global PPH and IP5 Pilot Program  
in effect from January 2014



# 各局PPH申请表格的现状

## Current Status of PPH Request Forms

- 差异性

Differences among the forms in different IP Offices

- 各局PPH的表格在格式和内容上的存在较大差异

A great deal of differences among the forms adopted by each IP Office with respect to both format and itemized requirements

# 各局PPH申请表格的现状

## Current Status of PPH Request Forms

- 繁复性

### Complexity

- PPH分普通PPH（如通过巴黎公约）和PCT PPH，如EPO、JPO  
PPH based on national work products (e.g., PPH through Paris Convention) vs. PCT PPH (based on PCT work products), e.g. EPO, JPO
- 新的统一表格虽然生效，但旧的表格依然有效，如USPTO、KIPO  
Effective terms of new request forms for new PPH program often overlap with effective terms of old request forms for early PPH programs, e.g., USPTO, KIPO

# 各局PPH申请表格的现状

## Current Status of PPH Request Forms

- 不易用性/ Not user friendly
  - 表格上的一些信息对于外国申请人不太适用或复杂，例如：  
Some items in the new combined request form are not that applicable to foreign applicants or are cumbersome for PPH filing

- USPTO

- 邮寄日期 / Mailing date

Mailing date of OEE work product: \_\_\_\_\_

- IDS

b. (1) An information disclosure statement listing the documents cited in the OEE work product:

- is attached.
- has already been filed in the U.S. application.
- is not attached because no references were cited in the document in section a. above.

- KIPO

- OEE的OA中引用的对比文件

Need to submit prior arts cited in the OA of OEE

- 对不提交的文件需要逐一说明原因

Need to provide reasons of exemption for every single requirement

# 对国外申请人的影响

## Impact on Foreign Applicants

- 产业界在申请PPH时并没有感受到此项制度带来的便利，反而感到困惑以及流程上的复杂，变现在：

Upon making a request for PPH, industry applicants are often bewildered in face of these complicated filing requirements. Convenience and benefits of PPH are lost in this procedural and formality complexity.

- 必须学习与了解不同国家的请求表要求及相关规定

When filing PPH requests at different countries, applicants have to learn all different requirements specific to these countries.

- 向多国申请时，需填写不同的表格

Different forms have to be used for different countries

- 需多方咨询以确保提交了正确的表格和表格所要求的文件

Have to consult with various counsels through different channels to make sure correct forms and appropriate documents are submitted.

# 共同申请表格的优点

## Highlights of the Unified Request Form Proposed

- 统一性 / Unity

- 普通PPH和PCT PPH共用一份表格，并且5局可以统一使用

One form for all: PPH based on national work product, PCT PPH, and for all five IP Offices

- 简化性 / Simplicity

- 简化OEE工作成果的填写

OEE Work Products Type

National/Regional Office Action(s)

WO-ISA, WO-IPEA or IPER

Simplify the selection of OEE work products

- 对所有表格上要求但没有提交的文件，统一做说明（如已经随着先期提交的专利申请文件提交到该局）

Consolidate requirements on explanation for exemption of documents required but not submitted (e.g., documents already filed along with previously filed application or response to Office Action)

IV. Incorporation by reference

6. If any of the above mentioned documents have been submitted before, please specify:



# 共同申请表格的优点

## Highlights of the Unified Request Form Proposed

- 灵活性 / Flexibility

- 在表格固定的位置，各局可以添加一些额外要求的可选项，以满足各局审查PPH请求的特别要求。

In a designated space of this form, each IP Office may add additional requirements or options to meet its own specific needs.

- 对于申请人来讲，只需要检查申请表的这一栏，便可知道各局有哪些额外的提交要求

Applicants only have to check this designated space to learn what the additional requirements from each IP Office are.

[Special items or requirements to be added by the Office]

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(For example, list of names of documents submitted or omitted for submission)

# 对共同申请表格的建议

## Suggestion on a Unified PPH Request Form

- 尽快实施

Industry earns for a quick implementation of the unified request form

- 尽快将共同的申请表格付诸实施，以有利于产业界进行申请

Industry hopes the unified request form can be adopted as quick as possible so that PPH filing may become easier.

- 探索表格的代码化

Digitize the request form

- 对表格各项做进一步格式化处理，将数据代码化，方便对申请文件的自动化处理

May further process and format the items in the request form for digitization to facilitate auto-processing.

谢谢！  
Thank You Very Much!