

# The IP5 PPH – status update

## 3rd meeting of IP5 Heads of Office and IP5 Industry

5 June 2014

Busan, Republic of Korea

Margot Fröhlinger  
Principal Directorate, Patent Law and Multilateral Affairs  
European Patent Office



# The PPH: the basic concept

- Scheme enabling an applicant whose claims have been determined to be **patentable/allowable** in the OEE\*
  - to have the **corresponding** application filed with a PPH partner office (OLE\*\*) processed in an **accelerated manner**
    - simplification of entry requirements into the accelerated prosecution schemes
  - while at the same time allowing the offices involved to **exploit** available work results
    - *acceleration of procedure through **utilisation** of work results*
    - **no** recognition of work

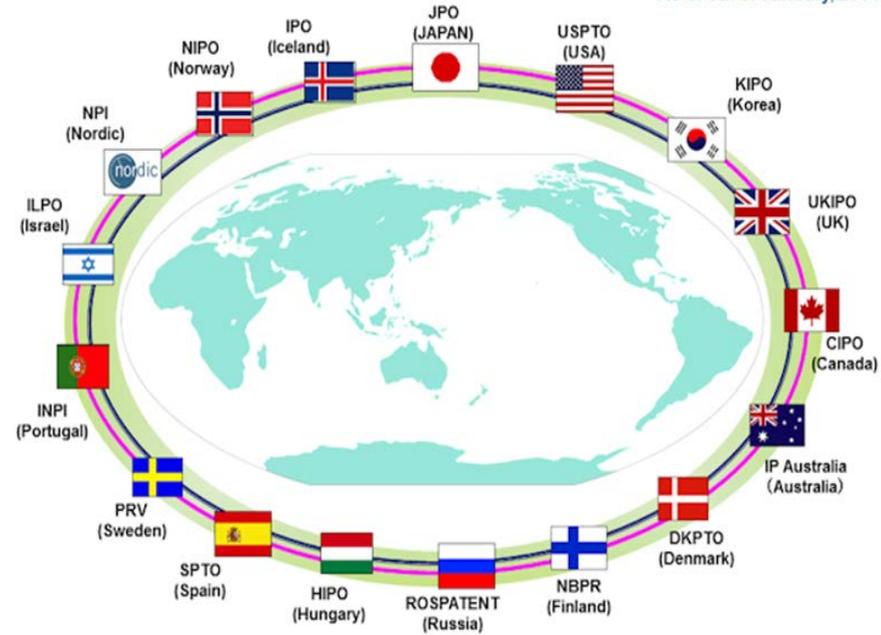
\* Office of Earlier Examination

\*\* Office of Later Examination



# The IP5 PPH and the GPPH

As of 6th of January, 2014



**Global Patent Prosecution Highway System Participating Offices**

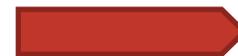
- IP Australia (IP Australia)
- Canadian Intellectual Property Office (CIPO)
- Danish Patent and Trademark Office (DKPTO)
- National Board of Patents and Registration of Finland (NBPR)
- Hungarian Intellectual Property Office (HIPO)
- Icelandic Patent Office (IPO)
- Israel Patent Office (ILPO)
- Japan Patent Office (JPO)
- Korean Intellectual Property Office (KIPO)
- Nordic Patent Institute (NPI)
- Norwegian Industrial Property Office (NIPO)
- Portuguese Institute of Industrial Property (INPI)
- Russian Federal Service for Intellectual Property (ROSPATENT)
- Spanish Patent and Trademark Office (SPTO)
- Swedish Patent and Registration Office (PRV)
- United Kingdom Intellectual Property Office (UKIPO)
- United States Patent and Trademark Office (USPTO)

# EPO PPH - pilot programmes

- Trilateral **PCT - PPH** pilot
  - Launched 29 January 2010 (EPO OJ 2012, 89)
- Bilateral PPH pilot between the **EPO** and the **USPTO**
  - Launched 29 September 2008 (EPO OJ 2012, 60)
- Bilateral PPH pilot between the **EPO** and the **JPO**
  - Launched 29 January 2010 (EPO OJ 2012, 75)
- Latest extension and revision dated 29 January 2012
  - Operational until **5 January 2014**
- **Comprehensive IP5 PPH**
  - **Launch: 6 January 2014**
    - EPO OJ 2014, A8
    - also available via <http://www.epo.org/law-practice/legal-texts/official-journal/information-epo/archive/20131218.html>

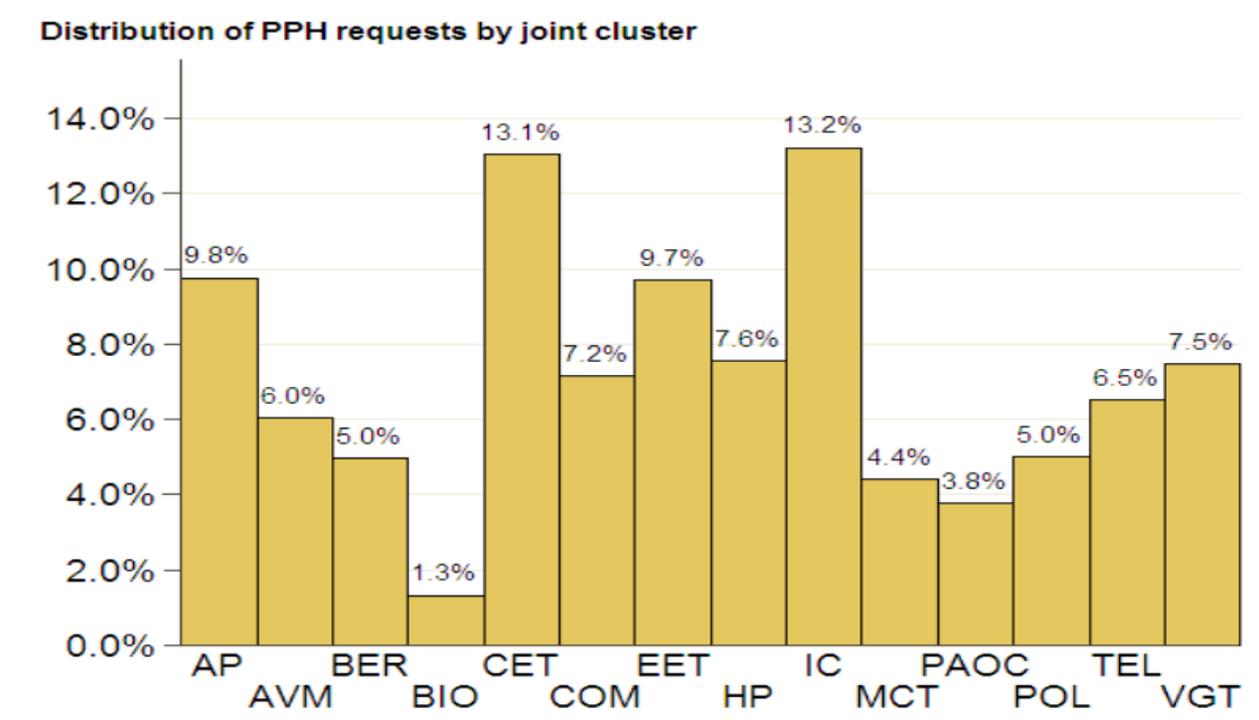
# Status of IP5 PPH pilot programme: April 2014

Partner Office	Work product	Launch date	Number of requests
JPO	PCT work products	29 January 2010	669 (659)
	national work products		1732 (1677)
KIPO	PCT work products	6 January 2014	7 (6)
	national work products		0
SIPO	PCT work products	6 January 2014	5 (5)
	national work products		8 (7)
USPTO	PCT work products	29 January 2010	89 (84)
	national work products	29 September 2008	1166 (1041)



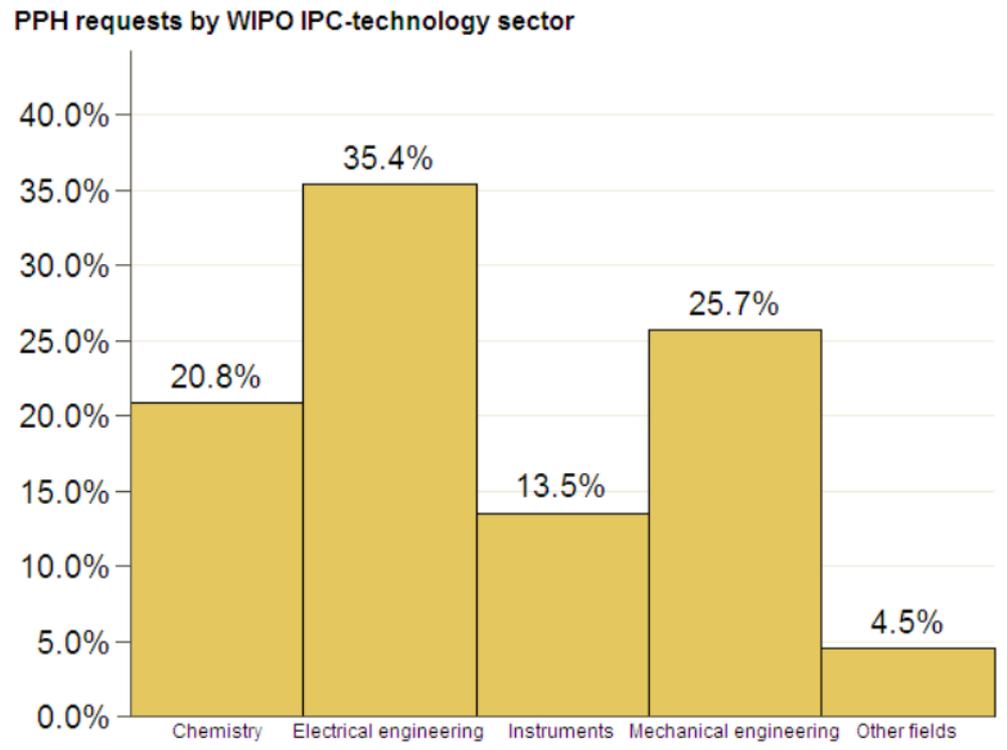
**3676**

# Distribution of PPH requests by EPO joint cluster



- Civil Engineering and Thermodynamics and Industrial Chemistry each have over one eighth of all PPH requests
- Biotechnology, Medical and Consumer Technology, and Pure and Applied Organic Chemistry have the lowest percentage of PPH requests. This seems to reflect the need of applicants in these technical fields to gain time rather than accelerate prosecution

# Distribution of PPH requests by WIPO IPC technology sector



- Electrical engineering has over a third of all PPH requests at the EPO

## Main changes as of 06.01.2014

- New PPH partners: **KIPO** and **SIPO**
- New EPO forms
  - **1009 PR**: PPH request based on national work products
  - **1009 PCT**: PPH request based on PCT work products, i.e. WO-ISA/IPER established by JPO, KIPO, SIPO, USPTO in their capacity as ISA and/or IPEA
- **Only formal deficiencies** of the PPH request can be remedied
- Substantive deficiencies cannot be corrected anymore (claims correspondence must be present at the time when filing the PPH request)

## Future trends

- Formal **integration of the PPH into the PCT**
  - EPO supportive
  - caveat: maintain flexibilities available at national laws
- Development of **common PPH metrics**
  - uniform metric definitions
  - essential for monitoring and supporting PPH
- Work on the further **harmonisation/unification** of
  - PPH participation requirements, and
  - PPH practice
- Monitor/evaluate use of **IP5 PPH** at the EPO

**Thank you for your attention!**

