



Confederation of Indian Industry



Report on WIPO-IPO-CII National Roving Seminar on Patent Cooperation Treaty (PCT)

26 November 2014: Hyderabad

Organized by

Andhra Pradesh Technology Development & Promotion Centre-CII

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Overview:

Intellectual Property India (IPO) in association with Andhra Pradesh Technology Development & Promotion Centre (APTDC) of Confederation of Indian Industry (CII) and World Intellectual

The purpose of the seminar was to provide a brief overview on the PCT system and how companies which are filing patent application in various countries; can take advantage of the international system for business excellence, in particular Micro, Small & Medium Enterprises (MSMEs).

Proceedings:

Inaugural Session

The inaugural session of the seminar was attended by:

Shri R Devan, Dy. Controller of Patents & Designs and Head of Office, Patent Office, Chennai;

Mr. Ken-Ichiro Natsume, Director, PCT International Cooperation Division, Innovation and Technology Sector, WIPO,

Mr. S. Jyoti Kumar, Director & Head, APTDC

Mr. S. Jyoti Kumar, Director & Head, APTDC gave the welcome address and created the necessary momentum for the seminar.

The seminar had a series of technical session throughout the days from overseas expert Mr. Ken-Ichiro Natsume, Mr. Christof Mathoi, Shri R Devan and Dr S Padmaja. It provided an overview of WIPO and introduction to the PCT System and discussed primarily on function of receiving Office, procedure before Intellectual Property Office, India and European Patent Office as receiving Office. They addressed diverse issues related to filing of international application via PCT route.

During the seminar, most of the experts highlighted the mechanism of the PCT system, history of its development and its effective use to protect an invention worldwide.



(From left to right) **Shri R Devan**, Dy. Controller of Patents & Designs and Head of Office, Patent Office, Chennai, addressing the inaugural session: **Mr. S. Jyoti Kumar**, Director & Head, APTDC, **Mr. Ken-Ichiro Natsume**, Director, PCT International Cooperation Division, Innovation and Technology Sector, WIPO

Session 1: Overview of WIPO and Introduction to the PCT System

The speaker for the session was Mr. Ken-Ichiro Natsume, Director, PCT International Cooperation Division, Innovation and Technology Sector, WIPO. He started with a brief introduction to the international treaties related to intellectual property i.e. from Paris Convention in 1883 to Marrakesh treaty in 2013 followed by some basic facts about WIPO and its objective. Further, he discussed on the main activities handled by WIPO which is providing value-added IP Services to Industry, providing global IP infrastructure, norm setting and economic development. Mr Natsume also enlightened the participants about the PCT System and how it is different from traditional patent system.

Session 2: Function of receiving Office: Procedure before IP India as receiving Office:

The speaker for the session was Sh. Oggu Prasad Rao, Assistant Controller of Patents & Designs, Intellectual Property Office, Chennai. He discussed about the procedure to file the PCT International Application before Patent Office India and what are the necessary documents and forms which needs to be submitted while filing the International Application. A brief on various activities performed by Chennai Patent Office as a receiving Office was also discussed during the session.

Session 2 (Continued): Function of Receiving Office : Procedure before the EPO as receiving Office

The session was taken by Mr. Christof Mathoi, Lawyer, International Legal Affairs, PCT, Dir. 5.2.2, European Patent Office. Mr Mathoi gave the EPO perspective, as receiving office. He outlined his talk under three broad category, namely Introduction to the European patent system, the PCT in the European patent system, and the EPO as receiving Office (RO). He concluded by stating the importance of filing international applications (IAs) with the EPO acting as receiving Office.

Session 3: IT tools available for PCT Users (ePCT, Patentscope)

Mr Natsume gave a talk on online resources available under PCT website. He discussed on various links such as Patentscope, WIPO Lex Database, WIPO IP Handbook and many more. He discussed extensively on e-PCT and searching patents documents using Patentscope. One important feature he mentioned about Patentscope to check the licensing availability through which Patent Applicant can signal their willingness to license their patent.

Session 4: Procedures before the EPO as International Searching Authority and International Preliminary Examining Authority

Mr. Mathoi, EPO was the speaker for this session. He started his presentation by discussing the competency EPO provide as International Searching Authority. He mentioned that in terms of market share, EPO drew up 90 % of all ISRs in Europe, 36% in the USA, 4% in Japan in 2013. In terms of user, 66% of all ISRs drawn up by the EPO based on PCT applications filed in Europe, 27% USA, 2% Japan in 2013. Further, he discussed on EPO as IPEA. He stated by giving an overview of procedure followed by EPO while handling EPO case. He concluded his presentation by conveying us the benefit of enhanced dialogue between applicant and examiner that happens at the EPO.

Session 5: National Phase Entry

Mr. Natsume addressed the session on National Phase Entry, in which he pointed out the important things an applicant should understand while entering National Phase. He further discussed on the acts to be performed by the International Bureau and applicants while entering the national phase. One should always be aware of time limit for entering the national phase. At the end he concluded by stating that one should make necessary indications that application is entering the national phase, make sure that translation of international application is correct and complete, and also pay the required fee.

Session 5 (Continued): National Phase Entry : Entry into European phase

Mr. Mathoi discussed on applicant enters the regional phase when applicant has fulfilled series of applicable requirements (R. 159(1) EPC) i.e. (filing fee, specification of application documents forming the basis of EP phase proceedings). He then discussed on the concept of Unitary Patent Protection. He said that the unitary patent is , which will be granted by the EPO under the rules and procedures of the EPC.

Session 6: Views from PCT Users

This session was primarily aimed at understanding the issues faced while applying international application from PCT users perspective. Dr. S Padmaja, Director iProPAT Solution was the speaker for this session; she gave her experience regarding using the conventional route for filing international application and how PCT system has overcome the problem which were face during the conventional filing. She also discussed on the user-friendly interface provided by ePCT, through which an applicant can upload/correct the document online, generate filing receipt immediately, get notification, reminder online.

Conclusion

The seminar provided a unique platform for IP stakeholders as eminent speakers from WIPO, EPO and IPO discussed and provide useful insights on PCT. It was first of its kind in Hyderabad and was attended by around 85 IP professionals from across the country.

The participants shared their experience while handling PCT filing as well as got clarity on provisions under PCT. The seminar would have definitely served as an eye opener for many participants on the lookout for key strategies on International Filing.

ABOUT:

Indian Intellectual Property Office

The Office of the Controller General of Patents, Designs & Trade Marks (CGPDTM) is located at Mumbai. The Head Office of the Patent office is at Kolkata and its Branch offices are located at Chennai, New Delhi and Mumbai. The Trade Marks registry is at Mumbai and its Branches are located in Kolkata, Chennai, Ahmedabad and New Delhi. The Design Office is located at Kolkata in the Patent Office. The Offices of the Patent Information System (PIS) and National Institute of Intellectual Property Management (NIIPM) are at Nagpur. The Controller General supervises the working of the Patents Act, 1970, as amended, the Designs Act, 2000 and the Trade Marks Act, 1999 and also renders advice to the Government on matters relating to these subjects. In order to protect the Geographical Indications of goods a Geographical Indications Registry has been established in Chennai to administer the Geographical Indications of Goods (Registration and Protection) Act, 1999 under the CGPDTM.

Andhra Pradesh Technology Development & Promotion Centre, APTDC

APTDC (a non-profit organization), collaborative venture of Confederation of Indian Industries (CII), TIFAC-Department of Science & Technology, Ministry of Science & Technology and Government of Andhra Pradesh. APTDC as a public (state government)/private partnership is the only organization, capable of obtaining cooperation and assistance of state government officials to assist entrepreneurs and promote technology development & innovation and IP protection in Andhra Pradesh.

APTDC has been the technical support arm of CII in IPR facilitation services over the years. APTDC has been a pioneer in conducting sector specific basic and advanced level training programmes on IPR for several years now. APTDC with its In-house IP professionals and a network of the finest IP experts in India and Abroad has emerged as a preferable choice for capacity Building Programmes and IP Facilitation services.

APTDC has been delivering services to Government of AP for many of its prestigious projects and also has catered to many Academic and R&D institutions IPR needs.

APTDC has played a vital role in building an IP ecosystem among Industry, Academia, R&D and Government of Andhra Pradesh. Andhra Pradesh being the Pharma capital of India with a strong hub of software Industry along with world class R&D Institutes makes it a prime destination for Innovation and IPR driven investments and APTDC has been playing a key role in this unique set up.

World Intellectual Property Organization (WIPO)

The World Intellectual Property Organization (WIPO), a United Nations (UN) specialized agency, is dedicated to the promotion and use of IP. Its diverse activities include:

- Administering 24 multilateral treaties and working with member states to build agreement on and to support the evolution of the international legal framework for IP
- Providing global IP services that make it easier and more cost-effective to obtain protection internationally for new inventions, brands, designs and appellations of origin; and providing arbitration, mediation and other alternative dispute resolution services
- Assisting governments and organizations in establishing national and regional IP and innovation strategies, developing appropriate regulatory frameworks for IP and building the infrastructure and human capacity needed to harness the potential of IP for economic development
- world-standard databases of IP information; developing technical platforms to facilitate exchange of information among IP offices ; training and tools for using IP information

Confederation of Indian Industry (CII)

The Confederation of Indian Industry (CII) works to create and sustain an environment conducive to the development of India, partnering industry, Government, and civil society, through advisory and consultative processes.

CII is a non-government, not-for-profit, industry led and industry managed organization, playing a proactive role in India's development process. Founded over 118 years ago, India's premier business association has over 7100 member organizations, from the private as well as public sectors, including SMEs and MNCs, and an indirect membership of over 90,000 companies from around 257 national and regional sectoral associations.

CII charts change by working closely with Government on policy issues, interfacing with thought leaders, and enhancing efficiency, competitiveness and business opportunities for industry through a range of specialized services and global linkages. It also provides a platform for consensus-building and networking on diverse issues.

Extending its agenda beyond business, CII assists industry to identify and execute corporate citizenship programmes. Partnerships with over 120 NGOs across the country carry forward our initiatives for integrated and inclusive development, in affirmative action, healthcare, education, livelihood, diversity management, skill development, empowerment of women, and water, to name a few.

The CII Theme for 2013-14 is Accelerating Economic Growth through Innovation, Transformation, Inclusion and Governance. Towards this, CII advocacy will accord top priority to stepping up the growth trajectory of the nation, while retaining a strong focus on accountability, transparency and measurement in the corporate and social ecosystem, building a knowledge economy, and broad-basing development to help deliver the fruits of progress to many.

With 63 offices including 10 Centers of Excellence in India, and 7 overseas offices in Australia, China, France, Singapore, South Africa, UK, and USA, as well as institutional partnerships with 224 counterpart organizations in 90 countries, CII serves as a reference point for Indian industry and the international business community.

Program Agenda

26 Nov, 2014, Wednesday

09:00 – 09:30	Registration
09:30 – 09:45	Welcome and Opening Remarks - Shri R. Devan, Deputy Controller of Patents & Designs, Intellectual Property Office, Chennai. - Mr. S. Jyoti Kumar, Director & Head, APTDC - Mr. Ken-Ichiro Natsume, World Intellectual Property Organization (WIPO)
09:45 – 10:30	<u>Topic 1</u> : Overview of WIPO and Introduction to the PCT System Speaker: Mr. Ken-Ichiro Natsume, Director, PCT International Cooperation Division, Innovation and Technology Sector, WIPO
10:30 – 11:00	_____ : Speaker: Sh. Oggu Prasad Rao, Assistant Controller of Patents & Designs, Intellectual Property Office, Chennai.
11:00 – 11:15	Coffee Break
11:15 – 11:45	_____ : Speaker: Mr. Christof Mathoi, Lawyer, International Legal Affairs, PCT, Dir. 5.2.2, European Patent Office
11:45 – 12:30	<u>Topic 3</u> : IT tools available for PCT Users (ePCT, Patentscope) Speaker : Mr. Natsume
12:30 – 13:30	Lunch Break
13:30 – 14:15	<u>Topic 4</u> : Procedures before the EPO as International Searching Authority and International Preliminary Examining Authority Speaker: Mr. Mathoi
14:15 – 14:45	<u>Topic 5</u> : National Phase Entry Speaker : Mr. Natsume
15:45 – 15:00	Coffee Break
15:00 – 15:45	<u>Topic 5 (continued)</u> : National Phase Entry : Entry into European phase Speaker : Mr. Mathoi
15:45 – 16:30	_____ : Views from PCT Users Speaker: Dr. S Padmaja, Director iProPAT Solution
	Closing of the Seminar

Glimpse of the Event

