

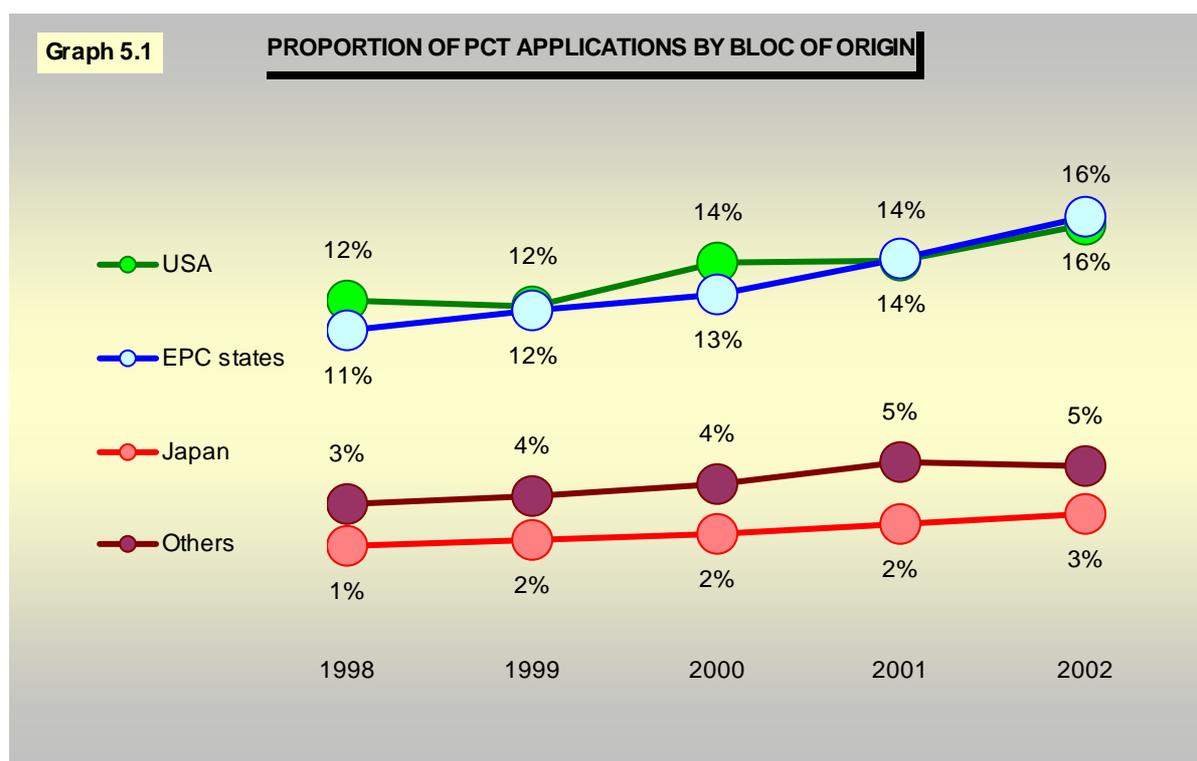
Chapter 5

USE OF THE PATENT COOPERATION TREATY

A substantial proportion of the demand for patent rights is requested via the Patent Cooperation Treaty. The statistics in this chapter display the shares of patent applications using the PCT route by origin. Past trends are revealed in the graphs that follow for calendar years 1998 through 2002.

THE PCT AS A FILING ROUTE

For each bloc of origin, Graph 5.1 shows the proportions of all patent applications filed (as provided in Chapter 3) that are PCT international applications. Applications are counted in the year of filing.

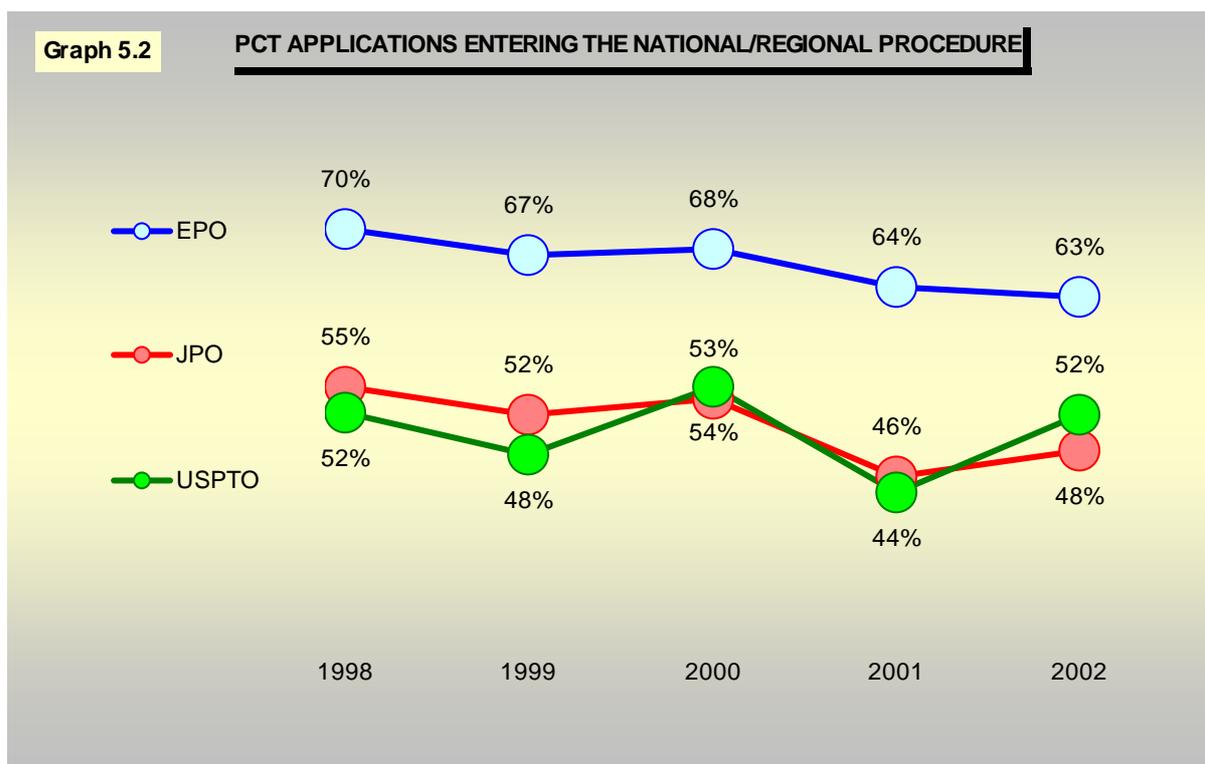


Overall, the use of PCT as a route for filing patent applications has continued to increase since 1998. From 2001 to 2002, the shares of PCT applications from the EPC states, the USA, and “Others” increased. Both the ECP states and US shares increased by about two percentage points and the share from filings originating from Japan was basically flat. The share from all “Others” increased by about one percentage point from 2001 levels.

PCT APPLICATIONS ENTERING THE NATIONAL / REGIONAL PHASE

After the international phase of the PCT procedure, applicants decide whether they wish to proceed further with their applications by fulfilling the various national or regional requirements of one or more of the PCT contracting states they had designated. If the decision is made to proceed further, then the application enters the PCT national or regional phase. In the EPC contracting states, applicants have a choice of proceeding in either individual countries or at the EPO. The proportions of all PCT applications that have entered the national or regional phase at each Trilateral office are presented in Graph 5.2. Applications are counted in the year they are expected to enter the national or regional stage.

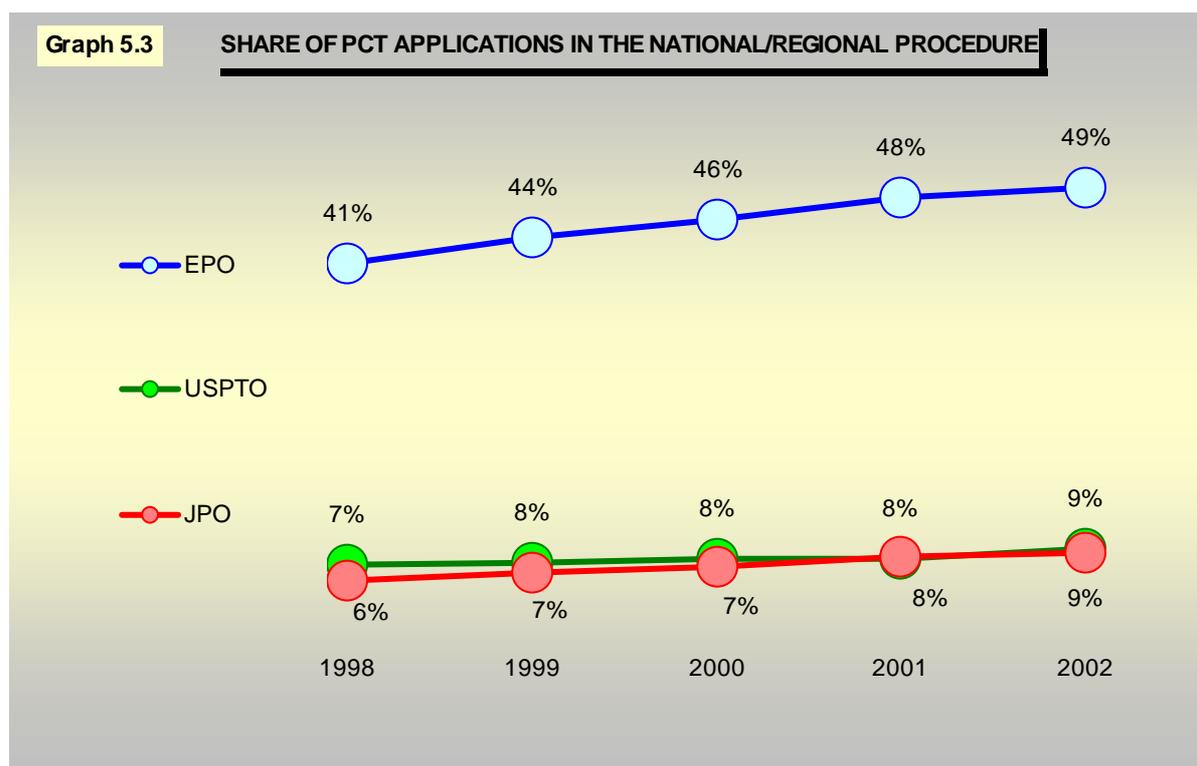
A higher proportion of PCT applications entered the regional phase at the EPO than entered the national phase either at the USPTO or the JPO. This is probably due to the supranational dimension of the EPO, which gives the opportunity at this late stage of the procedure to select target countries within the EPC contracting states.



The rate of patent applications entering the national / regional phase decreased at the EPO in 2002. However, the rate increased at both the JPO and the USPTO. Comparing 2001 to 2002, the rate at the EPO decreased from 64% to 63%. The rate at the JPO increased from 46% to 48%. The rate at the USPTO increased from 44% to 52%.

PCT APPLICATIONS AT THE TRILATERAL OFFICES

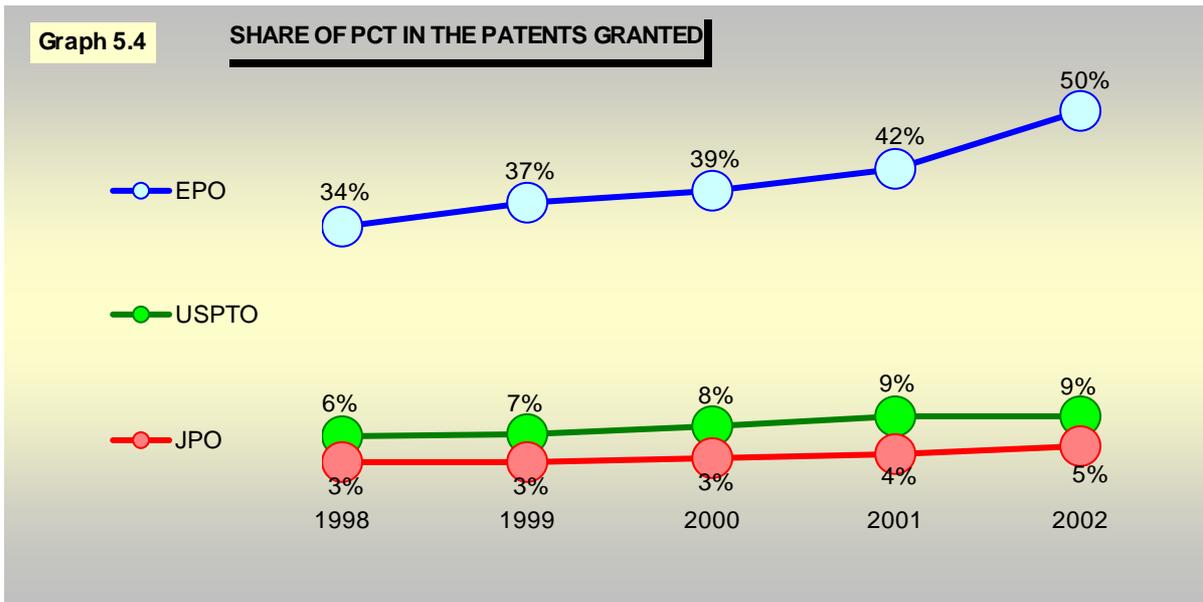
Graph 5.3 shows the proportions of PCT applications within the overall applications at each Trilateral office. As in Chapter 4, only PCT applications entering the national / regional phase are taken into account. The proportions of PCT applications are increasing at all offices. The EPO has a high proportion of PCT applications due to its status as a regional office, while the proportions for both the USPTO and JPO are low.



PCT GRANTS BY TRILATERAL OFFICES

Graph 5.4 shows the percentage of patents granted by each Trilateral office that were based on PCT applications.

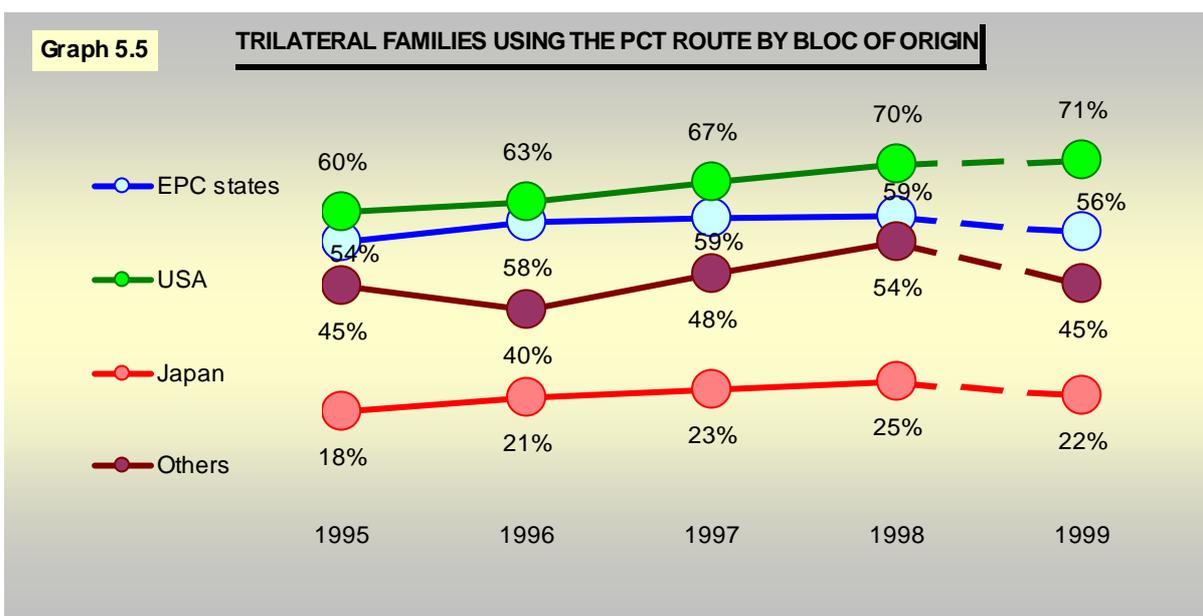
The EPO, which has witnessed an increase in applications using the PCT route, has also seen a rise in the share of PCT applications among all applications granted patent registration. On the other hand, in the same manner as the share of applications using the PCT route, at the USPTO and JPO there has been little increase in the share of PCT applications among all applications receiving patent registration.



PATENT FAMILIES INVOLVING PCT APPLICATIONS

The PCT system provides a good route to make subsequent patent applications in a large number of countries. Therefore it can be expected that many patent families flowing between blocs will use the PCT route. In this section, use of the PCT system implies that at least one PCT application has been made within the family of filings for the same invention. Further details of PCT usage in patent families flows can be found in the web based annex to this report.

Graph 5.5 shows the share of Trilateral patent families (as given earlier in Graph 3.11) that use the PCT system. As discussed earlier, the data for 1999 are provisional.

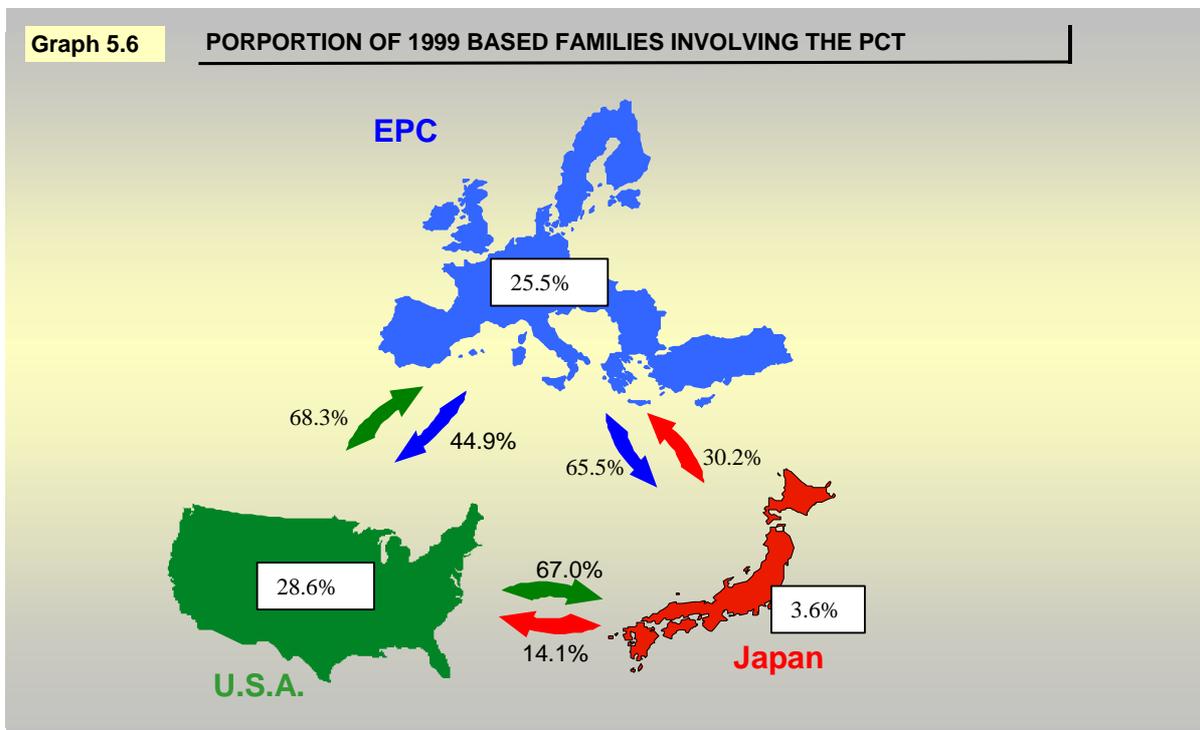


Usage of the PCT system is fairly widespread in Trilateral patent families originating in all blocs except Japan. The share has generally trended upwards for all the Trilateral blocs through 1998. In 1998, 52.5% of Trilateral patent families made some use of the PCT system. About 70% of Trilateral patent families originating from the USA and about 59% of Trilateral patent families originating from EPC contracting states involved PCT applications. This compares to about 25% from Japan and about 54% from other countries.

Graph 5.6 shows the share of PCT system usage in the flows of patent families between Trilateral blocs in 1998, and can be compared with Graph 3.12.

The percentage given in the center of each bloc is the share of distinct referenced priorities for the bloc that generated families using the PCT route. This is an indicator of the share of the total first filings in the bloc that led to the use of the PCT system.

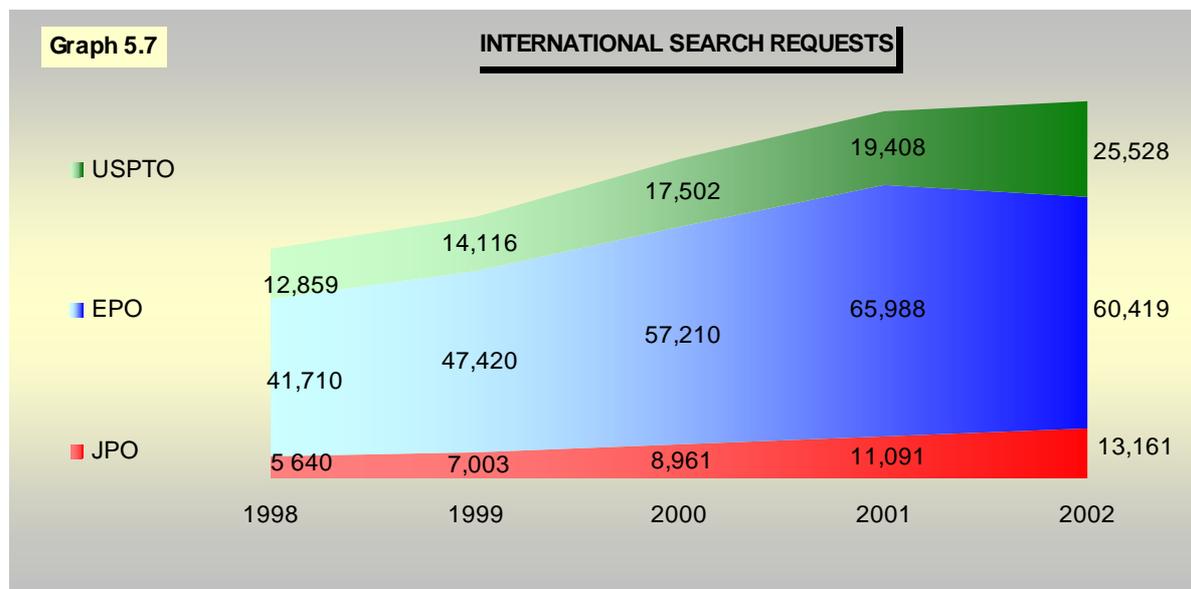
Out of all first filings in the Trilateral area in 1999, 12.2% formed patent families that made some use of the PCT system. From those first filings in the Trilateral area that resulted in filings in other Trilateral blocs, 45.8% made some use of the PCT system. However, when considered by the bloc of the priority applications, the proportions varied widely (54.5% from EPC contracting states, 21.1% from Japan, 65.8% from USA). When considered in terms of the blocs receiving the subsequent applications, the degree of variation in the share making use of the PCT system was slightly less (53.1% in EPC contracting states, 66.3% in Japan, 26.6% in USA).



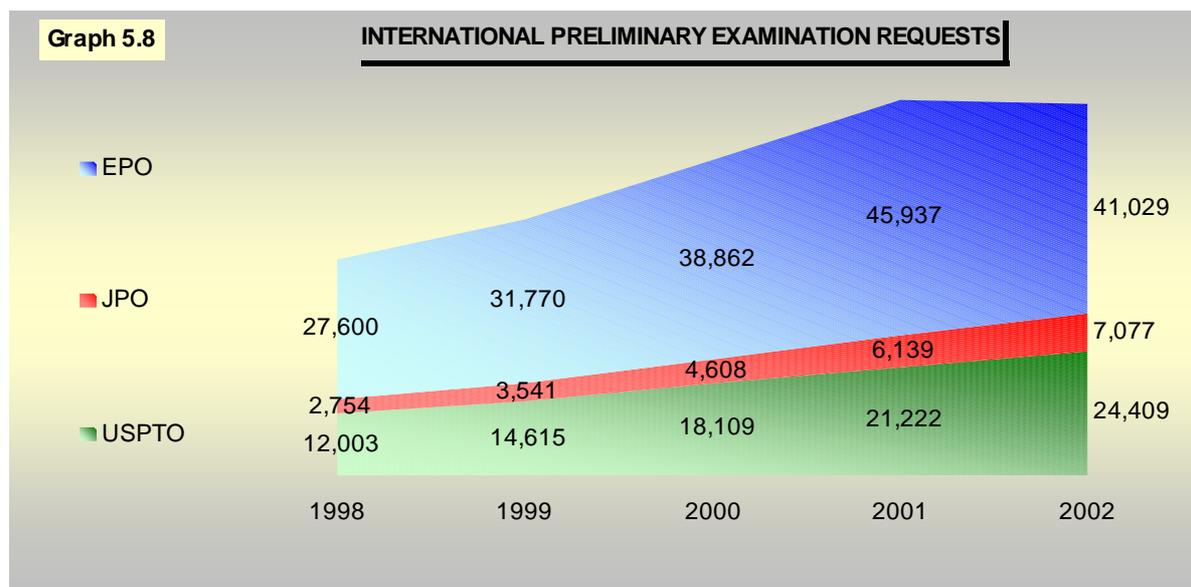
These statistics illustrate the fact that the PCT system is used on an increasing basis when making patent applications abroad. Applicants from USA and, to some extent, the EPC contracting states, favor the PCT system. In contrast, Japanese applicants tend to use the system to a somewhat lesser degree, both in percentage and absolute terms.

THE TRILATERAL OFFICES AS PCT AUTHORITIES

The graphs that follow present the numbers of international searches and the numbers of preliminary examinations requested to the EPO, USPTO, and JPO in their capacity as an International Searching Authority (ISA) and International Preliminary Examination Authority (IPEA) under the PCT. With the exception of requests at the EPO, use of international searches rapidly increased in 2002. The number of requests at the EPO decreased in 2002.



The EPO received 60,419 international search requests, followed by the USPTO at 25,528 and the JPO at 13,161. Although the JPO received the lowest number of international search requests in 2002, from 1998 to 2002 it saw the largest percentage increase in this area, with a rise to about 133% of the 1998 value.



Of the three offices, only the EPO experienced a decline in international preliminary examinations. The EPO received 41,029 requests in 2002, followed by the USPTO with 24,409 and the JPO with 7,077.