



**Pilot for “PCT-IP5 search” / “CS&E”: update
Pilot doing well so far, still open to PCT applicants until 30 June 2020**

Subject to the successful conclusion of a pilot, which began on 1 July 2018 and closes to volunteering PCT applicants on 30 June 2020,¹ it is hoped that in a few years' time all PCT applicants will be offered a procedural option providing for –

one of the IP5 offices (European, US, Japanese, Chinese, and Korean) receiving a PCT application to act as a “main ISA” leading a *collaborative exercise*, the result of which will be that the main ISA issues a search report and written opinion in Chapter I based on both its own work and on inputs from the other four offices (called “peer ISAs”).

Such an option is currently officially called “PCT collaborative search and examination (CS&E)”; but to avoid possible confusion with other initiatives (and possible future renaming), in this report it is called “PCT-IP5 search”.

The Federation was the originator of this concept. The advantages of PCT-IP5 search are fully set out in *Trends and Events* August 2018, pages 35-37. If the pilot is successful and PCT-IP5 search is implemented, this will be the biggest single improvement in the PCT since the PCT began in 1978.

The 2018 article in *Trends and Events* set out also what would be involved for Federation members participating in the pilot, and specifically noted the inducement that extra searches are obtained at no additional official cost. WIPO gives information at <https://www.wipo.int/pct/en/filing/cse.html> and provides the form https://www.wipo.int/export/sites/www/pct/en/forms/rcse/ed_rcse.pdf (English version) by which a PCT user can volunteer applications for the pilot. *The pilot remains open to the volunteering of new applications until 30 June 2020*, or until each main ISA has filled its quota of applications (100 over the two-year period from 1 July 2018).

The aim of this update, then, is twofold:

- (i) to remind interested Federation members that the pilot is indeed still open to new applications; and
- (ii) to report briefly on the pilot so far.

As of the date of this article, the number of applications which each main ISA can still accept before it reaches its quota of 100 are as follows:

- EPO, 16 applications, with no restrictive sub-quota on applications in English;
- USPTO, 7 applications (in English);
- JPO, 50 applications (in Japanese with an English translation);
- CNIPA, 42 applications (in English or Chinese); and
- KIPO, 4 applications (in Korean with an English translation).

(Continuously updated information is available at <https://pct.wipo.int/ePCTExternal/pages/PCTCollaborativeSearch.xhtml>.)

¹ It should be noted that this pilot is informed by the results of two previous pilots on a smaller scale.

Users of the JPO have furthest to go if the quota of 100 is to be reached, but the JPO was a somewhat late starter.

The EPO found, in the first year of the pilot, that few applicants wish to volunteer PCT texts in French and German; presumably this is because many companies based in French- and German-speaking countries quite normally file in English (a practice which (a) eliminates translation-created discrepancies between the PCT application and the national phase US application and (b) reduces translation costs in other national phases).

It is not yet possible to report on the success of the pilot in improving outcomes for applicants. The Offices will probably report officially only in 2021 or later, but anecdotal reports from applicants can be expected before then.

Michael Jewess, 30 November 2019