

Development of a PCT third party observations system

Introduction

The IP Federation represents IP-intensive companies in the United Kingdom (see list of members attached). Our member companies are extensively involved with IP internationally and extensive users of the Patent Cooperation Treaty. Not only do our companies own considerable numbers of IP rights, but they are affected by the activities and IP rights of competitors.

The Consultation

The PCT Working Group has recommended that the International Bureau should begin the development of a PCT Third Party Observation System. WIPO Circular C. PCT 1288 contains, in Annex I, proposals as to the details of how the International Bureau intends to implement such a system under the PCT, including sample screens of web forms.

Comments on the proposals have been invited by 31 March 2011.

IP Federation comments

1. The IP Federation welcomes this development.
2. Our members are however concerned that the 28 month deadline leaves little opportunity for applicants to react in the international phase. It appears to have been framed with administrative convenience in mind, but gives no time for the examiners to react or for applicants to amend before entering the national and regional phase. Thus any response to the third party observations could only be done in the national and regional phase, adding considerably to inconvenience and cost. This does not take good advantage of the centralised procedures available under the PCT.
3. A review at the end of the trial period would be desirable.

IP Federation
29 March 2011

IP Federation members 2011

The IP Federation (formerly TMPDF), represents the views of UK industry in both IPR policy and practice matters within the EU, the UK and internationally. Its membership comprises the innovative and influential companies listed below. It is listed on the European Commission's register of interest representatives with identity no: 83549331760-12.

ARM Ltd
AstraZeneca plc
Babcock International Ltd
BAE Systems plc
BP p.l.c.
British Telecommunications plc
British-American Tobacco Co Ltd
BTG plc
Delphi Corp.
Dyson Technology Ltd
Eli Lilly & Co Ltd
ExxonMobil Chemical Europe Inc
Ford of Europe
Fujitsu Services Ltd
GE Healthcare
GKN plc
GlaxoSmithKline plc
Hewlett-Packard Ltd
IBM UK Ltd
Infineum UK Ltd
Merck Sharp & Dohme Ltd
Nokia UK Ltd
Nucletron Ltd
Pfizer Ltd
Philips Electronics UK Ltd
Pilkington Group Ltd
Procter & Gamble Ltd
QinetiQ Ltd
Rolls-Royce plc
Shell International Ltd
Smith & Nephew
Sony Europe Limited
Syngenta Ltd
The Linde Group
UCB Pharma plc
Unilever plc
Xerox Ltd