



JOURNAL OF PHARMACEUTICAL SCIENCE AND BIOSCIENTIFIC RESEARCH (JPSBR)

(An International Peer Reviewed Pharmaceutical Journal that Encourages Innovation and Creativities)

Patent Cooperation Treaty (PCT)- A short Communication on International Intellectual Property Filing System

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Citation:

Patel N. Patent Cooperation Treaty (PCT)- A short Communication on International Intellectual Property Filing System. *J Pharm Sci Bioscientific Res.* 2019. 9(6):244-245

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ABSTRACT:

The current short communication provides brief history of Patent cooperation treaty along with that it provides that it is an international treaty that allows patent protection for its all member countries rather than individual filing in individual countries. It is a filing system rather than international granting system. That provides time for filing, patentability assessment, cost saving and avoids unnecessary time delay. It has harmonized the filing system up to some extent throughout the member countries. Moreover, the communication also clarifies that the word 'International patent' is not appropriate to use for any kind of patent or patent filing system.

KEY WORDS: International Patent filing, PCT, WIPO,

Patent Cooperation Treaty (PCT), the specialized agency of United Nations (UN) has very old but interesting history. In 1883, very first convention held in Paris for the protection of industrial property. Then after series of convention and gathering resulted into formation of WIPO in 1970. Soon after four years in 1974, WIPO joins United Nations (UN) and become functional in 1978. WIPO is the fastest growing agency of UN; till date, it has 192 member states with the mission of development of balanced and effective IP system.

The current communication is to clearly state that there is nothing like 'World Patent' or 'International Patent'. When word 'International Patent Filing System' is used with PCT, it has been observed that in India, readers create confusion of international filing system that may provide protection internationally by single filing but in fact there is no single patent filing that provides protection throughout the world. As patent protection provides territorial rights, one can get protection only in the country where the it is been filed. If one need to file a patent internationally, there are two ways,

1. Convention application
2. PCT application

Convention application under Paris convention treaty is to file a patent first in applicant's own country. The date on which the document is filed is called priority date. Any applicant can seek protection for the same patent within 12 months from the priority date using same platform [1].

PCT application is the platform under which applicants can simultaneously seek protection for an invention in many countries within 30 months. As per WIPO "PCT assists applicants in seeking patent protection internationally for their inventions, helps patent offices with their patent granting decisions, and facilitates public access to a wealth of technical information relating to those inventions." The complete filing procedure under PCT is very well explained by WIPO under of one its FAQ section "Protecting your Inventions Abroad: Frequently Asked Questions About the Patent Cooperation Treaty (PCT)" [2].

REFERENCES:

1. Summary of the Paris Convention for the Protection of Industrial Property (1883)
https://www.wipo.int/treaties/en/ip/paris/summary_paris.html
2. Protecting your Inventions Abroad: Frequently Asked Questions About the Patent Cooperation Treaty (PCT)
<https://www.wipo.int/pct/en/faqs/faqs.html>