

UNITED STATES
PATENT AND TRADEMARK OFFICE



Pursuing patent protection abroad: Including the Patent Cooperation Treaty and the Hague System for Industrial Designs

International Patent Legal Administration
Office of International Patent Cooperation



UNITED STATES
PATENT AND TRADEMARK OFFICE ®

What is a patent?

- **Property right**
 - Right to exclude others from making, using, selling, offering for sale or importing the claimed invention
 - Limited term
 - Territorial – protection only where patent granted
- **Exchange**
 - Inventor discloses the invention in exchange for the opportunity to receive the patent grant and its associated rights

Who grants patents?

- **National patent offices**
 - E.g., U.S. Patent and Trademark Office (USPTO), Japanese Patent Office (JPO), Korean Patent Office (KIPO)
- **Regional patent offices**
 - Grant patents with effect in some or all member countries
 - European Patent Office (EPO)
 - Eurasian Patent Convention (EA)
 - African Regional Intellectual Property Organization (ARIPO)
 - African Intellectual Property Organization (OAPI)
 - Patent Office of the Gulf Cooperation Council (GCC)



Regional patent offices

AP: African Regional Intellectual Property Organization (ARIPO)

| | |
|----|-----------------------------|
| BW | Botswana |
| GH | Ghana |
| GM | Gambia |
| KE | Kenya |
| LR | Liberia |
| LS | Lesotho |
| MW | Malawi |
| MZ | Mozambique |
| NA | Namibia |
| RW | Rwanda |
| SD | Sudan |
| SL | Sierra Leone |
| ST | Sao Tome and Principe |
| SZ | Eswatini |
| TZ | United Republic of Tanzania |
| UG | Uganda |
| ZM | Zambia |
| ZW | Zimbabwe |

EP: European Patent Office (EPO)

| | | | |
|----|----------------|----|-------------|
| AL | Albania | MC | Monaco |
| AT | Austria | ME | Montenegro |
| BE | Belgium | MK | Macedonia |
| BG | Bulgaria | MT | Malta |
| CH | Switzerland | NL | Netherlands |
| CY | Cyprus | NO | Norway |
| CZ | Czech Republic | PL | Poland |
| DE | Germany | PT | Portugal |
| DK | Denmark | RO | Romania |
| EE | Estonia | RS | Serbia |
| ES | Spain | SE | Sweden |
| FI | Finland | SI | Slovenia |
| FR | France | SK | Slovakia |
| GB | United Kingdom | SM | San Marino |
| GR | Greece | TR | Turkey |
| HR | Croatia | | |
| HU | Hungary | | |
| IE | Ireland | | |
| IS | Iceland | | |
| IT | Italy | | |
| LI | Liechtenstein | | |
| LT | Lithuania | | |
| LU | Luxembourg | | |
| LV | Latvia | | |

EP: EPO extension countries

| | |
|----|------------------------|
| BA | Bosnia and Herzegovina |
|----|------------------------|

EP: EPO validation countries

| | |
|----|---------------------|
| MA | Morocco |
| MD | Republic of Moldova |
| KH | Cambodia |
| TN | Tunisia |

EA: Eurasian Patent Convention (EAPO)

| | | | |
|----|-----------------|----|--------------|
| AM | Armenia | KZ | Kazakhstan |
| AZ | Azerbaijan | RU | Russian Fed. |
| BY | Belarus | TJ | Tajikistan |
| KG | Kyrgyz Republic | TM | Turkmenistan |

GC: Patent Office of the Gulf Cooperation Council (GCCPO)

| | |
|----|----------------------|
| BL | Bahrain |
| KW | Kuwait |
| OM | Oman |
| QA | Qatar |
| SA | Saudi Arabia |
| AE | United Arab Emirates |

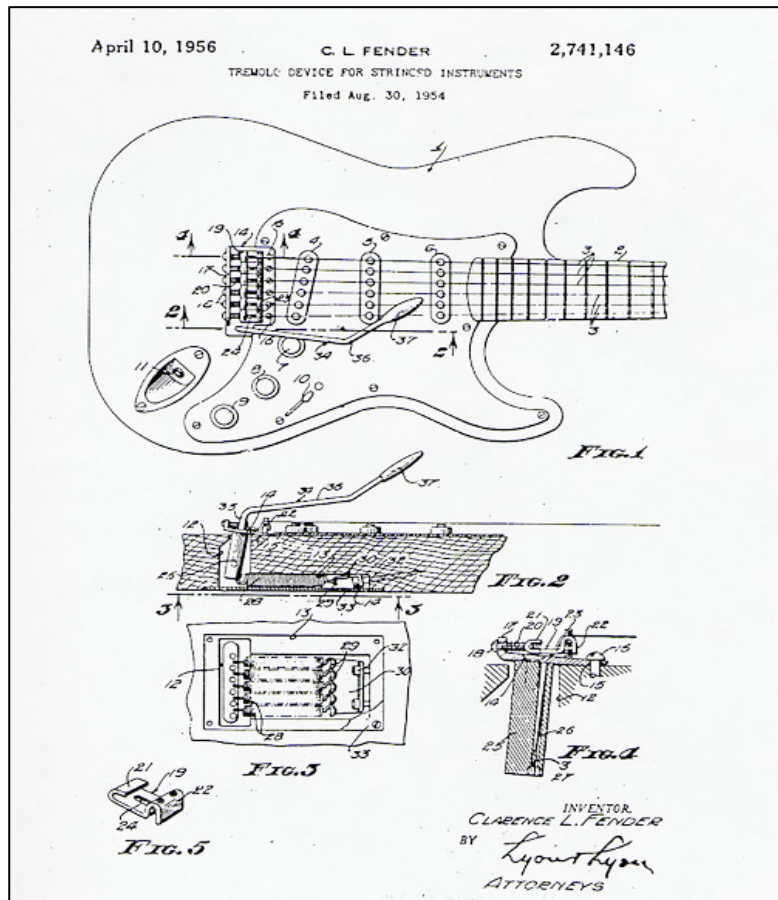
OA: African Intellectual Property Organization (OAPI)

| | | | |
|----|----------------------|----|-------------------|
| BF | Burkina Faso | GQ | Equatorial Guinea |
| BJ | Benin | GW | Guinea-Bissau |
| CF | Central African Rep. | KM | Comoros |
| CG | Congo | ML | Mali |
| CI | Côte d'Ivoire | MR | Mauritania |
| CM | Cameroon | NE | Niger |
| GA | Gabon | SN | Senegal |
| GN | Guinea | TD | Chad |
| | | TG | Togo |

Types of U.S. patents

- **Utility**
 - Inventions
 - 20 year term from filing date
- **Design**
 - Ornamental design described and shown
 - 15-year term from grant date (For applications filed on or after May 13, 2015)
- **Plant**
 - New variety of asexually reproduced plant
 - 20 year term from filing date

Utility patent



United States Patent [19]

Taniguchi et al.

[11] Patent Number: 4,778,294

[45] Date of Patent: Oct. 18, 1988

[54] PRINTER

[75] Inventors: Jun Taniguchi, Tamayama; Fumihisa Hori, Takizawa, both of Japan

[21] Appl. No.: 84,908

[73] Assignee: Alps Electric Co., Ltd., Tokyo, Japan

[22] Filed: Aug. 13, 1987

[30] Foreign Application Priority Data

Oct. 9, 1986 [JP] Japan 61-154451[U]

[51] Int. Cl.⁴ B41J 1/20

[52] U.S. Cl. 400/185; 400/146;

101/93.14

[58] Field of Search 400/145.1, 145.2, 146,

400/185, 187, 636, 144.2, 144.3; 101/93.13,

93.14, 105, 111

[56] References Cited

U.S. PATENT DOCUMENTS

4,449,835 5/1984 Arai 400/185 X

4,560,294 12/1985 Sugawara et al. 101/93.14 X

4,580,917 4/1986 Hino 400/636

4,632,581 12/1986 Ito et al. 400/145.2 X

FOREIGN PATENT DOCUMENTS

105571 8/1980 Japan 400/146

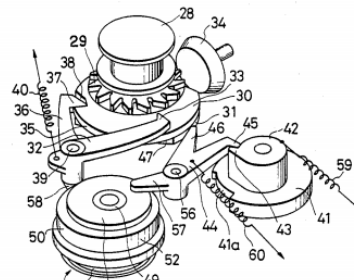
199179 11/1983 Japan 400/146

Primary Examiner—Charles Pearson
Attorney, Agent, or Firm—Guy W. Shoup; Leighton K. Chong; Paul J. Winters

[57] ABSTRACT

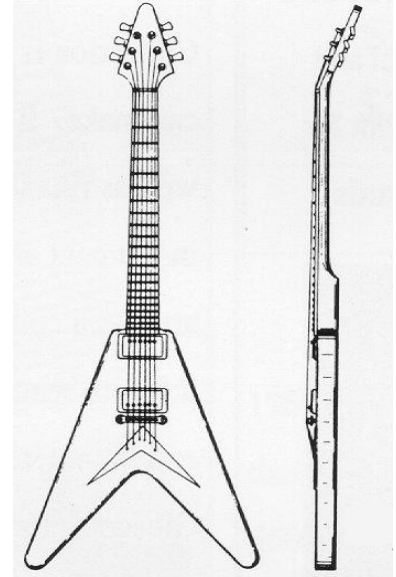
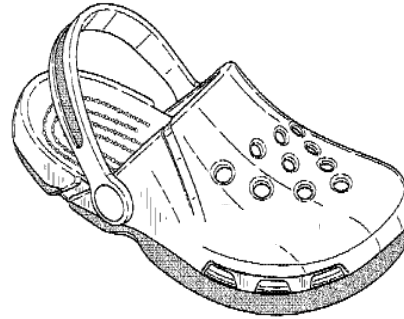
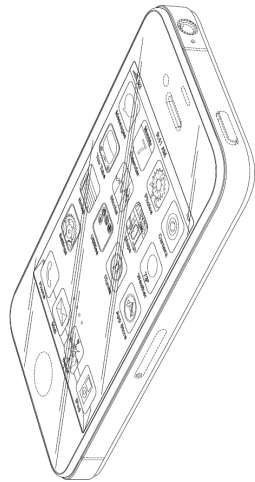
A printer comprising a printing drive gear for generating a print operation output and having a print control cam for controlling a print operation; a paper feed control cam adapted to be rotated with the printing drive gear as a unit for controlling a paper feed operation; a paper feed driving intermittent gear for generating a paper feeding output; a ratchet wheel for controlling an output timing of the paper feed driving intermittent gear; a print control lever adapted to be moved in association with the print control cam and be releasably engaged therewith; a paper feed control lever adapted to be moved in association with the paper feed control cam; a pawl lever adapted to be moved integrally with the paper feed control lever and be releasably engaged with the ratchet wheel; and an electromagnetic clutch capable of generating a first rotative output for driving the print control lever and a second rotative output for driving the paper feed control lever and the pawl lever, wherein the paper feed control cam has such a shape as to disengage the pawl lever from the ratchet wheel after printing of a type at a final column.

7 Claims, 3 Drawing Sheets



Design patent

- In the United States, protects the way an article looks, including
 - Its shape and configuration
 - Surface ornamentation applied to the article



Plant patent



US00PP25124P2

(12) **United States Plant Patent**
van der Knaap

(10) **Patent No.:** **US PP25,124 P2**

(45) **Date of Patent:** **Nov. 25, 2014**

(54) **CURCUMA PLANT NAMED 'CURALIMEI'**

(50) Latin Name: *Curcuma alismatifolia*
Varietal Denomination: **Curalimei**

(71) Applicant: **Leonardus Johannes Maria van der Knaap**, Naaldwijk (NL)

(72) Inventor: **Leonardus Johannes Maria van der Knaap**, Naaldwijk (NL)

(73) Assignee: **Nubilus B.V.**, Naaldwijk (NL)

(*) Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 0 days.

(21) Appl. No.: **13/987,345**

(22) Filed: **Jul. 15, 2013**

(51) **Int. Cl.**
A01H 5/00 (2006.01)

(52) **U.S. Cl.**
USPC **Plt./421**

(58) **Field of Classification Search**
CPC **A01H 5/00**
USPC **Plt./421**
See application file for complete search history.

Primary Examiner — Anne Grunberg

(74) *Attorney, Agent, or Firm* — C. A. Whealy

(57) **ABSTRACT**

A new and distinct cultivar of *Curcuma* plant named 'Curalimei', characterized by its upright and columnar plant habit with outwardly arching leaves; freely clumping growth habit; leaves with dark purple-colored midveins; freely flowering habit; flowers with dark pink-colored flower bracts and dark red purple-colored apices that are positioned just above the foliar plane on strong and erect peduncles.

2 Drawing Sheets



uspto®

Where to patent?

- Patent rights are territorial.
 - Protection against infringing activities only within the country or region in which patent was granted
- There is no worldwide patent.
 - Must apply for and be granted a patent in each country or region of interest
- Patent protection can be an important part of overall global business strategy.



Where to patent:

Business considerations

- Market size and potential of country/region
- Manufacturing potential
- Industry size and growth
- Competition activity
- Patent procurement costs

Where to patent:

Patent law considerations

- Standards of patentability in country/region
 - Patentable subject matter differences
 - Prior art differences
 - Some countries have only a registration system
 - No substantive examination
- Types of protection differ
 - Patent, inventor's certificate, utility certificate, utility model, petty patent, patent of addition, certificate of addition, inventor's certificate of addition, utility certificate of addition, industrial design



Grace period

- Time prior to filing during which public disclosure, usually by an inventor or applicant, is not to be taken into account in determining patentability
- Differs in different jurisdictions
 - Time period (usually six or twelve months)
 - Scope of qualifying disclosure
- WIPO provides a summary of country/region and its corresponding grace period.
 - https://www.wipo.int/export/sites/www/scp/en/national_laws/grace_period.pdf

Where to patent:

Enforcement considerations

- Enforcement requires patent owner action.
 - Enforceability of patents varies.
- Develop an enforcement strategy for each country.
- Competitor products should be monitored.
- Licensing may be beneficial.



Options for foreign filing

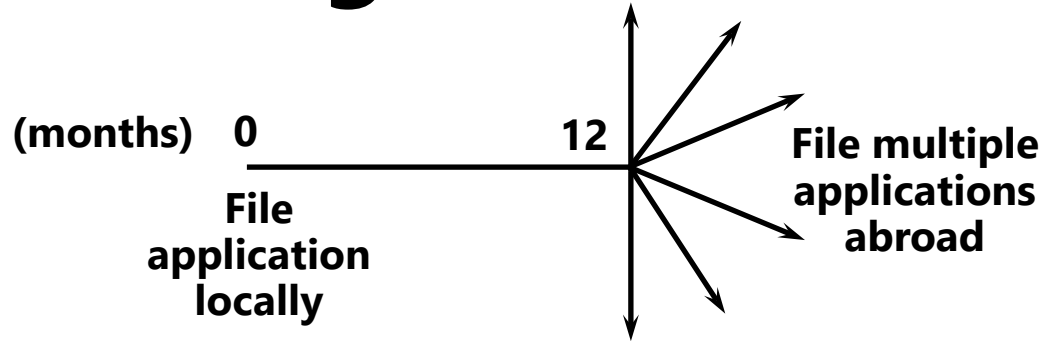
- File a patent application directly in a national or regional patent office (Paris Convention)
 - A foreign filing license from the USPTO may be required.
- File an international patent application under the Patent Cooperation Treaty (PCT)
 - A foreign filing license from the USPTO may be required, if filing in a foreign receiving Office.

Paris Convention – direct filing

- A United Nations Treaty
 - www.wipo.int/treaties/en/ip/paris/
- Provides a 12-month right of priority
 - Time period after the first filing of a patent application to file a subsequent application for the same invention in another Paris Convention member country
 - Subsequent application must claim the priority of the first application
- Currently 179 Contracting States



Direct filing timeline



- Local patent application filed first
- Multiple foreign applications filed by 12 months, claiming priority under the Paris Convention
 - Multiple formality requirements
 - Multiple prosecutions of applications
 - Translations and national/regional fees required at 12 months

Why file directly in a foreign patent office?

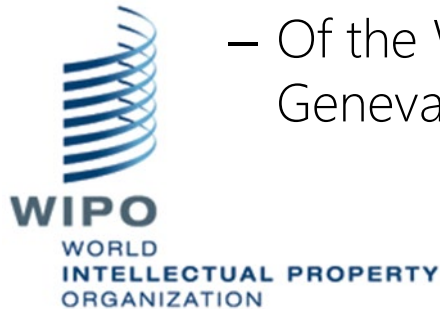
- May be cost effective, if filing in only a few countries
- The nations/regions where applications are to be filed is known
- Prepared to pay the filing costs
 - E.g., filing fees, translation costs, attorney fees
- Necessary for countries not party to the PCT

Pursuing patent protection abroad

Patent Cooperation Treaty

The Patent Cooperation Treaty

- A United Nations Treaty
 - Signed June 1970
 - Became operational June 1978
 - Administered by the International Bureau (IB)
 - Of the World Intellectual Property Organization (WIPO) in Geneva, Switzerland



International patent?

- An international application (IA) is filed under the Patent Cooperation Treaty (PCT) but...
 - There is no “international patent”
 - The PCT functions as a patent application filing system
 - The IA must still be prosecuted in each national or regional office where patent protection is desired

Purposes of the PCT

- To simplify the process of filing foreign patent applications
- To give every regional and national patent office and the applicant the benefit of:
 - A search and opinion on patentability by a major patent office
 - An optional further examination by a major patent office

PCT filing timeline



- Local patent application filed first
- Single IA filed by 12 months, claiming priority under the Paris Convention
 - One set of formalities requirements
 - One international phase prosecution
 - Translations and national/regional fees and prosecution not required until 30 months

PCT Contracting State

- A country which is a signatory to the PCT
 - Limited to countries recognized by the United Nations
- Eighteen (18) Contracting States in 1978
- Currently 157 Contracting States
 - www.wipo.int/pct/en/pct_contracting_states.html

Listing of PCT Contracting States

| | | | | |
|---|--|--|----------------------------------|-------------------------------------|
| AE United Arab Emirates | CY Cyprus (EP) ² | IR Iran (Islamic Republic of) | ML Mali (OA) ² | SI Slovenia (EP) ² |
| AG Antigua and Barbuda | CZ Czechia (EP) | IS Iceland (EP) | MN Mongolia | SK Slovakia (EP) |
| AL Albania (EP) | DE Germany (EP) | IT Italy (EP) ³ | MR Mauritania (OA) ² | SL Sierra Leone (AP) |
| AM Armenia (EA) | DJ Djibouti | JM Jamaica | MT Malta (EP) ² | SM San Marino (EP) ² |
| AO Angola | DK Denmark (EP) | JO Jordan | MU Mauritius | SN Senegal (OA) ² |
| AT Austria (EP) | DM Dominica | JP Japan | MW Malawi (AP) | ST Sao Tome and Principe (AP) |
| AU Australia | DO Dominican Republic | KE Kenya (AP) | MX Mexico | SV El Salvador |
| AZ Azerbaijan (EA) | DZ Algeria | KG Kyrgyzstan (EA) | MY Malaysia | SY Syrian Arab Republic |
| BA Bosnia and Herzegovina ¹ | EC Ecuador | KH Cambodia ⁴ | MZ Mozambique (AP) | SZ Eswatini (AP) ² |
| BB Barbados | EE Estonia (EP) | KM Comoros (OA) ² | NA Namibia (AP) | TD Chad (OA) ² |
| BE Belgium (EP) ² | EG Egypt | KN Saint Kitts and Nevis | NE Niger (OA) ² | TG Togo (OA) ² |
| BF Burkina Faso (OA) ² | ES Spain (EP) | KP Democratic People's Republic of Korea | NG Nigeria | TH Thailand |
| BG Bulgaria (EP) | FI Finland (EP) | KR Republic of Korea | NI Nicaragua | TJ Tajikistan (EA) |
| BH Bahrain | FR France (EP) ² | KW Kuwait | NL Netherlands (EP) ² | TM Turkmenistan (EA) |
| BJ Benin (OA) ² | GA Gabon (OA) ² | KZ Kazakhstan (EA) | NO Norway (EP) | TN Tunisia ⁴ |
| BN Brunei Darussalam | GB United Kingdom (EP) | LA Lao People's Democratic Republic | NZ New Zealand | TR Türkiye (EP) |
| BR Brazil | GD Grenada | LC Saint Lucia | OM Oman | TT Trinidad and Tobago |
| BW Botswana (AP) | GE Georgia | LI Liechtenstein (EP) | PA Panama | TZ United Republic of Tanzania (AP) |
| BY Belarus (EA) | GH Ghana (AP) | LK Sri Lanka | PE Peru | UA Ukraine |
| BZ Belize | GM Gambia (AP) | LR Liberia (AP) | PG Papua New Guinea | UG Uganda (AP) |
| CA Canada | GN Guinea (OA) ² | LS Lesotho (AP) | PH Philippines | US United States of America |
| CF Central African Republic (OA) ² | GQ Equatorial Guinea (OA) ² | LT Lithuania (EP) ² | PL Poland (EP) | UZ Uzbekistan |
| CG Congo (OA) ² | GR Greece (EP) ² | LU Luxembourg (EP) | PT Portugal (EP) | VC Saint Vincent and the Grenadines |
| CH Switzerland (EP) | GT Guatemala | LV Latvia (EP) ² | QA Qatar | VN Viet Nam |
| CI Côte d'Ivoire (OA) ² | GW Guinea-Bissau (OA) ² | LY Libya | RO Romania (EP) | WS Samoa |
| CL Chile | HN Honduras | MA Morocco ⁴ | RS Serbia (EP) | ZA South Africa |
| CM Cameroon (OA) ² | HR Croatia (EP) | MC Monaco (EP) ² | RU Russian Federation (EA) | ZM Zambia (AP) |
| CN China | HU Hungary (EP) | MD Republic of Moldova ⁴ | RW Rwanda (AP) | ZW Zimbabwe (AP) |
| CO Colombia | ID Indonesia | ME Montenegro (EP) ^{2,5} | SA Saudi Arabia | |
| CR Costa Rica | IE Ireland (EP) ² | MG Madagascar | SC Seychelles | |
| CU Cuba | IL Israel | MK North Macedonia (EP) | SD Sudan (AP) | |
| CV Cabo Verde (AP) | IN India | | SE Sweden (EP) | |
| | IQ Iraq | | SG Singapore | |

1 Extension of European patent possible.

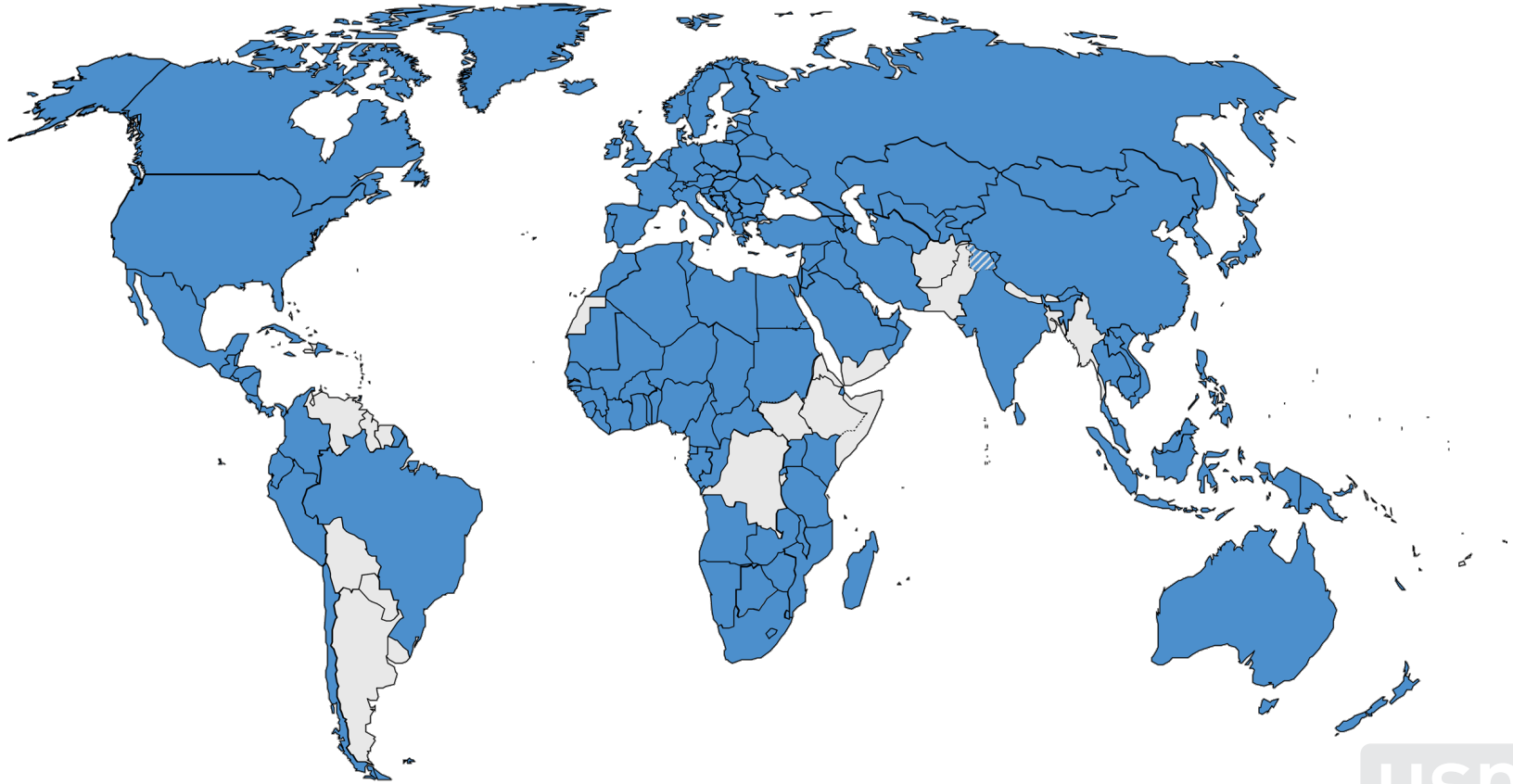
2 May only be designated for a regional patent (the "national route" via the PCT has been closed).

3 Italy may be designated for a national patent only in international applications filed on or after 1 July 2020.

4 Validation of European patent possible.

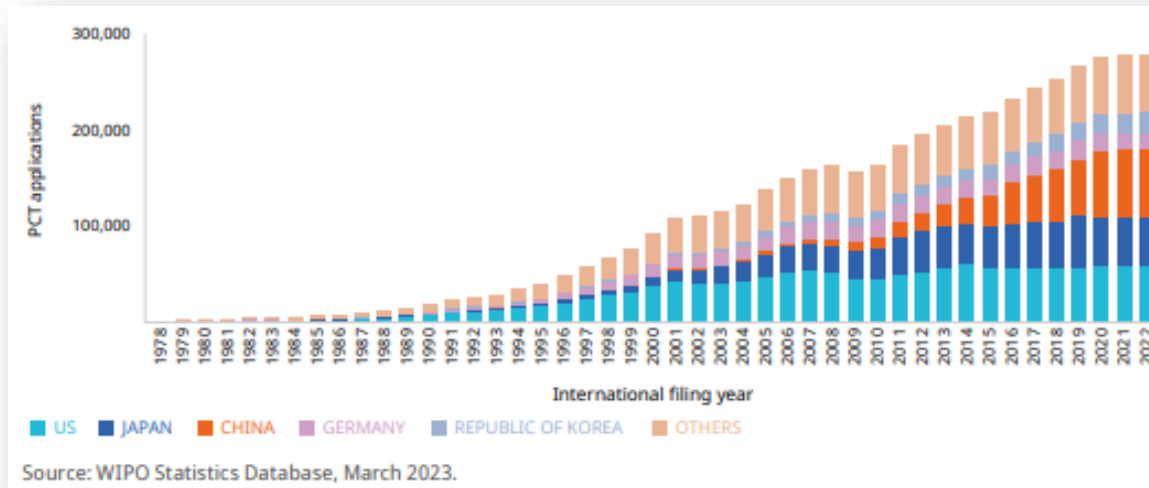
5 For international applications filed before 1 October 2022, only an extension of a European patent is possible (there is no national phase before the Intellectual Property Office of Montenegro). International applications filed on or after 1 October 2022 will include the designation of Montenegro for a European Patent.

PCT world map



International applications (IAs) filed under the PCT

- In 2022, an estimated 278,100 IAs were filed
 - 0.3% annual increase from 2021
 - Estimated 59,056 (~21%) filed in U.S.
- Applicants from the U.S. are responsible for 28.9% of PCT applications since inception (1978).



PCT benefits for applicants

- Simplifies the process of filing foreign applications
 - One set of formality requirements, as set forth in the PCT
 - Establishes a filing date in all PCT Contracting States
- Postpones costs
 - Translation fees, filing fees, attorney fees
- Provides
 - An early indication of prior art, and a written opinion as to the novelty, inventive step and industrial applicability of the claimed invention
- Gives extra time for assessment of commercial viability in Contracting States



PCT benefits for offices

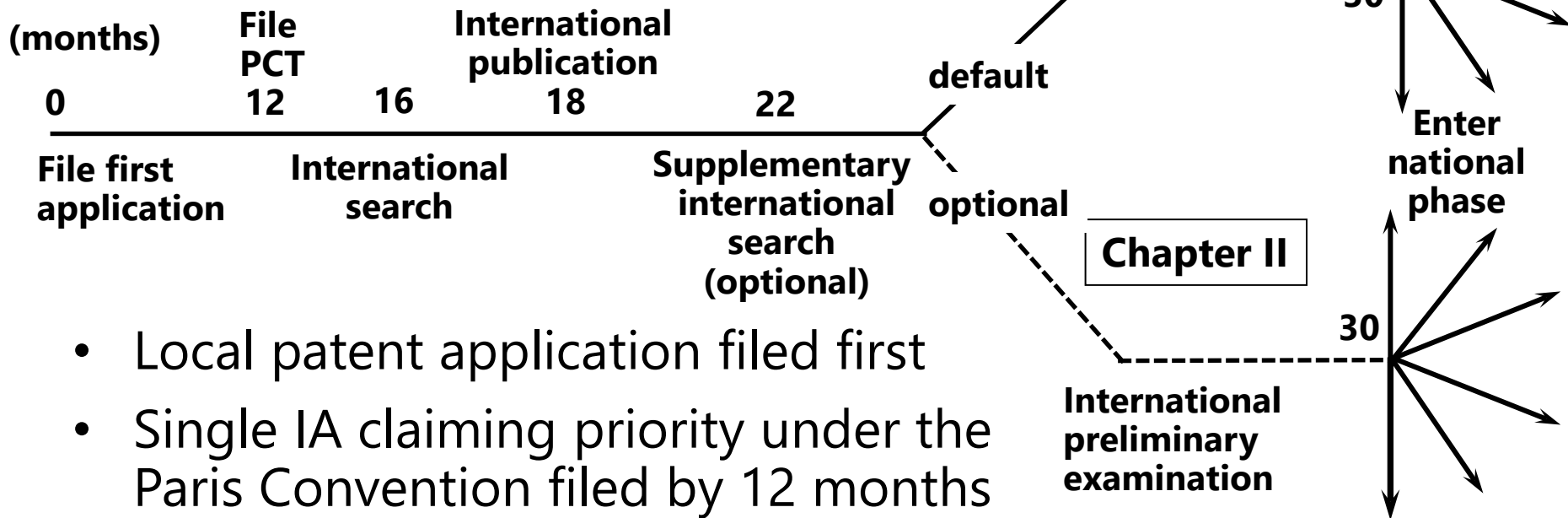
- Provides every regional and national patent office where protection is sought, the benefit of
 - An international search report (ISR) and written opinion of the International Searching Authority (WOISA)
 - By an International Searching Authority (ISA)
 - Optionally, a supplementary international search report (SISR)
 - By a Supplementary International Searching Authority (SISA)
 - Optionally, an International Preliminary Report on Patentability (Chapter II) – IPRP (Chapter II)
 - By an International Preliminary Examining Authority (IPEA)

The international application (IA)

- A single application
 - Filed in one language
 - Filed in one patent office
 - The receiving Office (RO)
 - Usually the applicant's home patent office
 - Complies with formal requirements of the PCT
 - Must be accepted by each national/regional office where patent protection is sought (designated State)
 - Treated as a national application in each designated State as of the international filing date (IFD)

PCT system

Chapter I



- Local patent application filed first
- Single IA claiming priority under the Paris Convention filed by 12 months
 - One international phase prosecution
 - Translations, national/regional fees and national/regional prosecution not required until 30 months (national phase)

Two phases of the PCT

- International phase
 - Chapter I (compulsory)
 - Chapter II (optional)
- National phase (stage)

Pursuing patent protection abroad

PCT Chapter I

Chapter I filing and fees

- The IA is filed in a receiving Office
- Three fees are due within one month of filing
 - Transmittal fee
 - For processing the IA by the receiving Office
 - Search fee
 - For preparation of the ISR and WOISA by the ISA
 - International filing fees
 - For the International Bureau (IB) of WIPO to
 - Publish the international application, and
 - Send copies to the designated States

Chapter I search

- The IA is searched by the ISA selected by applicant
- The ISA issues:
 - The ISR (form PCT/ISA/210)
 - Rarely, declaration of non-establishment of ISR (form PCT/ISA/203)
 - The WOISA (form PCT/ISA/237)
 - Only issued for IAs with IFD on/after 01 JAN 2004
- Applicant may select a SISA to prepare an additional search report, SISR (form PCT/SISA/501), for an additional fee
 - Rarely, declaration of non-establishment of SISR (Form PCT/ISA/502)

Amendment and publication

- Applicant may, optionally, amend (only) the claims, under PCT Article 19
 - Amended claims are filed directly with the International Bureau (IB) of WIPO
 - Within two months of ISR mailing date
- The IA is published by the IB at approximately 18 months
 - With ISR and Article 19 amendments, if any
 - Available on IB website – PATENTSCOPE
 - <https://patentscope.wipo.int/search/en/search.jsf>

Pursuing patent protection abroad

PCT Chapter II (optional)

Chapter II preliminary examination

- Applicant may file a Demand for preliminary examination with an IPEA, under PCT Article 34
 - Usually accompanied by a response to the WOISA
 - Arguments, and/or
 - Amendment to the description, claims, and/or drawings
 - Examination and handling fees
- **The IPEA issues**
 - In some circumstances, a written opinion of the IPEA (Form PCT/IPEA/408), similar to the WOISA
 - Issued only in extraordinary circumstances by the IPEA/US
 - The IPRP (Chapter II) (Form PCT/IPEA/409)

Pursuing patent protection abroad

The national phase of the PCT

National phase requirements

- PCT Articles 22 and 39 require furnishing of the following for national/regional stage entry
 - A copy of the international application (unless already provided by the International Bureau)
 - A translation of the international application (where appropriate)
 - The national fee
- National/Regional Offices may have additional requirements
 - PCT Applicant's Guide provides details
 - <https://www.wipo.int/pct/en/guide/index.html>

Why foreign file via the PCT?

- May be cost-effective, if filing in more than a few countries
- Provides additional time is to
 - Identify countries/regions in which application is to be filed
 - Preserves rights
 - Assess the commercial potential in the various foreign markets
- Defers national patent fees and other costs
 - E.g., translations, local associate fees, etc.
- Provides an assessment opportunity of ISR and WOISA results, before incurring additional filing costs



PCT filing strategies

- Options for foreign filing using the PCT
 1. Non-provisional followed by PCT
 2. Provisional followed by PCT
 3. Provisional followed by non-provisional and PCT
 4. PCT filed as first application

More information about the PCT

- **Manual of Patent Examining Procedure (MPEP)**
 - www.uspto.gov/web/offices/pac/mpep/index.html
 - Chapter 1800
 - Appendix T (Patent Cooperation Treaty and Regulations under the PCT)
 - Appendix AI (PCT Administrative Instructions under the PCT)
- **USPTO website – PCT pages**
 - www.uspto.gov/patentcooperationtreaty
 - Forms, fees, rules, etc.
- **WIPO website – PCT pages**
 - www.wipo.int/pct
 - PCT Applicant's Guide, PATENTSCOPE, PCT Newsletter, ePCT, etc.



Pursuing patent protection abroad

Hague system

Hague Agreement



79 Contracting Parties
(as of 01 August 2023)



What is the Hague system?

- A means to register up to 100 industrial designs in any of the 79 Hague System Contracting Parties (CPs)
 - File a single international application for a single international registration (IR)
 - All designs must belong to the same Locarno class
 - Designate one or more CP
- If a designated CP does not timely issue a refusal, the IR has the effect of a grant of protection in that CP.
- The U.S. became a member of the Hague system via the 1999 Geneva Act on May 13, 2015.



...And what the Hague system is not

- Since the Hague System is primarily a procedural treaty, it does not determine:
 - The conditions for protection, or
 - The rights which result from protection.
- The scope of design protection is governed by the law of each CP designated in an international registration.

Who can use the Hague system?

- In order to file an application, applicant(s) must have an attachment to a CP.
 - Nationality
 - Domicile or habitual residence
 - Real and effective industrial or commercial establishment
- If there is more than one applicant, each applicant must have a connection to a CP.

Filing a Hague application

- Language: English, French, or Spanish
- Directly with WIPO, electronically, or on paper
- Indirectly with the USPTO
- Up to 100 different designs, if they belong to the same International Classification (Locarno)
- Single set of formal requirements apply
- Single set of international fees can be paid to WIPO (CHF)



Indirect filing through the USPTO

- Applicant must have a U.S. attachment.
- Transmittal fee (\$120) is paid to the USPTO.
 - May be reduced by 60% or 80% if applicant is a small or micro entity, respectively
- International fees required by WIPO may be paid through the USPTO or directly to WIPO.
 - Payment through the USPTO must be on or before date of payment of transmittal fee.



Hague application processing

- The International Bureau of WIPO:
 - Evaluates industrial design applications for compliance with treaty requirements (formalities review)
 - Translates the application into two other languages
 - Records the IR in the International Register
 - Credits designation fees to accounts of CPs
 - Transmits copies of certain notifications received from CPs to holders
 - Publishes registrations in the International Designs Bulletin every Friday on WIPO's website
 - www.wipo.int/haguebulletin

Action of designated CPs

- Normal Substantive Examination by office:
 - To the extent it applies to national filings
 - Formalities examination is skipped
 - Statement of Grant of Protection may be issued
- Any refusal must be communicated within 6 (or 12) months from the date of publication of the IR
 - U.S. is 12 months
 - Protection is granted in the absence of refusal

Hague system: additional items

- The **start** and **duration** of the effect of a grant of protection varies by Contracting Party
- United States
 - Protection begins on the date of issuance of a U.S. patent
 - Provisional rights may also be available from the date of WIPO publication
 - Duration is 15 years from issuance
 - Fixed term; no renewal

Hague system: additional items (cont.)

- **European Union**
 - Protection begins on the IR date (if no refusal, or refusal is withdrawn)
 - Max duration is 25 years (fixed renewal fees)
- **Republic of Korea**
 - Protection begins on the date of the statement of grant of protection
 - Max duration is 20 years (renewal fees progressively increase except for designs belonging to certain Locarno classes)

More information about Hague

- WIPO Hague website:
 - www.wipo.int/hague
- USPTO Hague website:
 - www.uspto.gov/patent/initiatives/hague-agreement-concerning-international-registration-industrial-designs



Pursuing patent protection abroad

Helpful hints

Avoiding common mistakes

- **Maintain confidentiality**
 - Avoid making the invention public prior to filing a patent application
- **Be familiar with key dates and deadlines**
 - Under U.S., foreign, and international laws
- **Recommend securing the services of a registered patent attorney or agent**
 - If unfamiliar with the complexities in obtaining foreign patent rights
 - To avoid potentially losing patent rights



Local counsel/representation

- Consult with local industry contacts
- Check with U.S. Embassy in each country
- Inventor organizations
- Within the United States
 - <https://oedci.uspto.gov/OEDCI/>

Pursuing patent protection abroad

Resources

USPTO PCT resources

- PCT Help Desk
 - 571-272-4300; Monday-Friday, 8:30 a.m. to 5 p.m. ET
 - Email: PCTHelp@uspto.gov
 - For general questions and not application specific inquiries
- International Patent Legal Administration website
 - www.uspto.gov/PatentCooperationTreaty
- Office of International Patent Cooperation website
 - www.uspto.gov/InternationalPatentCooperation



USPTO.gov

- Electronic Filing (EFS-Web, Patent Center)
- Application inspection and management
- Search patent publications
- Review fees schedules
- Inventor resources
- PCT & Hague filing information



USPTO Inventor resources

- **Inventors Assistance Center**
 - 800-786-9199
 - <https://www.uspto.gov/learning-and-resources/support-centers/inventors-assistance-center-iac>
- **Inventor and entrepreneur resources**
 - www.uspto.gov/learning-and-resources/inventors-entrepreneurs-resources
- **USPTO Pro Se Assistance Program**
 - www.uspto.gov/ProSePatents



USPTO Inventor resources (cont.)

- USPTO Pro Bono Program
 - www.uspto.gov/ProBonoPatents
- Stakeholder Training on Examination Practice and Procedure (STEPP)
 - <https://www.uspto.gov/patents/patent-quality/stakeholder-training-examination-practice-and-procedure-0>



Electronic filing: EFS-Web

- File PCT & Hague applications
- Web-based tool
- Registered and unregistered users
- Legacy system

EFS Unregistered

Unregistered eFilers

Registered eFilers

Please Read Announcements

Welcome to Electronic Patent Filing for UNREGISTERED eFILERS

A submission has not been filed officially at the USPTO until the e-filer executes the Submit function and the documents are received at the USPTO Eastern Time. The Acknowledgement Receipt is evidence of this submission.
All items denoted by * are required.

Advisory (6NOV2019): Private PAIR and EFS-Web Registered will be unavailable due to system maintenance starting on Friday, November 8, 12:01 a.m. and ending 5 a.m. ET. Please see the [USPTO Systems Status and Availability page](#) for more info.

IMPORTANT: Please read the [Legal Framework for using EFS-Web](#). For information on the Paperwork Reduction Act as it pertains to: ePetitions, third party submissions under 37 CFR 1.290, Web-based application data sheets, and citations of prior art and written statements under 37 CFR 1.501, please see the [OMB Clearance and PRA Burden Statement page](#).

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*Main Functions

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(This includes new filings of continuation, divisional, continuation-in-part and reissue applications, as well as reexamination and supplemental examination proceedings. A request for continued examination (RCE) and continued prosecution application (CPA) are considered existing documents and must be filed as a registered eFiler.)

☐ Existing application/patent

Privacy Policy

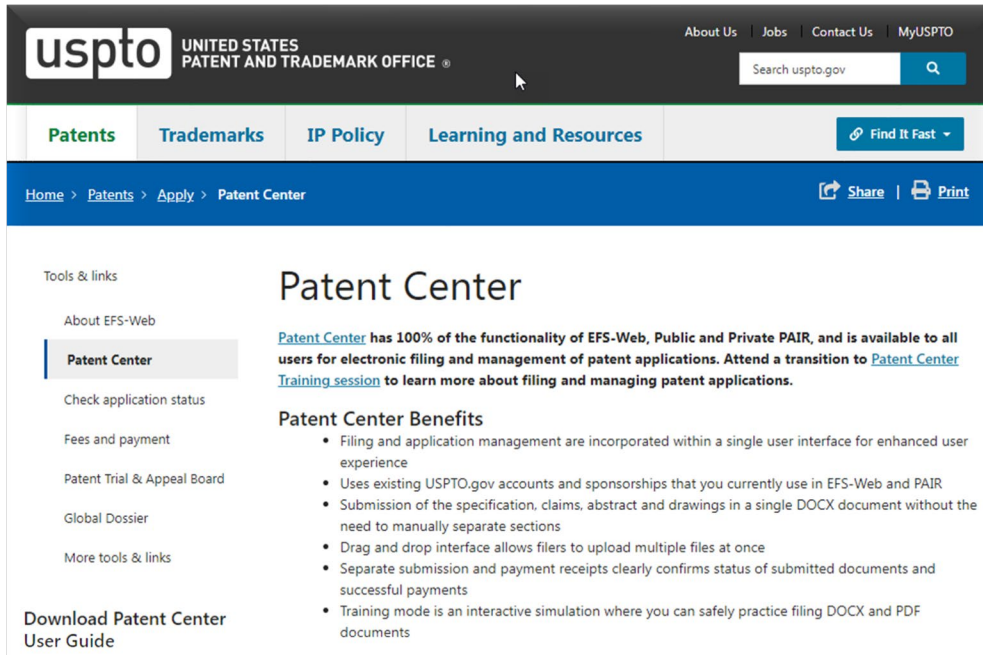
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Context-sensitive help (information graphic links) will appear in a new window.

Patent Center


- The functionality of EFS-Web, Public and Private PAIR
 - Electronic filing and application management
 - Training mode option



<https://www.uspto.gov/patents/apply/patent-center>



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Application # ▾

🔍


Activities

Perform activities from submissions to post grant request and admin tasks such as managing customer numbers & practitioner associations with customer number




New submission

File utility, design, national stage and international submissions
See the above Federal Register Notice pertaining to DOCX and Auxiliary PDF filing if you are filing a new utility non-provisional application.




Existing submissions

Add additional documents, pay fees, submit a corrected ADS, and much more



Petitions

File ePetitions for automatic processing and immediate grant, if all requirements are met



Post grant

Perform post grant activities such as a request to reissue, or a request for reexamination

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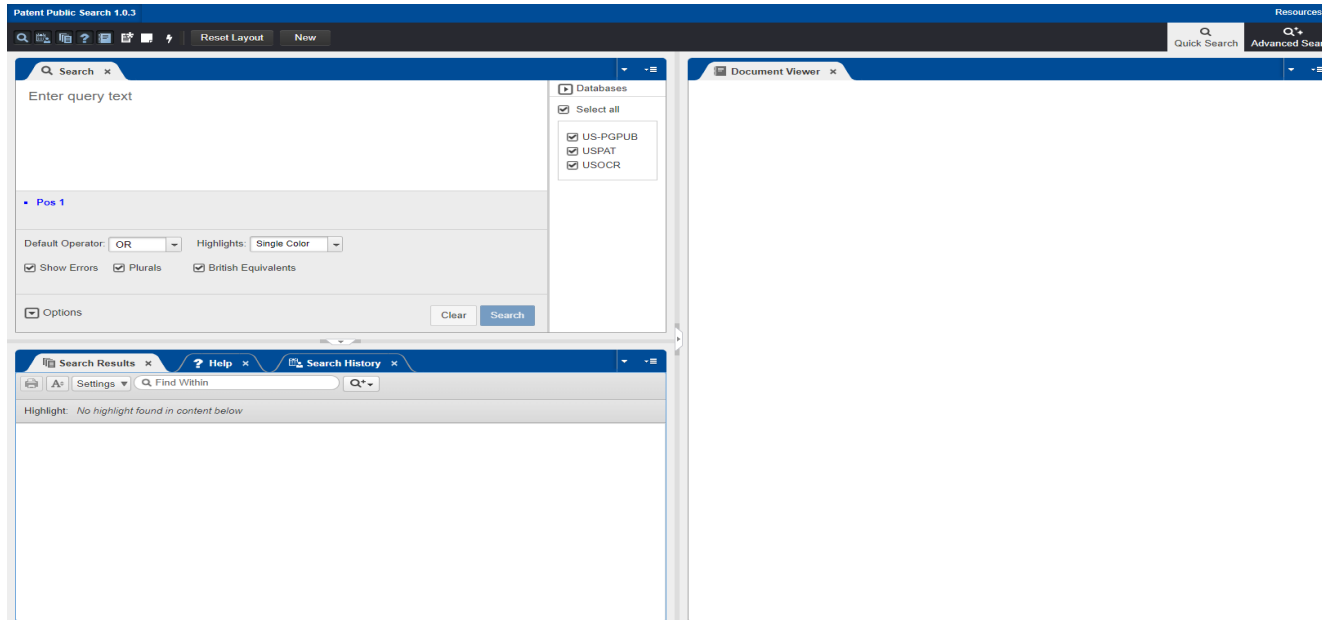
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Patent Public Search

- Web-based tool for remote searching of patents and patent application publications
 - Replaces legacy PubEAST, PubWEST, PatFT and AppFT



Other intellectual property resources

- Protecting Intellectual Property Rights
 - www.StopFakes.gov
- Office of U.S. Trade Representative
 - www.ustr.gov/issue-areas/intellectual-property
- World Intellectual Property Organization (WIPO)
 - www.wipo.int
- WIPO PATENTSCOPE
 - Searchable PCT publication database and image file wrapper
 - Translation functionality
 - <http://patentscope.wipo.int/search/en/structuredSearch.jsf>
- European patent database (Espacenet)
 - www.epo.org/searching-for-patents/technical/espacenet.html
- Japanese patent database
 - www.j-platpat.inpit.go.jp





Thank you!

PCT Help Desk: 571-272-4300

8:30am – 5:00pm ET (M-F)

General Inquiries

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