WIPO-LESI Joint Online Seminar:
WIPO Operational Update and Focus on Patent Issues

5 May 2020 (via Zoom)
## Agenda

<table>
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<td>15:00 – 15:10</td>
<td>Introduction of Speakers and Welcome Addresses</td>
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<td>15:10 – 15:35</td>
<td>Topic 1 - Patents and Technology Sector: Update on the PCT System</td>
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<td>15:35 – 16:15</td>
<td>Topic 2 - Patents and Technology Sector Patent Law Division</td>
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<td>16:15 – 16:25</td>
<td>Question &amp; Answer Session</td>
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<td>16:25 – 16:30</td>
<td>CLOSING REMARKS</td>
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</tbody>
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Speakers

Mr. Dana Robert Colarulli  
Executive Director  
Licensing Executives International (LESI)  
Washington, D.C.  
Moderator

Mr. Thomas Bombelles  
Head of Section, NGO and Industry Relations  
World Intellectual Property Organization (WIPO)  
Geneva, Switzerland

Ms. Natalie Raffoul  
BRION RAFFOUL, LLP  
Ottawa, Canada  
LESI Education Committee Co-Chair
Speakers

Mr. Ken-Ichiro Natsume
Senior Director
PCT Legal and International Affairs Department, WIPO
Geneva, Switzerland

Mr. Marco Aleman
Director
Patent Law Division, WIPO
Geneva, Switzerland

Ms. Allison Mages
Head, Legislative and Policy Advice Section, WIPO
Geneva, Switzerland
LESI Business Briefings Available For Download

LESI has developed three business briefings for the IP Licensing community and for high-growth, innovative business that offer practical advice to businesses looking to monetize their intellectual property. Written by LESI members and experts from around the world, the three briefings are available for download below.

Even as intangible assets grow ever-more important to businesses, research has revealed that almost 50% of small and medium enterprises (SMEs) do not consider IP to be a valuable investment. With COVID-19 throwing the value of IP into sharp relief, typified by the growing number of businesses pivoting to quickly apply their expertise to developing ventilators, the Briefings fill a crucial gap in the market—to advise high-growth businesses on critical IP considerations to protect their business as they strive to meet new business needs.

To access, visit: www.lesi.org/publications
Update on the PCT System

WIPO-LESI Joint Webinar Session

May 5, 2020

Mr. Ken-Ichiro NATSUME
Senior Director
PCT Legal and International Affairs Department
Patents and Technology Sector
World Intellectual Property Organization
PCT: 153 Contracting States
UN Member States not yet in PCT

Afghanistan  Kiribati  Tuvalu
Andorra  Lebanon  Uruguay
Argentina  Maldives  Vanuatu
Bahamas  Marshall Islands  Venezuela
Bangladesh  Mauritius  Yemen
Bhutan  Micronesia
Bolivia  Myanmar
Burundi  Nauru
Cape Verde  Nepal
Democratic Republic of Congo  Pakistan
Eritrea  Palau
Ethiopia  Paraguay
Fiji  Solomon Islands
Guyana  Somalia
Haiti  South Sudan
Iraq  Suriname
Jamaica  Timor-Leste

(40)
265,800 international applications in 2019 (+5.2%)

World Economic Growth 2019 (+2.9%)
International applications received in 2019 by country of origin

- China: 58,990 (10.6% increase)
- U.S.: 57,840 (2.8% increase)
- Japan: 52,660 (5.9% increase)
- Germany: 19,353 (2.0% decrease)
- Republic of Korea: 19,085 (12.8% increase)
- France: 7,934 (0.2% increase)
- U.K.: 5,786 (2.7% increase)
- Switzerland: 4,610 (0.7% increase)
- Sweden: 4,185 (0.4% increase)
- Netherlands: 4,011 (3.0% decrease)

- China becomes top PCT origin country; US held this position since 1978
- 22.2% originating in China, 21.8% in US, 19.8% in Japan
- 63.8% from the top 3 countries, 78.2% from top 5 countries, 92.8% of filings from top 15 countries (Asia > 52%)

WIPO PCT
The International Patent System

WIPO-LESI Joint Webinar Session
PCT Update 4
WIPO PUBLIC
Top 10 applicants: 2019

<table>
<thead>
<tr>
<th>Rank</th>
<th>Applicant</th>
<th>Applications</th>
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<tbody>
<tr>
<td>1</td>
<td>Huawei Technologies</td>
<td>4,411</td>
</tr>
<tr>
<td>2</td>
<td>Mitsubishi Electric</td>
<td>2,661</td>
</tr>
<tr>
<td>3</td>
<td>Samsung Electronics</td>
<td>2,334</td>
</tr>
<tr>
<td>4</td>
<td>Qualcomm</td>
<td>2,127</td>
</tr>
<tr>
<td>5</td>
<td>Guang Dong Oppo Mobile Telecom.</td>
<td>1,927</td>
</tr>
<tr>
<td>6</td>
<td>BOE Technology Group</td>
<td>1,864</td>
</tr>
<tr>
<td>7</td>
<td>LM Ericsson</td>
<td>1,698</td>
</tr>
<tr>
<td>8</td>
<td>Ping an Technology (Shenzhen)</td>
<td>1,691</td>
</tr>
<tr>
<td>9</td>
<td>Robert Bosch</td>
<td>1,687</td>
</tr>
<tr>
<td>10</td>
<td>LG Electronics</td>
<td>1,646</td>
</tr>
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Number of published PCT applications
International applications received in 2019: Top 5 fields of technology

- **21,449** Computer technology (8.7%)
- **19,090** Digital communication (7.7%)
- **17,223** Electrical machinery, apparatus, energy (7.0%)
- **16,954** Medical technology (6.9%)
- **11,471** Measurement (4.7%)

Number of published applications and share of total
PCT Working Group (May 26-29, 2020) Postponed
(expected to discuss)

- PCT/WG
  - Proposal for amendments to the Regulations on Implementation of WIPO Standard ST.26 (aiming January 1, 2022)
  - Review of Supplementary International Search System

- PCT/CTC: EAPO will seek appointment as 24th ISA
COVID-19 Related Issues

- Dedicated page on PCT Website
  https://www.wipo.int/pct/en/covid_19/covid_update.html
  (WIPO Top page \(\rightarrow\) PCT \(\rightarrow\) Covid-19 update)

- Paper communications suspended
- Possible remedies and best practices
  - "Practical Advice" relevant to Covid-19
  - **Excuse of delays** under PCT Rule 82quater.1: Interpretation of the International Bureau and recommendations to PCT Offices and Authorities
  - **Webinar**: Impact of COVID-19 health crisis on the PCT

- **Crisis Management Dashboard**
AI and IP Policy

WIPO Technology Trends 2019 - Artificial Intelligence

WIPO Conversation on Intellectual Property (IP) and Artificial Intelligence (AI)

New date of the second meeting to be announced soon.

https://www.wipo.int/about-ip/en/artificial_intelligence/
LESI-WIPO Seminar

Update on the work of the Patent Law Division

Marco M. ALEMAN
Director, Patent Law Division, WIPO

ALISON MAGES
Head, Legislative and Policy Advise Section

Geneva, May 5, 2020
WIPO is the global forum for intellectual property

Core functions
- Technical infrastructure
- Knowledge-sharing

Infrastructure
- Development agenda
- Technical assistance
- Public-private partnership

Services
- IP filing services
- Dispute resolution

Public tools
- PCT System [patents]
- Madrid System [trademarks]
- Hague System [designs]
- Lisbon System [GIs]

Cooperation
- Legislative advice
- Inventor assistance

Communication
- Economics and statistics
- World IP Report
- Global databases

Policy
- Multilateral law-making
- IP laws
- Policy negotiations

Public tools
- Treaties
SCP current agenda

- five issues for future work
  (i) exceptions and limitations
  (ii) quality of patents
  (iii) patents and health
  (iv) transfer of technology
  (v) client-patent attorney privilege

- SCP/32: June, 2020
Multilateral treaties administered by WIPO on Patents

The Paris Convention (1883)
- The PCT (1978)
- Strasbourg (1971)
- The Budapest Treaty (1979)
- The PLT (2000)
The Paris Convention

This international agreement was the first major step taken to help creators ensure that their intellectual works were protected in other countries. It applies to industrial property, including patents, utility models and the repression of unfair competition.

Entered into force on March 20, 1883

177 Contracting States

+ WTO Members not parties of the Union (see TRIPS Art. 2)

Art. 19 allows “specialized agreements” such as PCT, PLT, EPC, ARIPO, OAPI, and EAPC

http://www.wipo.int/treaties/en/ip/paris/
The Budapest Treaty

Facilitates the international disclosure of biotechnological inventions through the deposit of a microorganism with an international depositary authority (IDA)

Entered into force on August 19, 1980

http://www.wipo.int/budapest/
The Patent Law Treaty (PLT)

Aims to harmonize and streamline of formal procedures with respect to national and regional patent applications, making such procedures more user friendly.

Entered into force on April 25, 2005 and today includes 42 contracting parties

The PLT’s Contribution

• Provides a familiar set of patent formalities for easier access, enhanced legal certainty and reduced cost

• Includes procedures that reduce the risk of losses due to formalities, including relief for missed deadlines and reinstatement of rights

http://www.wipo.int/treaties/en/ip/plt/
The Inventor Assistance Program (IAP)

Helping under-resourced inventors navigate the patent system
In some countries, more than half of pro se applications are abandoned before substantive examination. Their applications get rejected purely based on formalities.
How Inventors qualify for the IAP

- **basic knowledge of the patent system**
- **income level**
- **eligible invention**
- **local resident of an IAP country**

*varies by country*

- roughly ~3X poverty level
- *e.g.* potential commercial impact

Countries: Colombia, Morocco, Philippines, South Africa, Ecuador
HOW THE IAP WORKS
HELPING UNDER RESOURCED INVENTORS PROTECT THEIR IDEAS

INVENTOR APPLICATION
SCREENING BOARD REVIEW
MATCHMAKING
NATIONAL PATENT FILING AND PROCEDURE
PCT INTERNATIONAL FILING
PCT NATIONAL OR REGIONAL PHASE ENTRY
Status of the IAP
May 2020

2015
pilot program

2016
formal launch

69
inventions selected

6
patents granted

138
patent specialists

http://www.wipo.int/iap/
### PARTICIPATING IN THE IAP
**AN OVERVIEW FOR PATENT SPECIALISTS**

Register to become an IAP volunteer by visiting:

http://www.wipo.int/iap

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<tr>
<th>Volunteer Search</th>
<th>Description</th>
<th>Timeframe</th>
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<tbody>
<tr>
<td>volunteer search for patent specialist to support local filing or PCT national phase</td>
<td></td>
<td>6 months before national phase entry deadlines</td>
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<tr>
<th>Action</th>
<th>Description</th>
<th>Timeframe</th>
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<tbody>
<tr>
<td>volunteer contacted to confirm availability and perform conflict check</td>
<td></td>
<td>response requested by volunteers in 10 days</td>
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<tr>
<th>Relationship</th>
<th>Description</th>
<th>Timeframe</th>
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</thead>
<tbody>
<tr>
<td>relationship between inventor and volunteer (and local patent specialist)</td>
<td></td>
<td>local volunteer updates case milestones</td>
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