

A BRIEF GUIDE TO FILING FOR INTERNATIONAL PATENT PROTECTION UNDER THE PATENT COOPERATION TREATY (PCT) USING THE VISEGRAD PATENT INSTITUTE AS INTERNATIONAL SEARCHING AUTHORITY

What is PCT?

The Patent Cooperation Treaty (PCT) is an international treaty administered by the World Intellectual Property Organization (WIPO). The PCT System makes it possible to seek patent protection for an invention simultaneously in a large number of countries by filing a single “international” patent application instead of filing several separate national or regional patent applications. The PCT System comprises 156 Contracting states (September 2022).

The granting of patents remains under the national or regional legislation of the national or regional patent offices. It is called the “national phase”.

In the national phase, each patent office is responsible for processing the application in accordance with its national patent laws, and for deciding whether to grant patent protection. The time required for that processing varies across patent offices.

Advantages of the Patent Cooperation Treaty

Applicants and patent offices of contracting states benefit from uniform formality requirements, international search, supplementary international search and preliminary examination reports, and centralized international publication.

Filing a PCT application

Who can file?

The Visegrad Patent Institute is appointed as an International Searching Authority (ISA) and an International Preliminary Examining Authority (IPEA) under the PCT system for applicants who are nationals or residents of the Czech Republic, Hungary, the Republic of Poland and the Slovak Republic. The two-letter code representing the Visegrad Patent Institute is XV.

How to file your PCT application?

Requests must be made on a printed form or be presented as a computer printout, unless the Receiving Office accepts electronic filing. Forms are available from the Receiving Offices or WIPO's website.

A special program for electronic filing (e_PCT) is available from WIPO at [PCT eServices](#). The European Patent Office has also developed a program (eOLF) which may be used (applicable only for the Polish branch office).

Where to file your PCT application?

Applicants who wish to file an international PCT application have to use the national office (which acts as a Receiving Office) in the country of which they are a national or resident or the International Bureau as a Receiving Office.

The Visegrad Patent Institute acts as an ISA and IPEA for nationals and residents of its member states, i.e. the Czech Republic, Hungary, the Republic of Poland and the Slovak Republic.

Requests for the Visegrad Patent Institute to act as an ISA should be filed at the Receiving Office of the Industrial Property Office of the Czech Republic, the Hungarian Intellectual Property Office, the Patent Office of the Republic of Poland or the Industrial Property Office of the Slovak Republic. The applicant must indicate the Authority chosen in the appropriate space in Box No. VII in the Request form.

The two-letter code for the Visegrad Patent Institute is XV.

Czech residents:

More information in Czech on [the Industrial Property Office of the Czech Republic website](#)

Hungarian residents:

More information in Hungarian on [the Hungarian Intellectual Property Office website](#)

Polish residents:

More information in Polish on [the Patent Office of the Republic of Poland website](#)

Slovak residents:

More information in Slovak on [the Industrial Property Office of the Slovak Republic website](#)

IPEA: Demands for the Visegrad Patent Institute to act as an IPEA should be filed directly at the Institute at the following address:

[See contact information](#)

Phases of the PCT procedure

International Application Processing

The PCT procedure consists of two main phases, the “international phase” and the “national (or regional) phase”.

International Phase

This phase consists of four main steps:

1. the filing of an international application with the applicant’s national Office/or the International Bureau and processing by the Receiving Office
2. the establishment of an international search report and a written opinion by the International Searching Authority (ISA)
3. the international publication of the international application and related documents by the International Bureau (IB) of WIPO, as well as their communication to the designated and elected Offices, and
4. an option of international preliminary examination, which concludes with the establishment of an international preliminary report on patentability (Chapter II of the PCT), performed by the International Preliminary Examining Authority (IPEA)

The national (or regional) phase

The national or regional phase follows the international phase of the PCT procedure, and consists of the entry and processing of the international application in the individual countries or regions in which the applicant seeks protection for his invention.

[PCT Flowchart](#)

Time limits for entry to the designated Offices/elected Offices

Detailed information about time limits for entry into the national/regional phase via PCT is available on the [WIPO website](#).

Protest procedure

A protest may be filed by an applicant if he does not agree with the invitation to pay an additional fee following a decision on lack of unity of invention taken during the international phase of the PCT [either during the international search performed by the International Searching Authority (ISA) or the international preliminary examination performed by the IPEA].

Protest board

The competence for examining a protest lies exclusively with the review body, the Protest Board, in accordance with Rule 40.2(c) to (e) or Rule 68.3(c) to (e) of the PCT, subject to payment of a protest fee.

The Protest Board is responsible for deciding on protests against the payment of an additional fee for international search or international preliminary examination.

The Protest Board of the Visegrad Patent Institute as an International Authority is a board consisting of technical examiners from the Visegrad Patent Institute and is headed by a protest manager.

Fee

When filing a protest, the applicant must pay a protest fee to the Visegrad Patent Institute.

Filing

A protest shall be filed directly with the National Branch Office of the Visegrad Patent Institute.

PCT rules and Regulations

The Patent Cooperation Treaty, the Regulations under the PCT and the Administrative Instructions under the PCT are available on the [WIPO website - PCT Resources](#)

PCT Applicant's Guide

The Guidelines give detailed information on the PCT procedure.

Volume I contains information on the international phase, supplemented by a number of Annexes containing related and more detailed information on Contracting States and Offices.

Volume II of the PCT Applicant's Guide contains general information on the national phase of the PCT procedure, followed by National Chapters with more specific information relating to national phase entry and the national law of Contracting States.

[PCT Applicant's Guide of the WIPO](#)

The PCT International Search and Examination Guidelines

The Guidelines set out the framework which is to be followed at the international search stage and the international preliminary examination stage.

The Guidelines do not have the binding authority of a legal text; applicants may, however, expect the International Search Authorities (ISAs) to act, as a general rule, in accordance with the Guidelines.

[The PCT International Search and Examination Guidelines](#)