

BPTO established the requirements for anticipation of admissibility examination of the National Phase of the international patent applications filed under the Patent Cooperation Treaty (PCT)

According to the publication of October 19, 2022, the BPTO established the requirements of the possible anticipation of admissibility regarding the entry of the National Phase of the international patent applications filed based on the Patent Cooperation Treaty (PCT).

Therefore, the term for the holder to obtain the patent and the rights arising from it can be anticipated in a more secure way for the invention and any investment made.

Before that, the admissibility examination of the national phase occurred within 30 months from the earliest filing date of the initial application or international filing.

Nevertheless, according to the provisions of paragraph 1 of Article 7 of BPTO's Ordinance 39/2021, such examination can be anticipated upon an express statement from the owner either at the beginning of the prosecution or at late filing.

The average time between the anticipated examination and the BPTO's final decision is reduced considerably in comparison with those of conventional prosecution.

In view of the growing demand for applications and analysis of patents, such regulation means an advance in tackling the BPTO's backlog to publish decisions.