

NATIONAL PHASE:

At the end of the international phase of the PCT procedure, usually before 30 months from the international application priority date, the applicant pursues the grant of patents directly before the national or regional patent offices in which patent protection is desired.

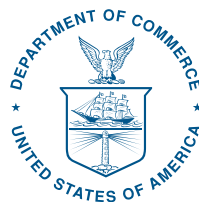
For questions and information concerning the PCT and filing a PCT application, contact the USPTO Patent Cooperation Treaty helpdesk at 571-272-4300. The helpdesk is open Monday through Friday (except federal holidays) from 8:30 a.m. to 5 p.m. ET.

For information about filing an international patent application under the PCT, visit the USPTO website at <https://www.uspto.gov/patents-getting-started/international-protection/patent-cooperation-treaty>.

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INTERNATIONAL
TRADE
ADMINISTRATION



Patent Cooperation Treaty (PCT)



For many small companies, patent protection prevents competitors from simply copying their innovations, and aids in attracting investor capital needed to grow, build market share, and create jobs.

For U.S. small businesses trying to compete in global markets, securing patent protection overseas can be a critical precondition to successfully internationalizing and developing into the productivity powerhouses of tomorrow.



The Patent Cooperation Treaty streamlines the process for inventors and businesses to pursue patent protection in multiple countries. By filing an international patent application under the PCT with the U.S. Patent and Trademark Office (USPTO), U.S. applicants can concurrently seek patent protection in 150+ countries.

After filing the PCT application, the applicant must take steps to enter the national stage in each individual country or region under the PCT where patent protection is desired within prescribed time periods set forth in the treaty. The application is then evaluated for patentability in that country or region.

THE PCT PROCEDURE

FILING:

The applicant files a PCT application with their local national or regional patent office or with the World Intellectual Property Organization (WIPO), complying with a single set of formality requirements, in one language, and paying only one set of fees.



Where applicant has previously filed a national or regional patent application, the PCT application should be filed within 12 months of the first application for the invention.

INTERNATIONAL SEARCH:

An “International Searching Authority” (ISA) identifies the published patent documents and technical literature (“prior art”), which may have an influence on whether the invention is patentable, and establishes an international search report and written opinion on the invention’s potential patentability.



U.S. residents or nationals may choose the USPTO to perform the international search or may select another ISA with whom the USPTO has an agreement to perform the international search.

INTERNATIONAL PUBLICATION:

After the expiration of 18 months from the international application’s priority date, the content of the international application is published and available online.

SUPPLEMENTARY INTERNATIONAL SEARCH (OPTIONAL):

At the applicant’s request, a second optional search may identify relevant prior art which may not have been found by the first ISA which carried out the main international search because of the diversity of prior art in different languages and different technical fields.



INTERNATIONAL PRELIMINARY EXAMINATION (OPTIONAL):

At the applicant’s request, an International Preliminary Examining Authority conducts an additional patentability analysis, usually on an amended version of the international application.