

Harmonization!

Biotech/Chemical/Pharmaceutical Customer
Partnership Meeting

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Harmonization

3 Facets:

- Technical
- Procedural
- Legal



Technical Harmonization

Global Dossier

- Concept
- Initiative



Global Dossier Initiative

- Focus on outcomes: Services to benefit all stakeholders
- Close out or re-mission projects not leading to those outcomes
- User-centric principles applied to services development



Procedural Harmonization

- Cooperative Patent Classification (CPC)
- PCT Reform
- Patent Prosecution Highway (PPH)



PPH: State of Play

- Brief recap of PPH from an historical standpoint
- Favorable statistics still holding; costs halved for users
- USPTO participates with 27 offices and 41 separate agreements, with others in the pipeline
- In 2013, EPO promotes IP5-based PPH
 - agreed to, but with stipulations
 - Indicates EPO's willingness to move beyond Trilateral arrangements, but not beyond IP5 offices
- Near concurrent introduction of a normalized, “global” PPH system



Coming Very Soon: Global PPH

- At long last, agreement by a number of offices to harmonize the PPH system
- Introduction of USPTO's "Global PPH Principles" document in June of 2013
- "Agreement" regime
 - Compliance v. formal MOU language
 - Declaration/intent format
 - Offices can sign on at any time



Global PPH: Key Elements

Global PPH Principles

- Includes the “Mottainai” concept
- Plus “PPH 2.0” requirement streamlining
 - Reduced entry needs
 - Use of IT systems where possible
- No distinction between work available in any filing route, Paris or PCT
- Positive results from any earlier office available as a basis



Leadership Offices: Global PPH

- **United States**
- **Japan**
- **Korea**
- **United Kingdom**
- **Australia**
- **Canada**
- **Russia**
- **Spain**
- **Portugal**
- **Norway**
- **Finland**
- **Denmark**
- **Nordic Patent Institute**
- **Sweden**
- **Israel**
- **Others in discussions today**

~ 90 % of
PPH
entries to
date



Legal Harmonization

Statutory Laws

Administrative & Common Law
Precedents

Policies and
Rules of Practice

International Treaties &
Organizations

Seeking common ground in a worldwide IP community.



Legal Harmonization: Examples

America Invents Act (AIA)

- First-inventor-to-File
- Grace Period (regarding prior art)
- Third party prior art submission
- Post-grant procedures
- Three-tier fee structure



Legal Harmonization: Examples

Patent Law Treaties Implementation Act

- Title 1 - Hague agreement on registration of industrial designs
- Title 2 – Patent Law Treaty implementation

U.S. Trade Negotiations (underway)

- Trans-Pacific Partnership (TPP)
- Transatlantic Trade & Investment Partnership (TTIP)