Harmonization!

Biotech/Chemical/Pharmaceutical Customer Partnership Meeting

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Harmonization

3 Facets:

• Technical
• Procedural
• Legal
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.
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)