

Patent Prosecution Highway in INPI Brazil

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Summary

1. **What is PPH?**
2. **Why INPI prioritize the patent examination?**
3. **Who can and How to prioritize the patent examination?**

Fast Track Approaches



Elderly, Disabled, Litigation



Green Technologies



Public Health



1st filing



Small and Medium
Enterprises



Science & Technology
Institutions

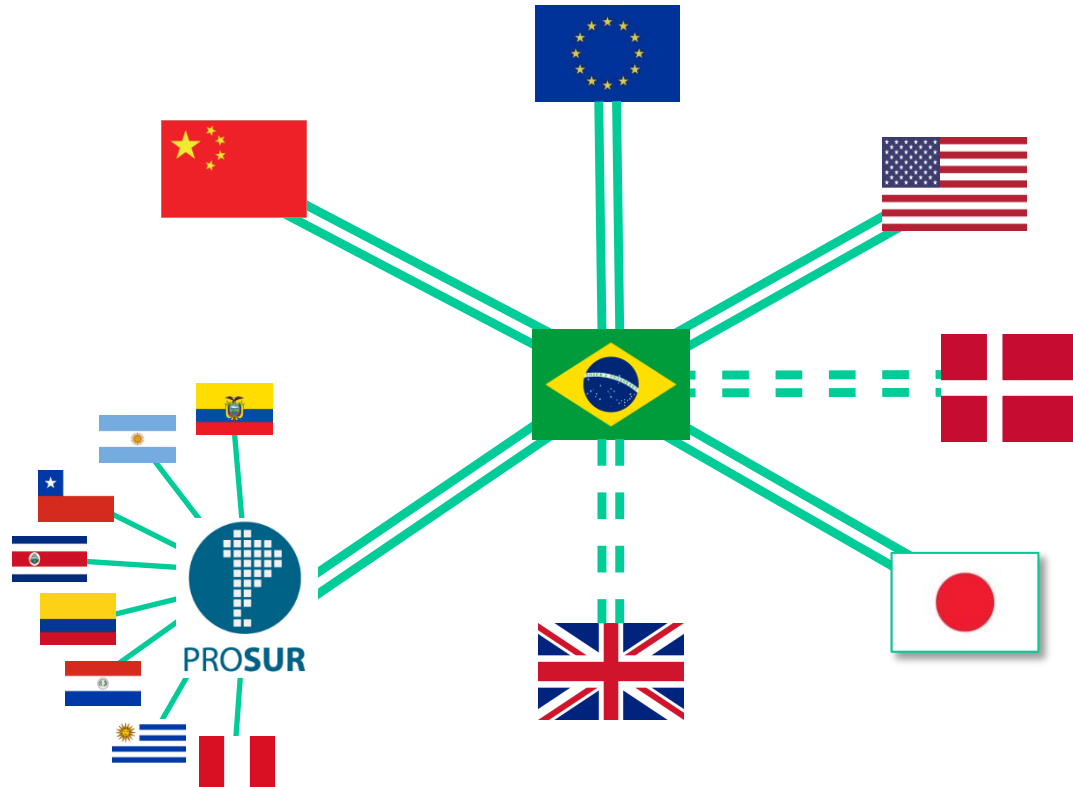
Priority Patent Examination



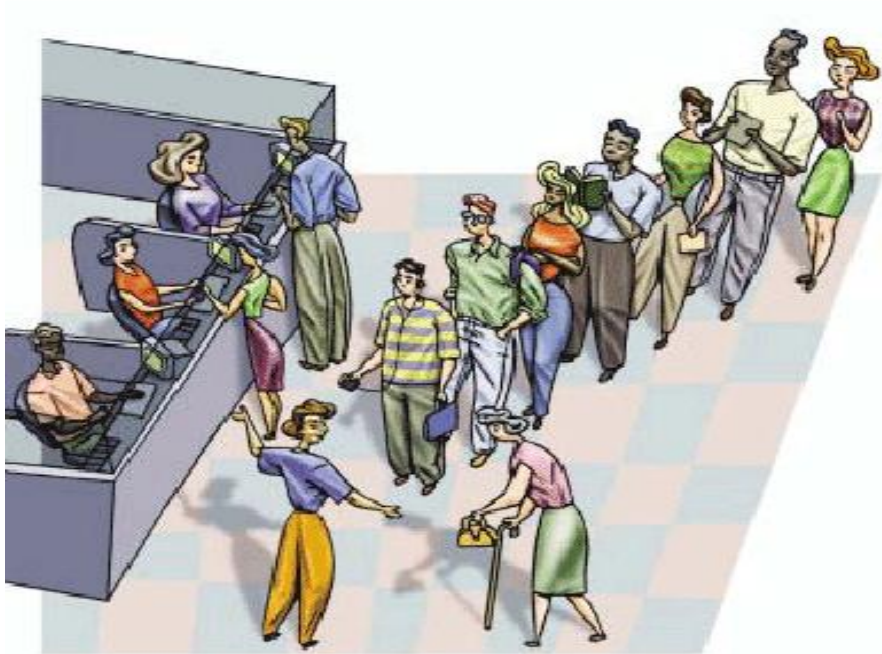
Priority Patent Programs

Elderly	→	Free of charge	Service	Resolution INPI PR nº 151/2015
Handicapped	→	Free of charge	Service	Resolution INPI PR nº 151/2015
Severe illness	→	Free of charge	Service	Resolution INPI PR nº 151/2015
Public interests	→	Free of charge	Service	Resolution INPI PR nº 151/2015
National emergency	→	Free of charge	Service	Resolution INPI PR nº 151/2015
Green patent	→	Paid	Service	Resolution INPI PR nº 175/2016
Neglected diseases	→	Free of charge	Service	Resolution INPI PR nº 80/2013
Micro and Small Enterprise	→	Free of charge	Pilot Program	Resolution INPI PR nº 181/2017
Science and Technological Institutions	→	Paid	Pilot Program	Resolution INPI PR nº 191/2017
Counterfeit (2x)	→	Free of charge	Service	Resolution INPI PR nº 151/2015
Release of financial resources	→	Free of charge	Service	Resolution INPI PR nº 151/2015
PCT (ISR or IPER)	→	Paid	Service	Specific
Preliminary Opinion	→	Paid	Service	Resolution INPI PR nº 123/2013
Prioridade BR	→	Paid	Pilot Program	Resolution INPI PR nº 180/2017
PPH (EUA, JPO, PROSUL, EPO, SIPO)	→	Paid	Pilot Program	One Resolution for each program
Third parties	→	Free of charge	Service	Resolution INPI PR nº 151/2015

Cooperation Approach: PPH



Patent Prosecution Highway



- **PPH is a Priority Exam Type**
- **Workflow priority:**
 - **Do not change law**
 - **Do not modify the procedures**
 - **Do not modify the exam**

Patent Prosecution Highway

- It is a framework in which an application determined to be patentable in the Office of Early Examination (OEE) is eligible to have an accelerated examination in the Office of Later Examination (OLE) with a simple procedure upon an applicant's request.



**examinador
Escritório A**

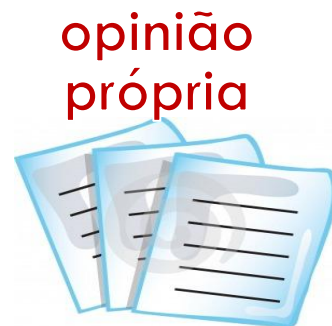
Examiner's difficulties while searching for information

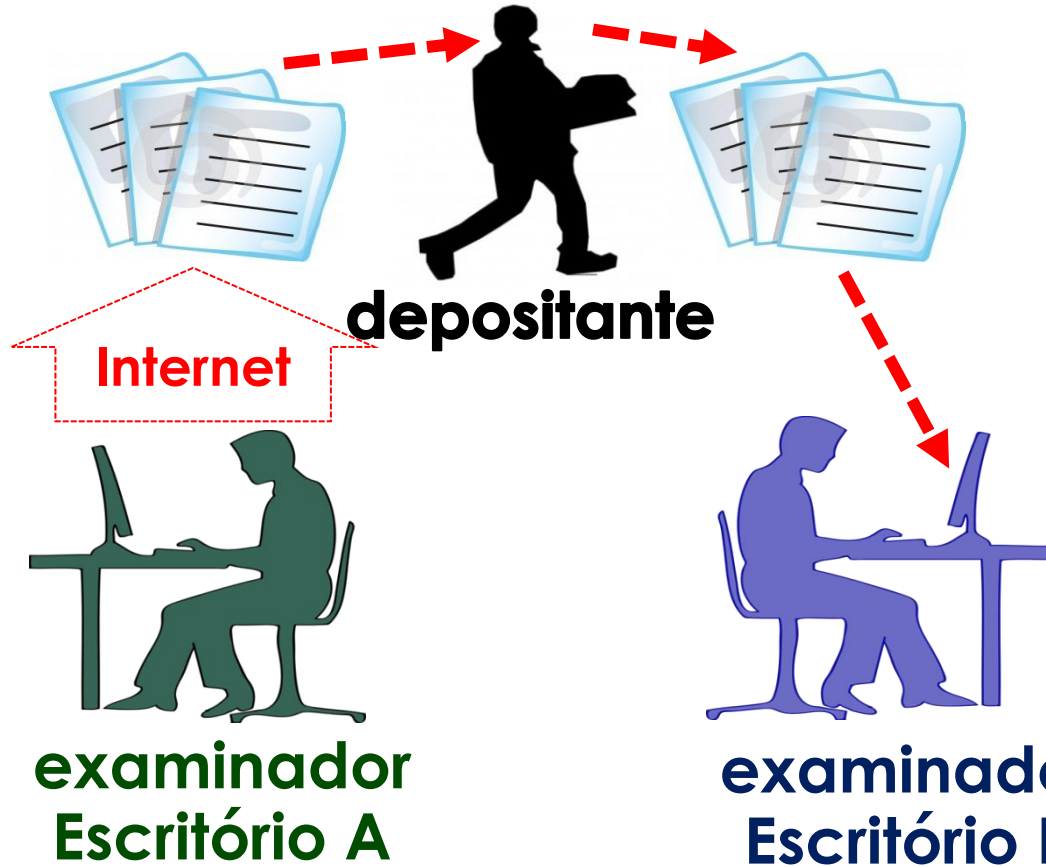
- loss of information due to translation
- Reexamination of all matter
- needs to adapt to local legislation



**examinador
Escritório B**

**subsídio
exame**





Applicant participates

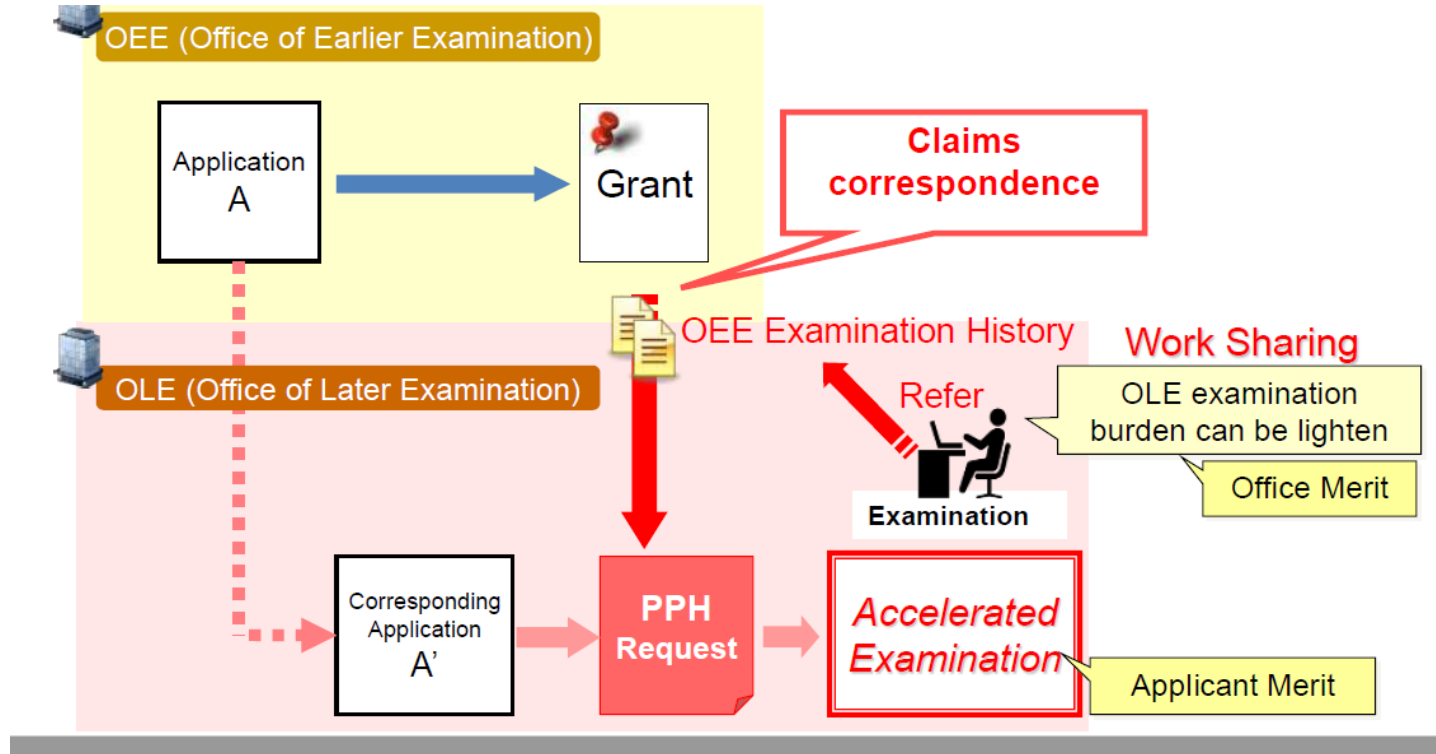
- Translates
- Restricts the matter
- Appropriates to the legislation
- Explains the changes

**subsídia
exame**

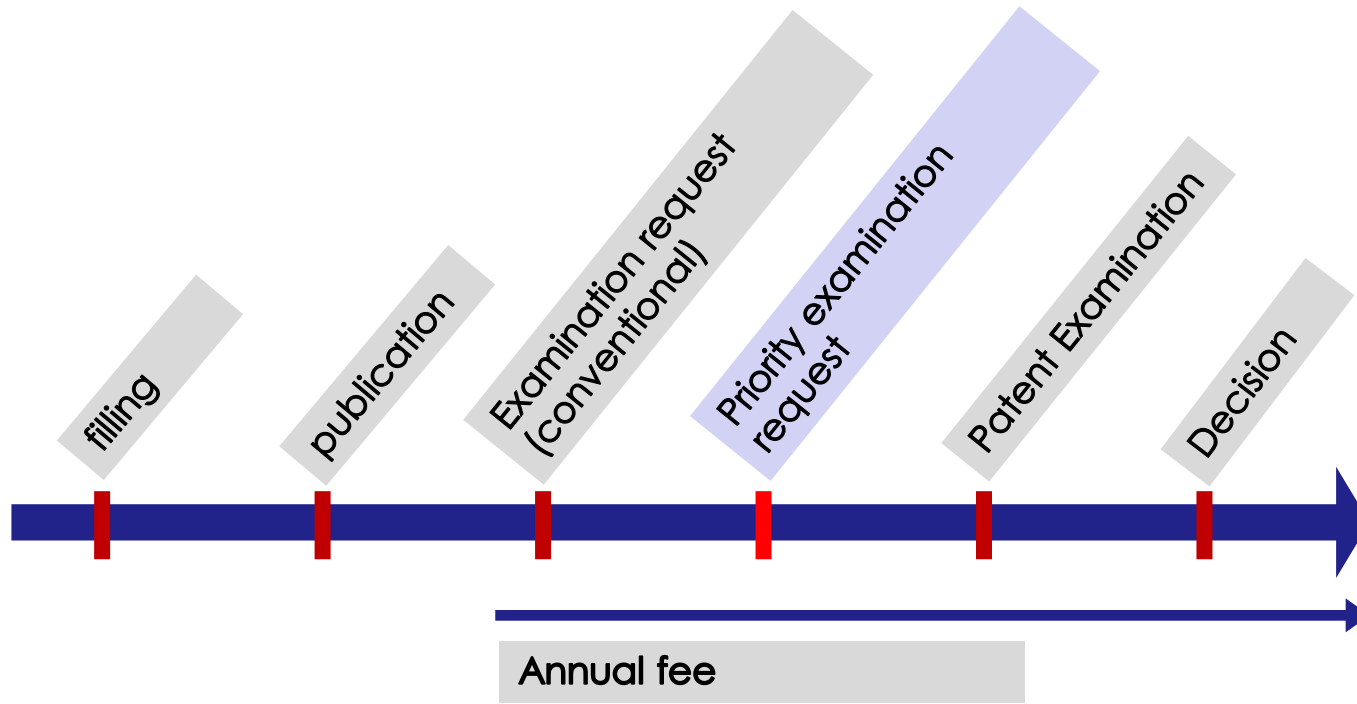
**own
opinion**



Patent Prosecution Highway



Patent Prosecution Highway



Benefits of the PPH for Users

1. High Grant Rate

- More PPH applications tend to be granted in each country and region.

2. Reduced Examination Period

- Average pendency from PPH request to First office action and Final decision is decreasing.

3. Cost saving

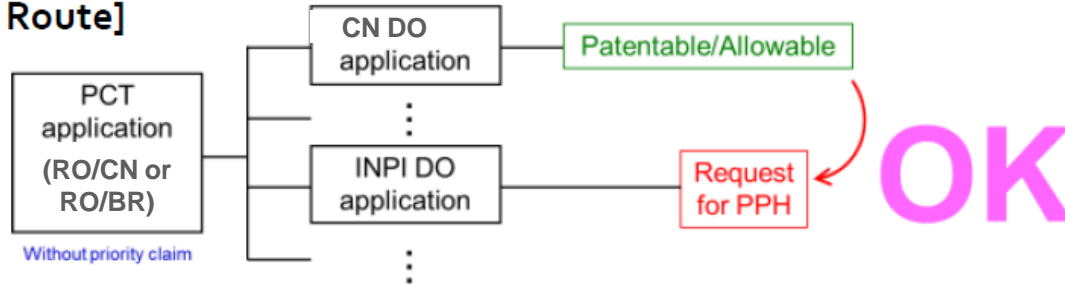
- High First Action Allowance Rate reduces costs to applicants (e.g. attorney and translation fees)

SIPO-INPI PPH Background

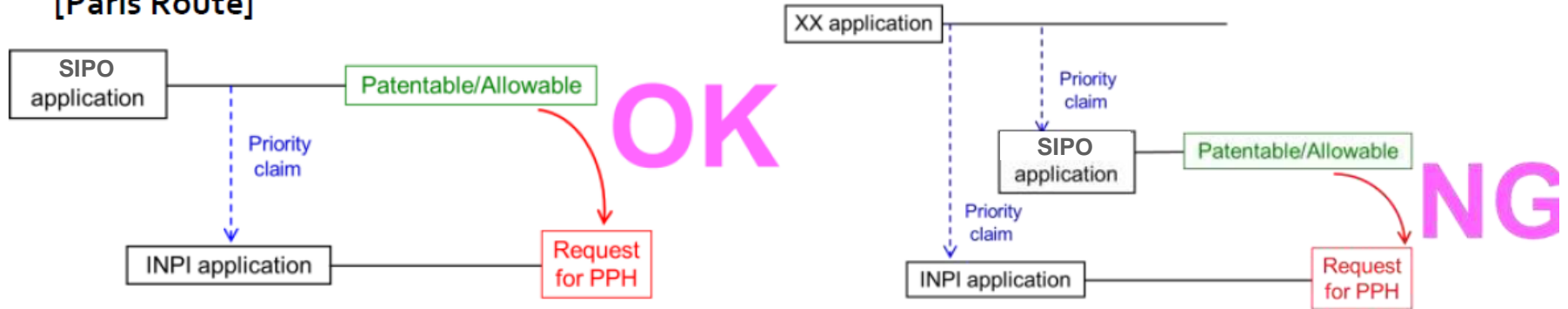
- On November 13th of 2017 SIPO and INPI signed “Joint Statement Between Brazil and China on Colaboration on Patent Examination”
- On February 1st of 2018 INPI started receiving PPH SIPO applications



[Direct PCT Route]



[Paris Route]



XX : the office other than the SIPO

PPH INPI-SIPO Technical Fields

IT, Packing, measuring, chemistry

Technical Field	IPC codes
Electrical Machines and appliances, energy	F21#, H01B, H01C, H01F, H01G, H01H, H01J, H01K, H01M, H01R, H01T, H02#, H05B, H05C, H05F, H99Z
Audiovisual technology	G09F, G09G, G11B, H04N-003, H04N-005, H04N-009, H04N-013, H04N-015, H04N-017, H04R, H04S, H05K
Telecommunications	G08C, H01P, H01Q, H04B, H04H, H04J, H04K, H04M, H04N001, H04N-007, H04N-011, H04Q
Digital communication	H04L
Basic communication processes	H03#
Computer technology	(G06# not G06Q), G11C, G10L
Methods of information technology for management	G06Q
semiconductors	H01L
Various	B60K, B60L, B60W, B62D, B62J, F02D, G02B, G02F, G03G, G08G, H01S, H04N19, H04N21, H04W, H05H
Packaging	B65B, B65C, B65D
Measuring technology	G01V, G01S
Chemistry	B01J, C08#, C07#



Patent Prosecution Highway

	PPH INPI-USPTO	PPH INPI-JPO	PPH PROSUL	PPH INPI-EPO	PPH INPI-SIPO
Validity	From 11/01/2016 To 10/01/2018	From 01/04/2017 To 31/03/2019	From 01/07/2017 To 31/06/2018	From 01/12/2017 To 31/11/2019	From 01/02/2018 To 31/01/2020
First File	BR or US	BR or JP	AR, BR, CL, CO, CR, EQ, PY, PE, SU or UY	BR or EP	BR or CN
Technical Field	Oil and Gas	TI	Any	Chemistry (except pharmaceutical)	IT, Packing, measuring, chemistry
Filing date	After 2013	Any	Any	Any	Any
Examination products	USPTO notice of allowance	JPO decision to grant	Any positive examination product (PCT or national)	EPO decision to grant	SIPO decision to grant
Resolution	N°154 de 2015	N° 184 de 2017		N° 202 de 2017	N° 209 de 2018

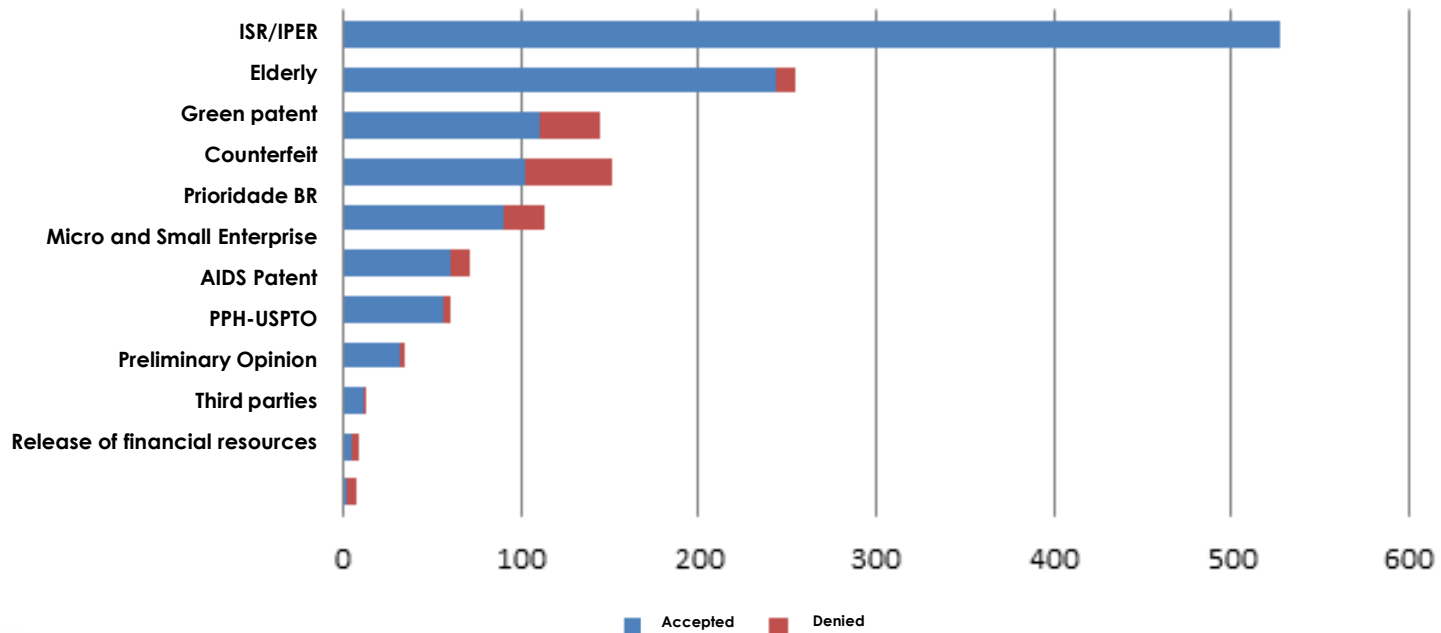


Patent Prosecution Highway

	Applications				First Action		Decisions	
	accepted	not_accepted	Under evaluation	total	Number of applications	Time	Number of applications	Time
PPH INPI-USPTO	49	11	8	68	46	182	33	209
INPI-JPO	38	2	7	47	28	212	11	211
INPI-EPO	7	5	1	13	2	57	0	0

Priority Patent Examination

Priority Patent Examination at INPI (2016)



<http://www.inpi.gov.br/menu-servicos/patente/projeto-piloto-pph>

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DE PATENTES**

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<http://www.inpi.gov.br/menu-servicos/patente/accelere-seu-exame>