

# Patent Cooperation Treaty

Label: Patent Cooperation Treaty

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Description The Patent Cooperation Treaty (PCT) allows inventors to file an international patent application in all those countries party to the treaty in which a patent is desired. It was signed at Washington in 1970 and became operational in 1978. Before the PCT, inventors had to file separately in each jurisdiction for which they sought a patent — a costly process and an impediment to the spread of new technology. The PCT solved this problem, and stands as one of the most successful truly "global" agreements. It has facilitated the growth of global patent ownership from approximately 340,000 in 1979, the first year the PCT was in operation, to over 4.7 million in 2000.

The PCT procedure comprises two phases, an international phase and a national phase. The international phase, administered by the World Intellectual Property Organization (WIPO), provides an international search for novelty, records the date of application for the principle of priority, and assures that formal application requirements are met. If the invention passes the international phase, it then proceeds to the national phase in each country for which a patent is sought. While each national office applies its own criteria, in practice success at the international stage usually assures success at the national stage, thus making the PCT a de facto global patent application. Exceptions to this rule include contentious issues such as genetically modified foods and biotechnology, two "global" issues where national autonomy remains strong.

The PCT is part of a broader process of the globalization of intellectual property rights. Its creation has redefined issues of autonomy for national governments, local communities in possession of traditional knowledge, and individual persons. The PCT was designed to benefit both industrial and developing countries. The former gained easier access to more markets and saved both money and time, while the latter, through "technology transfer," could more easily acquire new technologies to help build their economies. Critics of the PCT, and global intellectual property regimes in general, assert that it protects the interests of western capital at the expense of innovation in developing countries, particularly where such innovation involves collective ownership of resources and products.

Suggested Reading: **Bartels, Busso.** 1988. The PCT: An outline of the system. *Patent World* 2: 40-45.

**Bogsch, Arpad.** 1981. Present situation of the PCT. *AIPPI Journal* 6: 3-10.

**World Intellectual Property Organization.** 1972. History of the Patent

Cooperation Treaty. In *Records of the Washington Diplomatic Conference on the Patent Cooperation Treaty*. Geneva: World Intellectual Property Organization.

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