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NASCAR Racing

“Tip of the Month”

The International Patent – Does It Exist?

The short answer is NO. Patents are territorial; that is, each country regulates patents in its own country.

There is, however, an international patent application process that is known as the PCT International Patent Application. PCT stands for Patent Cooperation Treaty. About 115 countries that have signed this Treaty. The PCT international application process is the first phase of a two-step process. The PCT international application is known as the “international phase.” The international phase is followed by a second phase known as the “national phase.” The PCT international application never becomes an “international” patent because the Patent Cooperation Treaty is not a patent-granting organization. The patent applicant obtains foreign patent protection at the “national phase” by entering patenting process in the individual countries or regions where the patent applicant wishes to obtain protection.

So why file an international application if you can’t get an “international patent?” The major advantage of the PCT international application is the time delay afforded the patent applicant regarding the filing of foreign patent applications. Under the PCT, a patent applicant may delay entering the “national phase” for up to 30 months from the earliest patent application date, which is generally the date of filing a US utility or provisional patent application. This provides the patent applicant with time to determine marketability and the size of the market for a product that is based on the patent application. It also provides the patent applicant time to consider the cost and benefits of obtaining foreign patent protection. Without the PCT process, the patent applicant has only 12 months from the earliest patent application date to file foreign patent applications in all the foreign countries/regions in which the patent applicant wishes to seek protection.

If you have questions about the PCT international application process, please call us at 668-1971 or contact us through the Internet at *Meslaw @ aol.com*.

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