

Annex B

Global PPH Pilot Criteria

1 Introduction

1.1 - This document provides the criteria upon which the Global Patent Prosecution Highway (GPPH) pilot is to operate.

1.2 - Under the GPPH pilot, a request for accelerated processing can be made at any participating office based on work products, including PCT work products, from any one of the other participating offices providing the following eligibility criteria are met.

1.3 - Participating offices may, if they wish, develop office-specific guidelines, e.g. to reflect their respective legal terminology and processes, and can apply additional flexibility beyond these requirements as they see fit. However, these criteria set out a standard to be adhered to by offices participating in the GPPH pilot so as to provide a uniform system for applicants, i.e. if the GPPH pilot specific requirements below are met, an application will qualify for PPH treatment.

1.4 - Where two participating offices have a pre-existing bi-lateral PPH arrangement, the guidelines of the Global PPH pilot will take precedence over those of the existing bi-lateral arrangement for the duration of the pilot.

2 Eligibility Requirements

2.1 – Offices will provide accelerated processing under the GPPH pilot for applications where the following requirements have been met:

- 1) The applications before the Office of Earlier Examination (OEE) and the Office of Later Examination (OLE) have the same earliest date (which may be the priority date or the filing date).
- 2) The OEE has found at least one claim to be allowable. The indication that a claim is allowable will be provided as an explicit statement in any substantive work product from the OEE. The claim(s) determined as novel, inventive and industrially applicable in the PCT work products has/have the meaning of allowable in this document.
- 3) All claims presented for examination under the GPPH pilot must sufficiently correspond to one or more of the claims found allowable by the OEE (annexes D, F).
- 4) The OLE has not begun substantive examination of the application. However, OLE's may still choose to allow GPPH requests filed after examination of the OLE application has begun depending on the particular circumstances and needs of the OLE and its stakeholders.
- 5) A request for substantive examination must have been filed at the OLE, either at the time of the GPPH request or previously.

2.2 – Participating Offices may require that the OLE application is open to the public.

2.3 – Participating Offices may require the applicant to pay a fee for GPPH acceleration due to their respective legal requirements for accelerated processing.

2.4 – For an OEE application to be valid as the basis of a GPPH pilot request it must have been substantively examined, including consideration of novelty and inventive step, by an OEE participating in the GPPH pilot.

3 Supporting documentation required for GPPH request

3.1 – Participating offices will require the following documentation to support a request for acceleration under the GPPH pilot:

- 1) A completed GPPH request form;
- 2) A copy of the work product(s) which are relevant to the allowability of the claims of the corresponding OEE application, if not available via Dossier Access Systems; and
- 3) A copy of the claims found to be allowable by the OEE, if not available via Dossier Access Systems.

3.2 – Participating Offices may also require the applicant to provide the following documentation:

- 1) Copies of citations raised against the OEE application which are not available to the OLE via their regular databases or search files;
- 2) Translations of any of the documents listed in points 3.1 2) or 3) (see point 3.3 below); and
- 3) A claim correspondence table that shows the relationship between the claims of the OLE application and those of the OEE application that were considered allowable.

3.3 – Participating offices will use Dossier Access Systems and machine translations to access and assess supporting documentation to the maximum extent possible. If the participating office has difficulty in obtaining documents listed in points 3.1 2) or 3) and translations thereof, the applicant may be asked to submit them. When machine translations are determined by the OLE to be of insufficient quality, then the applicant may also be asked to provide manual translation (see Annex E for available Dossier Access Systems).

4 Consideration of a GPPH request

4.1 - Requests for accelerated examination under the GPPH will be considered promptly by the OLE. Where a request for accelerated examination under the GPPH pilot is found to be deficient, the OLE will inform the applicant of the deficiencies and provide the applicant with at least one opportunity to correct the application within a reasonable period of time.

5 Miscellaneous Provisions

5.1 - Participating Offices will share basic statistical information and may conduct studies as appropriate, and as resources allow, in order to monitor usage and improve the quality of the system as a whole.