



### 1 What is a patent?

A patent is an exclusive right granted for an invention, providing a new way of doing something or a new technical solution to a problem. This provides the exclusive right to prevent or stop others from commercially exploiting the patented invention.

In order for an invention to be patentable, it must be novel (not known in the state of the art), involve an inventive step (non-obvious to a person skilled in the invention's technical field) and capable of industrial application. Scientific theories, aesthetic creations, mathematical methods, plant or animal varieties, discoveries of natural substances, commercial methods, methods for medical treatment, or computer programs are generally not patentable.



#### How do I perform novelty searches?

Such searches are conducted in order to determine whether and which of the details of the invention are new by checking the state of the art. This can, for example, be performed through the [World Intellectual Property Organization's](#) (WIPO) free-of-charge patent search tool [Patentscope](#). For more on patent search, refer to the [European IPR Helpdesk fact sheet on how to search for patent information](#).

### 2 What is a PCT application?

Rights arising from a patent can only be claimed in countries in which that patent is granted (territoriality). In order to obtain patent protection in multiple countries, applicants may either file individual applications in each country or follow different application or registration routes (see our [IPR chart on European Patents](#)). The Patent Cooperation Treaty (PCT) is an application system, managed by the WIPO, which allows filing one single international patent application that has the same effect as national applications filed in separate PCT states. Through the PCT route, applicants enjoy the benefit of filing one application, in one language paid for in one currency (CHF) in more than [150 countries](#).

### 3 Who can file a PCT application?

Nationals or residents of a [PCT Contracting State](#) may file an application.

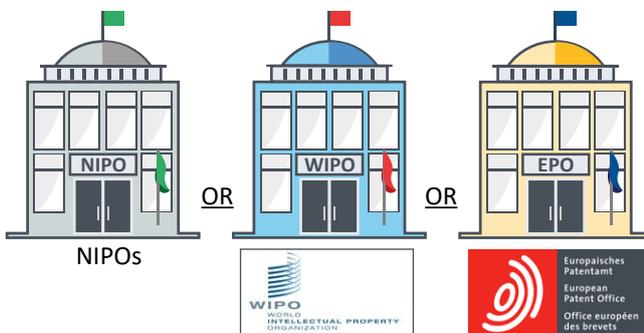


Contracting State  
nationals

OR



Contracting State  
residents



### 4 Where to file a PCT application?

Applications can be filed either through National IP Offices (NIPOs) or directly with the WIPO, where allowed. Nationals or residents of a country which is party to the [European Patent Convention](#) may also file their PCT application through the European Patent Office (EPO), if permitted by their national laws.

### 5 When should I file a PCT application?

A PCT application can be filed directly or within the 12-month period from the filing date of a prior application for the same invention. The latter provides the applicant a priority right over possible applications for the same invention filed within this period.



## 6 What are the different phases of a PCT application?

PCT applications involve two phases: (1) the International phase, which includes processes for international application, international search, publication and international preliminary examination (if demanded), (2) the National phase that covers entry into designated offices (territories) and other national procedures managed by each NIPO.

## 7 What happens in the international phase of a PCT application?

After filing of the application, an international search report (ISR) and a written opinion on the invention's potential patentability is established.

If the applicant continues with the application, upon request, an international preliminary (examination) report on patentability is established. Applicants may also enter into national phases without requesting the examination report.

During the examination process, the applicant may be asked to give further clarifications and/or proceed to some amendments before the final report is drawn up. The report contains "an opinion" on the compliance of the international application concerning its novelty, inventive step and industrial applicability to provide the applicant with a strong basis for evaluating the chances of obtaining a patent. However, the report has no binding effect.



## 8 What happens in the national phase of a PCT application?

The applicants must enter into national phase in order to seek protection in designated states by paying the national fees and providing additional documents (e.g. translations, if required). The time limit for entering into national phases is 30 months from the international filing date (or from the priority date, if there is any) [for many countries](#).

The processing of the application within the national phase is carried out by the national offices according to their national rules (e.g. further examination, if required, etc.) and the international patent application becomes separate national patents once it is granted in the designated states, and subject to the national laws (e.g. protection term, etc.).

## 9 What are the fees?

**International Filing**  
**1,330 CHF**

**Search**  
**150–2,000 CHF**  
*(depending on the selected search authority)*

**National Fees**  
*Transmittal Fees and other fees required by the designated offices in the national phase*

Fee reductions exist for e-filings and applicants from certain countries. Please check [here](#) for more information on fees.

### Disclaimer

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