

Patent Cooperation Treaty (PCT)

What is the PCT?

The PCT is an international patent filing system that provides:

- a. An international search report and opinion on patentability of the invention; and
- b. The option to defer filing patent applications in individual countries for a further 18 months.

The search report and opinion indicate the likelihood of a patent being granted by national patent offices. A favourable report and opinion can be useful to attract investment or licensees for an inventive technology.

The option to defer filing “national phase” patent applications means the significant costs associated with filing individual applications in each country of interest are delayed. Ordinarily these costs would be incurred 12 months after the first patent application has been filed (usually a provisional patent application). Using the PCT route, the costs are delayed until 30 months from the earliest filing date.

A PCT international application must be filed within 12 months of the earliest patent application (usually a provisional application). A simplified timeline is shown in Table 1, which shows the basic structure of the PCT process.

What are the major benefits of the PCT?

The International Search Report and Written Opinion help the applicant to make informed decisions about the extent of patent protection that might ultimately be obtained.

Another major benefit of the PCT system is that the additional 18 months allows an applicant to generate cash flow from the invention or from investors to support the costs of filing patent applications in countries of interest.

Overall, the PCT allows the commercial strengths and weaknesses of the invention to be better understood. This allows informed decisions to be made about whether to continue the patent application process and in which countries.



Please contact us if you have any questions about intellectual property or the PCT process.

What are the costs of the PCT?

A PCT application does add a level of cost to the overall patent process. A PCT application will normally cost between \$NZ10,000 and \$NZ15,000 (inclusive of official PCT fees). The deferral of costs from 12 months to 30 months is a factor that means a majority of patent applicants in New Zealand opt to use the PCT.

Costs will still be incurred when filing national phase patent applications in countries of interest. However these costs are incurred much later. Therefore the applicant is in a better position to assess the commercial opportunities for the technology, and decide on the extent of patent protection required.

Table 1: PCT Time line

