

Saudi Arabia joins the PCT

Stephen Jiew - Senior Associate - Intellectual Property
s.jiew@tamimi.com - Dubai International Financial Centre

June 2013

Consequently, any international application filed on or after 3 August 2013 will automatically include the designation of Saudi Arabia.

Given that Saudi Arabia will be bound by Chapter II of the PCT, it will automatically be elected in any demand filed in respect of an international application filed on or after 3 August 2013. Furthermore, nationals and residents of Saudi Arabia will be entitled, as from 3 August 2013, to file international applications under the PCT.

Patent Cooperation Treaty (“PCT”)

The World Intellectual Property Organization’s Patent Cooperation Treaty (PCT) provides the means to facilitate the filing and protection of patents internationally. In 2011 alone, more than 181,000 international patent applications were filed under the PCT.

This is the most international of patent applications one can file where a single filing can secure an effective filing date in all of its member countries. Its membership comprises a large number of countries and the list continues to grow.

Saudi Arabia joins a growing list of PCT contracting states which in 2013 number 147 countries including numerous countries in the region such as:-

- UAE
- Qatar
- Oman
- Bahrain
- Algeria
- Egypt
- Libya
- Morocco
- Syria
- Sudan
- Tunisia

The PCT patent application filing system includes two phases –

1. International Phase

The international application is filed and an International Search Authority undertakes an international search whereupon a search report containing citations of relevant prior art and a written opinion on the patentability of the invention is produced. The application is published as an International Publication and the applicant has an option whether to undertake international preliminary examination of an application.

2. National Phase

The national phase application is effectively filed at the various countries in which the applicant is ultimately seeking patent protection in and it is at this stage that the application is substantively examined and a decision taken to grant a patent is made.