

PATENT LAW TREATY



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Patent Law Treaty

- Patent Law Treaty (PLT) was concluded on June 1, 2000, and entered into force on April 28, 2005.
- U.S. Senate ratified the PLT on December 7, 2007, but the PLT required implementing legislation.



Patent Law Treaties Implementation Act

- Patent Law Treaties Implementation Act of 2012 (PLTIA) was enacted on December 18, 2012.
- Title II of the PLTIA amends 35 U.S.C. to implement the PLT.
- Title II of the PLTIA is effective on December 18, 2013.

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Areas of Major Changes

- Application filing date and reference filing provisions
- Restoration of the right of priority to foreign applications and domestic benefit of provisional applications
- Restoration of patent rights
- Time periods for action by applicants

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Application Filing Date and Reference Filing Provisions

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Filing Provisions

- PLT and PLTIA:
 - Change application filing date requirements (except for design applications) (aka “application data filing”)
 - Provide for filing an application “by reference” to a previously filed application (aka “reference filing”)

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Application Filing Date

- Filing date of a provisional or nonprovisional application (other than for a design patent) is:
 - Date on which a specification, with or without claims, is received in the Office.

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Application Filing Date

- Filing date of an application for a design patent continues to be the date on which the Office receives:
 - Specification as prescribed by 35 U.S.C. 112 (which requires at least one claim), and
 - Any required drawings.

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Application Filing Date

- If an application is filed without any claim:
 - Applicant will be notified and given a time period within which to submit at least one claim and the late filing surcharge.
- Similar to current “missing parts” practice for applications filed without fees.

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Application Filing Date

- Any claim submitted after the filing date of the application must have 35 U.S.C. 112(a) support in the application as filed.
- Application will not be examined until it includes at least one claim.

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[The New Landscape for Design Patents, plus Patent Law Treaty Implementation](#)

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