

## **Procedures to file a request to the EGYPO (Egyptian Patent Office) for Patent Prosecution Highway Pilot Program between the EGYPO and the SIPO (State Intellectual Property Office of the P. R. China)**

Applicants can request accelerated examination by a prescribed procedure including submission of relevant documents on an application which is filed with the EGYPO and satisfies the following requirements under the EGYPO-SIPO Patent Prosecution Highway (PPH) pilot program based on the SIPO application.

When filing a request for the PPH pilot program, an applicant must submit a request form to the EGYPO.

The offices may terminate the PPH pilot program if the volume of participation exceeds manageable level, or for any other reason. Ex Ante notice will be published if the PPH pilot program is terminated.

The PPH pilot program will be in effect for two years commencing on July 1, 2017 and will end on June 30, 2019. However, the program may be extended after a joint EGYPO-SIPO review and assessment of the program implementation.

### **1. Requirements**

- (a) *The EGYPO application (including a PCT national phase application) is***
- (i) *an application which validly claims priority under the Paris Convention to the SIPO application(s) (examples are provided in ANNEX I, Figure A, B, C, F, G and H),***  
***or***
  - (ii) *a PCT national phase application without priority claim (examples are provided in ANNEX I, Figure I), or***
  - (iii) *an application which validly claims priority under the Paris Convention to the PCT application(s) without priority claim (examples are provided in ANNEX I, Figure J, K and L).***

The EGYPO application, which validly claims priority to multiple SIPO or direct PCT applications, or which is the divisional application validly based on the originally filed application that is included in (i) to (iii) above, is also eligible.

The pilot program is not applicable on the basis of SIPO 'utility model' applications.

- (b) *At least one corresponding application exists in the SIPO and has one or more claims that are determined to be patentable/allowable by the SIPO.***

The corresponding application(s) can be the application which forms the basis of the priority claim, an application which derived from the SIPO application which forms the basis of the priority claim (e.g., a divisional application of the SIPO application or an

application which claims domestic priority to the SIPO application (see Figure C in Annex I)), or a SIPO national phase application of a PCT application (see Figures H, I, J, K and L in Annex I).

Claims are “determined to be allowable/patentable” when the SIPO examiner clearly identified the claims to be allowable/patentable in the latest office action, even if the application is not granted for patent yet.

The office action includes one of the following:

- i) Decision to Grant a Patent
- ii) First/Second/Third/...Office action
- iii) Decision of Refusal
- iv) Reexamination Decision, and
- v) Invalidation Decision

**(c) All claims on file, as originally filed or as amended, for examination under the PPH must sufficiently correspond to one or more of those claims indicated as allowable in the SIPO.**

Claims are considered to “sufficiently correspond” where, accounting for differences due to translations and claim format, the claims in the EGYPO application are of the same or similar scope as the claims in the SIPO application, or the claims in the EGYPO application are narrower in scope than the claims in the SIPO. In this regard, a claim that is narrower in scope occurs when a claim in the SIPO application is amended to be further limited by an additional feature that is supported in the specification (description and/or claims).

A claim in the EGYPO application which introduces a new/different category of claims to those claims indicated as allowable in the SIPO is not considered to sufficiently correspond. For example, where the SIPO application claims only contain claims to a process of manufacturing a product, then the claims in the EGYPO application are not considered to sufficiently correspond if the claims in the EGYPO application introduce product claims that are dependent on the corresponding process claims. Any claims amended or added after the grant of the request for participation in the PPH pilot program need not to sufficiently correspond to the claims indicated as allowable in the SIPO application.

**(d) The EGYPO has not begun examination of the application at the time of filing the PPH request (an example is provided in ANNEX, figure M).**

**(e) A “Request for Substantive Examination” must have been filed at the EGYPO either**

*at the time of the PPH request or previously.*

## **2. Documents to be submitted**

Documents (a) to (d) below must be submitted by attaching to the PPH request.

- (a) Copies of all office actions (which are relevant to substantial examination for patentability in the SIPO) which were issued for the corresponding application by the SIPO, and translations of them<sup>1</sup>.**

Either Arabic or English is acceptable as translation language. Machine translation will be admissible. If it is impossible for the examiner to understand the translated office action due to insufficient translation, the examiner can request the applicant to resubmit translations.

**Copies of all claims determined to be patentable/allowable by the SIPO, and translations of them.**

Either Arabic or English is acceptable as translation language. If it is impossible for the examiner to understand the translated claims, the examiner can request the applicant to resubmit translations.

The applicant does not have to submit the copies and translations of the office actions or the claims when those documents are provided via "The China Patent Inquiry System" ([http://www.cpquery.gov.cn/index.jsp?language=en\\_us](http://www.cpquery.gov.cn/index.jsp?language=en_us)) of the SIPO. However, if the EGYPO examiner is not able to obtain them via the "The China Patent Inquiry System" or understand the translations, the EGYPO examiner may request the applicant to provide the copies and additional translations.

- (b) Copies of references cited by the SIPO examiner**

If the references are patent documents, the applicant doesn't have to submit them because the EGYPO usually possesses them. When the EGYPO does not possess the patent document, the applicant has to submit the patent document at the examiner's request. Non-patent literature must always be submitted.

The translations of the references are unnecessary.

- (c) Claim correspondence table**

The applicant requesting PPH must submit a claim correspondence table, which indicates how all claims in the EGYPO application sufficiently correspond to the patentable/allowable claims in the SIPO application.

When claims are just literal translation, the applicant can just write down that "they are the

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<sup>1</sup> Machine translations will be admissible, but if it is impossible for the examiner to understand the outline of the translated office action or claims due to insufficient translation, the examiner can request the applicant to resubmit translations.

same” in the table. When claims are not just literal translation, it is necessary to explain the sufficient correspondence of each claim.

When the applicant has already submitted above documents (a) to (d) to the EGYPO through simultaneous or past procedures, the applicant may incorporate the documents by reference and does not have to attach them.

The EGYPO decides whether the application can be entitled the status of accelerated examination under the PPH when EGYPO receives a request with the documents stated above:

- Where all of the requirements for accelerated examination under the PPH have been met, the request is accepted, the applicant will not be notified and the application is assigned a special status for accelerated examination.
- Where all of the requirements for accelerated examination under the PPH have not been met, the applicant may have one opportunity to take any possible correcting action necessary and again request acceleration under the PPH. If a resubmitted request still does not meet all of the requirements for accelerated examination under the PPH then the request may be refused and the application will examine in its role



# COMMON PPH REQUEST FORM

(final version)

Egyptian Patent Office

(EGYPO)

March 19, 2017

Responsible: Kamal Abdel Gayed

<b>REQUEST FOR PARTICIPATION IN THE PATENT PROSECUTION HIGHWAY (PPH) PILOT PROGRAM</b>	
<b>A. Bibliographic Data</b>	
Application Number (if known)	
[Special items to be added by the Office] <sup>2</sup>	
<b>B. Request</b>	
Applicant requests participation in the Patent Prosecution Highway (PPH) pilot program based on:	
Office of Earlier Examination (OEE)	
OEE Work Products Type	<input type="checkbox"/> National/Regional Office Action(s)
	<input type="checkbox"/> WO-ISA, WO-IPEA or IPER
OEE Application Number (Incl. PCT Application Number)	
[Special items to be added by the Office] <sup>3</sup>	
<b>C. Required Documents</b>	
<b>I. OEE Work Products and, if required, Translations</b>	
1. <input type="checkbox"/> A copy of OEE work products is attached; or <input type="checkbox"/> The office is requested to retrieve documents via the Dossier Access System or PATENTSCOPE	
2. <input type="checkbox"/> A translation of documents in 1 in a language accepted by the Office is attached; or <input type="checkbox"/> The office is requested to retrieve documents via the Dossier Access System or PATENTSCOPE	
<b>II. Patentable/Allowable Claims Determined by OEE and, if required, Translations</b>	
3. <input type="checkbox"/> A copy of all claims determined to be patentable/allowable by OEE is attached; or <input type="checkbox"/> The office is requested to retrieve documents via the Dossier Access System or PATENTSCOPE	
4. <input type="checkbox"/> A translation of documents in 3 in a language accepted by the Office is attached; or	

<sup>2</sup> For example, first named inventor, filing date, title of the invention

<sup>3</sup> For example, priority date of the OEE application, mailing date of OEE work product relied upon



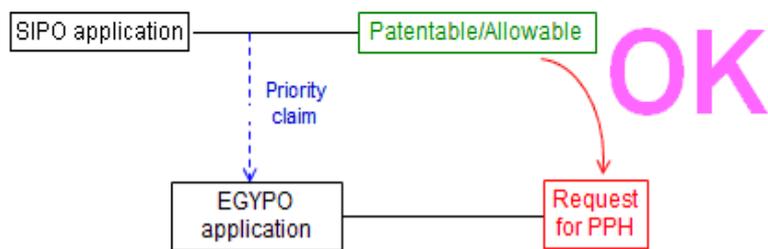
[Special items or requirements to be added by the Office] <sup>5</sup>		
Name(s) of applicant(s) or representative(s)		
Date		
[Special items to be added by the Office] <sup>6</sup>		

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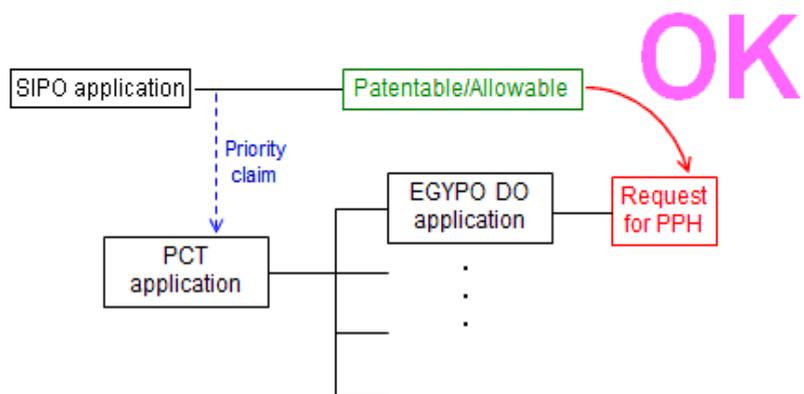
<sup>5</sup> For example, explaining any Box VIII observations of WO/ISA, WO/IPEA or IPER

<sup>6</sup> For example, Signature(s) of applicant(s) or representative(s)

**A** A case meeting requirement (a) (i)  
- Paris route -



**B** A case meeting requirement (a) (i)  
- PCT route -

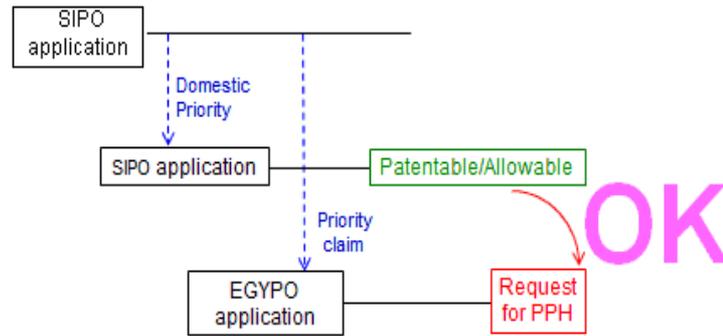


DO:Designated Office

C

### A case meeting requirement (a) (i)

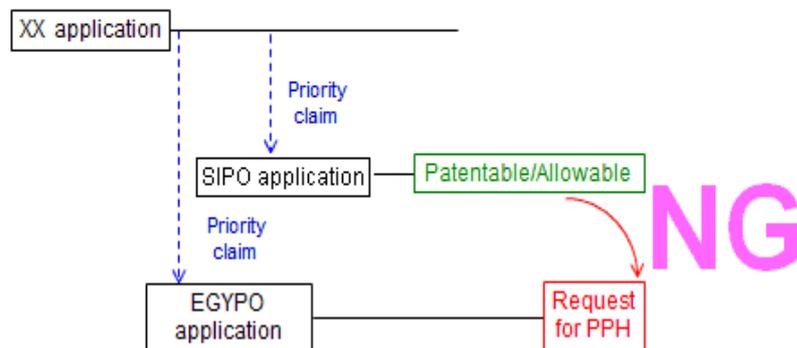
- Paris route, Domestic priority -



D

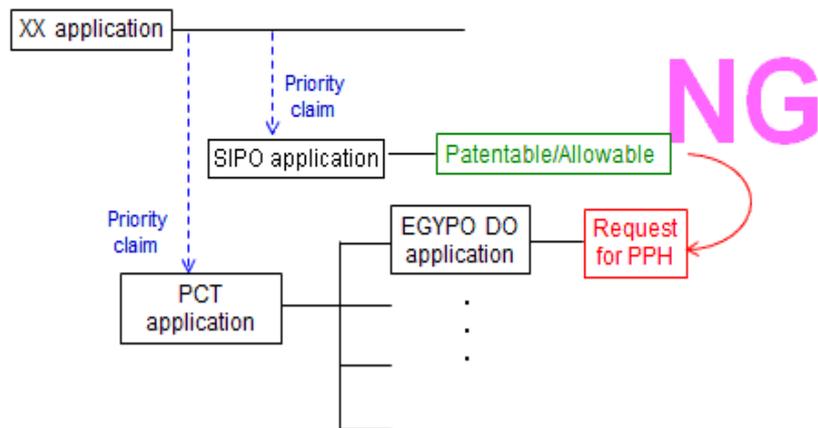
### A case not meeting requirement (a)

- Paris route, but the first application is from the third country -



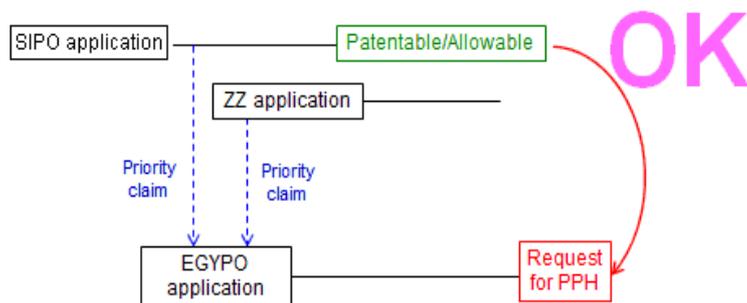
XX: the office other than the SIPO

**E** A case not meeting requirement (a)  
 - PCT route, but the first application is from the third country -



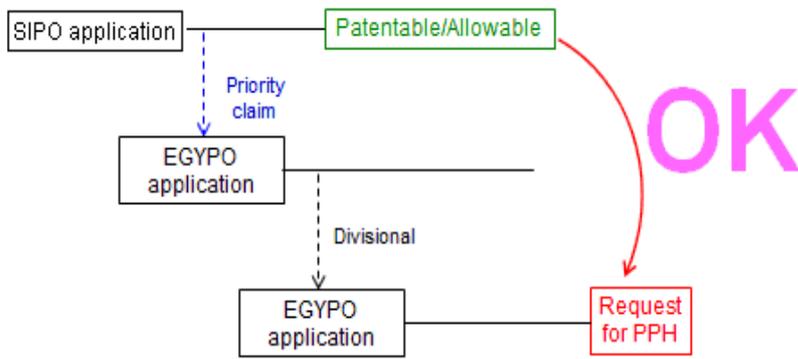
XX: the office other than the SIPO

**F** A case meeting requirement (a) (i)  
 - Paris route & Complex priority -

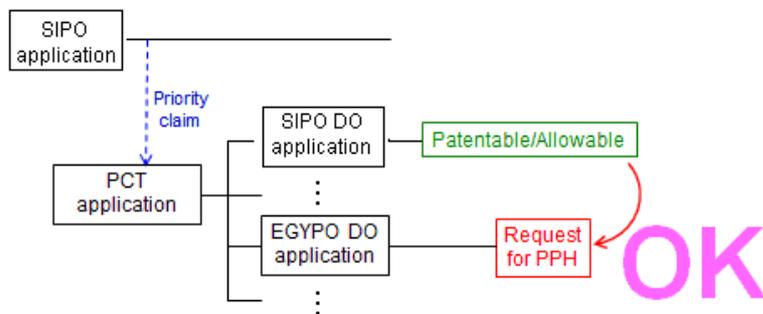


ZZ: any office

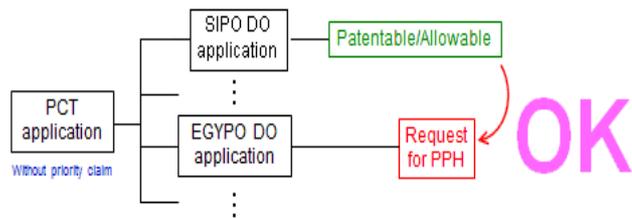
**G** A case meeting requirement (a) (i)  
 - Paris route & divisional application -



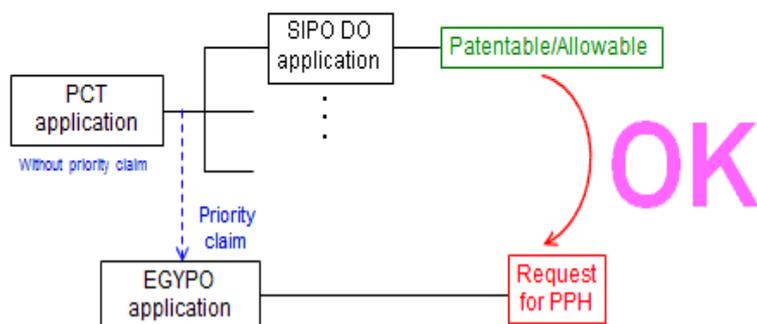
**H** A case meeting requirement (a) (i)  
 - PCT route -



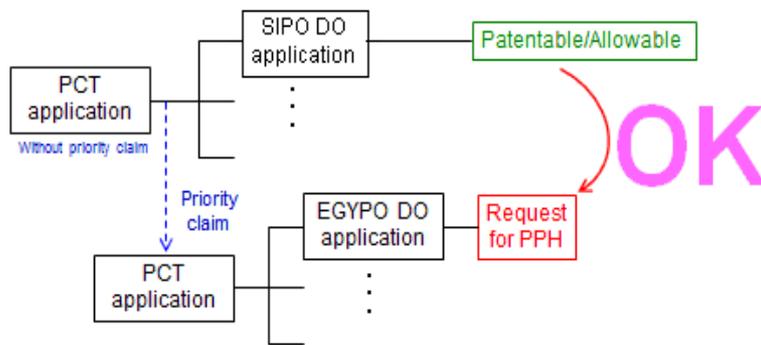
I A case meeting requirement (a) (ii)  
- Direct PCT route -



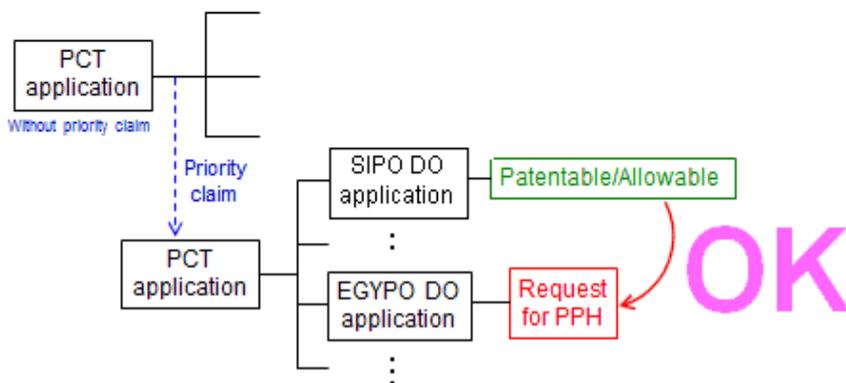
J A case meeting requirement (a) (iii)  
- Direct PCT & Paris route -



**K** A case meeting requirement (a) (iii)  
 - Direct PCT & PCT route -



**L** A case meeting requirement (a) (iii)  
 - Direct PCT & PCT route -



**M** A case not meeting requirement (d)  
- Examination has begun before a request for PPH -

