

# **Procedures to File a Request to the INPI (National Institute of Industrial Property) for Patent Prosecution Highway Pilot Program between the INPI and the CNIPA (China National Intellectual Property Administration)**

The pilot period of this PPH pilot program will commence on 1 Jun, 2023 for duration of five years and ending on 31 May, 2028. The pilot period may be extended if necessary until the INPI and CNIPA receive sufficient number of PPH requests to adequately assess the feasibility of PPH program.

The Offices may also 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.

These guidelines are not intended to create any legally binding obligation. They will be implemented in accordance with the respective laws and regulations of both countries.

## **PPH using the work products from the CNIPA**

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

### **1. Requirements**

**(a) *The INPI application is***

**(i) *an application which validly claims priority under the Paris Convention to the CNIPA application(s) (examples are provided in ANNEX, Figures A, B, C, D), or***

**(ii) *an application which validly claims priority under the Paris Convention to the PCT application(s) without priority claim (example is provided in ANNEX, Figure E)***

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

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

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

Claims are “determined to be allowable/patentable” when the CNIPA examiner explicitly identified the claims to be “allowable/patentable” in the latest office action, even if the application has not been granted yet.

The Office actions mentioned above are:

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

**(c) All claims in the INPI application (for which an accelerated examination under the PPH pilot program is requested), as originally filed or as amended, must sufficiently correspond to one or more of those claims determined to be patentable/allowable in the CNIPA.**

Claims are considered to “sufficiently correspond” where, aside from differences due to translations and claim format, the claims in the INPI application are of the same or similar scope as the claims in the CNIPA application, or the claims in the INPI are narrower in scope than the claims in the CNIPA.

In this regard, a claim that is narrower in scope occurs when CNIPA claim is amended to be further limited by an additional technical feature that is supported in the specification (description and/or claims).

A claim in the INPI which introduces a new/different category of claims to those claims determined to be patentable/allowable in the CNIPA is not considered to sufficiently correspond. For example, if the CNIPA claims only contain claims to a process of manufacturing a product, then the claims in the INPI are not considered to sufficiently correspond if the INPI claims introduce product claims that are dependent on the corresponding process claims.

It is not necessary to include “all” claims determined to be patentable/allowable in the CNIPA in an application in the INPI (the deletion of claims is allowable). For example, in the case where an application in the CNIPA contains 5 claims determined to be patentable/allowable, the application in the INPI may contain only 3 of these 5 claims. Any claims amended or added after the grant of the request for participation in the PPH pilot program but before the INPI’s preliminary search report/opinion must sufficiently correspond to the claims indicated as patentable/allowable in the CNIPA application. Any claims amended or added after the INPI’s preliminary search report/opinion need not to sufficiently correspond to the claims indicated as patentable/allowable by the CNIPA when applicants need to amend claims in order to overcome the reasons for refusal raised by INPI examiners. Any amendment outside of the claim correspondence requirement is subject to examiners’ discretion.

***(d) The INPI has not begun grant examination of the application at the time of filing the PPH request.***

For a better acceleration of the examination process, the INPI recommends to file the request for the PPH within 12 months from the filing date of the INPI application.

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

The documents listed below must be either provided by attaching them to the PPH request form, or identified if available to the examiner as described below (cf. 2.(c)), when filing an acceleration request under the PPH.

***(a) Copies of all office actions (which are relevant to substantial examination for patentability in the CNIPA) which were issued for the corresponding application by the CNIPA, and translations thereof.***

Either French 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.

**(b) Copies of all claims determined to be patentable/allowable by the CNIPA, and translations thereof.**

Either French 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.

**(c) Copies of references cited by the CNIPA examiner in the office actions submitted under 2.(a)**

The documents to be submitted are those cited in the above-mentioned office actions. Documents which are only referred to as references and consequently do not constitute reason for refusal do not have to be submitted.

If the references are patent documents, the applicant does not have to submit them<sup>1</sup>. When the INPI 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.

**(d) Claim correspondence table**

The applicant must submit a claim correspondence table, which indicates how all claims in the INPI application sufficiently correspond to the patentable claims in the CNIPA application.

When the claims are just literal translation, the applicant can just write down that "the claims are the same" in the table. On the contrary, when the claims are not just a literal translation, it is necessary to explain the sufficient correspondence of each claim.

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<sup>1</sup> Note that even when it is not needed to submit copies of references, the name of the references must be listed in the "Request for Participation in the Patent Prosecution Highway (PPH) Pilot Program".

When the applicant has already submitted the documents (a) to (d) mentioned above to the INPI in the context of simultaneous or previous patent examination procedures, the applicant may indicate this to the INPI by specifying the application number related to said simultaneous or previous examination procedures in the field named "Details about omitted documents /Explication à propos des documents non fournis". Then, the applicant is not required to attach these documents again. However, if the examiner is unable to reach said documents in the previous or simultaneous examination procedures, the applicant may be notified and will be requested to provide the documents (a) and (d), if necessary.

### **3. Procedure for the accelerated examination under the PPH pilot program**

The INPI decides whether the application can be entitled to the status for an accelerated examination under the PPH when it receives a request with the documents stated above. When the INPI decides that the request is acceptable, the application is assigned a special status for an accelerated examination under the PPH.

In those instances where the request does not meet all the requirements set forth above, the applicant will be notified and the defects in the request will be identified. The applicant may be given opportunity to correct certain specified defects. If the request is not approved, the applicant may resubmit the request. If the resubmitted request is still not approved, the applicant will be notified.

#### **3.1 Procedure for filing a PPH request at the filing of the PPH application**

It is possible to file an acceleration request under the PPH pilot program at the filing of the patent application. PPH request must be submitted through INPI's online filing website: <https://procedures.inpi.fr/?/>

##### **How to select the PPH request option:**

The option to file a PPH request will appear in the "revendication de priorité" section once the priority of an application has been claimed.

Sensibilité défense nationale

Renvoi à une demande antérieure

Intervenants

Contenu

Revendication de priorité

Demande de délivrance accélérée

Extension de protection

Réduction des redevances

Séquences de nucléotides

**OPTION : REVENDICATION DE PRIORITÉ 1**

La priorité n°1 a été ajoutée.

**i** Vous pouvez revendiquer la priorité d'une demande étrangère antérieure ou le bénéfice de la date de dépôt d'une demande française antérieure. Cette faculté est ouverte uniquement si votre dépôt est effectué dans un délai maximal de 12 mois à compter de la date de dépôt de la demande antérieure la plus ancienne. Il n'est pas possible de revendiquer simultanément une priorité étrangère et le bénéfice de la date de dépôt d'une demande française antérieure.

Ajouter une priorité +

#	N°	DATE DE DÉPÔT	PAYS	
1	2020-011111	01/01/2020	Japon	Modifier Supprimer

Demande d'examen accéléré en vertu du PPH / Request for an accelerated examination under the PPH pilot program
  Non

Then you need to **tick "Oui"** (next to "Request for an accelerated examination under the PPH pilot program"), in order to trigger the possibility to provide the corresponding documents:

<b>Corresponding application number</b> (Numéro de demande correspondante)	Corresponding application number
Joindre vos documents +	Copies of all office actions (which are relevant to substantial examination for patentability in the office) which were issued for the corresponding application by the office (copies de toutes les notifications de l'office (pertinentes pour l'examen substantif pour la brevetabilité au office) qui ont été envoyées pour la demande correspondante par l'office)
Joindre vos documents +	translations of them (leur traduction)
Joindre vos documents +	Copies of all claims determined to be patentable by the office (copies de toutes les revendications déterminées comme étant brevetables par l'office)
Joindre vos documents +	translations of them (leur traduction)
Joindre vos documents +	Copies of references cited by the office examiner (copies des références citées par l'examineur de l'office)
Joindre vos documents +	Claim correspondence table (tableau de correspondance des revendications)
<b>Details about omitted documents</b> (explication à propos des documents non soumis)	Explication à propos des documents non soumis...

**Required documents** listed below must either be provided by attaching them to the PPH request form, or identified, if available to the examiner as described above, **when filing an acceleration request under the PPH.**

**Join the documents to be provided when filing an acceleration request under the PPH:**

Four documents must be submitted, as specified above (Cf. 2.1.2 and 2.2.2 - Documents to be submitted):

- Copies of the offices actions/work products which indicate the patentability/allowability of the claims (and their translation)
- Copies of all claims determined to be patentable/allowable by the PPH partner office (and their translation)
- Copies of the references/documents cited by the PPH partner office examiner in the said office action/work product
- Claim correspondence table between INPI claims and said patentable/allowable claims ; an example can be found in the PPH request form (see "Aide en Ligne" section or below)



Warning: The provision of a claim correspondence table is mandatory for processing a PPH request. In addition, non-patent literature must always be submitted if cited.

The field entitled "Corresponding application number/Numéro de demande correspondante" allows the applicant to indicate the application number on which the PPH request is based (when this application number is different from the priority number).

The field entitled "Details about omitted documents/Explication à propos des documents non fournis" allows the applicant to indicate the reasons why he didn't provide some of the documents (with the exception of the correspondence table, which must always be provided, as well as non-patent literature or any other document that is not accessible via the PPH partner office's dossier access system).

When you click on "**Joindre vos documents**", then you can upload your documents:

PIÈCES COMPLÉMENTAIRES À TÉLÉVERSER Annuler



Pensez à bien cliquer sur le bouton 'Envoyez le document' afin que les documents téléversés soient bien pris en compte.

Attention, les fichiers ne peuvent excéder la taille de **100.00 Mo** et doivent appartenir aux types **.pdf**

Parcourir...

PIÈCES COMPLÉMENTAIRES À TÉLÉVERSER Annuler

Just click on "**Parcourir**", then upload the document in PDF format, and click on "**Envoyer le document**".

Finally, **once all of the required documents have been uploaded**, click on "**Etape suivante**" to continue the patent application process

Joindre vos documents + Claim correspondence table (*Table de correspondance des revendications*)\*

**Details about omitted documents**  
(*Explication à propos des documents non soumis*) Explication à propos des documents non soumis...

CRÉÉ LE	NOM	TYPE	CATEGORIE	ACTION
17/12/2020	TypeRR_29_07_2020_165032_FR1660034.pdf	PDF	Claim correspondence table / Table de correspondance des revendications	<span>Supprimer</span> <span>Télécharger</span>

Etape suivante >



At the end of the patent application filing process, when you see the filing summary ("Récapitulatif de dépôt"), you will be able to check the information concerning the PPH request and documents provided in the "Revendication de priorité" you have submitted during the filing process.

OPTION : REVENDICATION DE PRIORITÉ 1
Modifier

#	N°	DATE DE DÉPÔT	PAYS
1	2020-011111	01/01/2020	Japon

Demande d'examen accéléré en vertu du PPH / Request for an accelerated examination under the PPH pilot program Oui

CRÉÉ LE	NOM	TYPE	CATEGORIE	ACTION
17/12/2020	TypeRR_29_07_2020_165032_FR1660034.pdf	PDF	Claim correspondence table / Table de correspondance des revendications	<div style="display: flex; justify-content: center; gap: 5px;"> <div style="background-color: #e91e63; color: white; padding: 5px 10px; border-radius: 3px;">Supprimer</div> <div style="background-color: #00a0c0; color: white; padding: 5px 10px; border-radius: 3px;">Télécharger</div> </div>

OPTION : DEMANDE DE DÉLIVRANCE ACCÉLÉRÉE
Modifier

Je sollicite la délivrance accélérée de ma demande en 20 mois du dépôt. À cette fin, je sollicite également la publication anticipée de la demande. Je suis informé(e) que ma demande de brevet ou de certificat d'utilité doit remplir plusieurs conditions pour être délivrée en 20 mois Non

Filing a PPH request is **free of charge**.

### 3.2. Filing a PPH request after the filing of the patent application

It is still possible to file a PPH request at any time after the filing of the patent application, as long as the INPI has not begun the grant examination of the application.

How to select the PPH request option:

Just click on "Transmettre un document" under "Mes actions":

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- 
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DEMANDE

Réf. I.N.P.I. : FR2030124

N° de publication :

Votre réf. :

Date de dépôt : 17/12/2020

MES ACTIONS

Transmettre un document ▶

Demander la

### REQUÊTE

<b>Titre</b>	Demande de brevet conforme aux exigences antérieures au standard xml	Extension Polynésie Française	Non	Réduction de redevance	Non	Demande de délivrance accélérée	Non
<b>Type</b>	Brevet français	Séquences de nucléotides et/ou d'acides aminés	Non				
	Demande de brevet provisoire		Non				

### INTERVENANTS

TYPE	NOM
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Then click on **"Parcourir"** and upload all of the documents related to the PPH request, in PDF format:

### DOCUMENTS

[Annuler](#)

Attention, les fichiers ne peuvent excéder la taille de **100.00 Mo** et doivent appartenir au(x) type(s) **.pdf** et **.txt**

Les types « Description », « Révendications », « Dessins », « Texte d'abrégé » et « Dessin d'abrégé » doivent être utilisés pour les versions sans modifications apparentes.

La version avec les modifications apparentes doit être fournie en tant que courrier d'accompagnement ou dans le courrier d'accompagnement.

[Parcourir...](#)

REÇU LE	NOM	TYPE	ACTION
17/12/2020	application-body.xml	Contenu de la demande XML	<a href="#" style="background-color: #009682; color: white; padding: 2px 5px;">Télécharger</a>
17/12/2020	Demande_redige_compatible XML.docx.zip	Contenu de la demande ZIP	<a href="#" style="background-color: #009682; color: white; padding: 2px 5px;">Télécharger</a>
17/12/2020	Demande_redige_compatible XML.docx.pdf	Contenu de la demande PDF	<a href="#" style="background-color: #009682; color: white; padding: 2px 5px;">Télécharger</a>
17/12/2020	Demande_redige_compatible XML.docx	Contenu de la demande DOCX	<a href="#" style="background-color: #009682; color: white; padding: 2px 5px;">Télécharger</a>

Once the documents have been uploaded, please select **"Requête PPH / PPH Request"** for the "Type", then click on "Envoyer le document":

Attention, les fichiers ne peuvent excéder la taille de **100.00 Mo** et doivent appartenir au(x) type(s) **.pdf** et **.txt**  
 Les types « Description », « Revendications », « Dessins », « Texte d'abrégé » et « Dessin d'abrégé » doivent être utilisés pour les versions sans modifications apparentes.  
 La version avec les modifications apparentes doit être fournie en tant que courrier d'accompagnement ou dans le courrier d'accompagnement.

NOM	TYPE *	FORMAT	TAILLE	VALIDE ?	PROGRESSION	ACTION
US____2019380418A1_L.pdf	Requête PPH / PPH request	.pdf	2.82 Mo	Oui	100 %	

The uploaded document can be seen in the "Documents" section:

PIÈCES TECHNIQUES Retrait partiel

VERSIONS 1

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DÉPÔT DE MATIÈRES BIOLOGIQUES

Aucune matière biologique

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DOCUMENTS 
[+ Ajouter un document](#)
[+ Demander la correction d'une erreur matérielle](#)
[+ Demander un erratum](#)

REÇU LE	NOM	TYPE	ACTION
26/11/2021	US____2019380418A1_L.pdf	Requête PPH / PPH request	Télécharger
24/11/2021	Recapitulatif_inventor_20211124-181938_FR2130055.pdf	Désignation d'inventeur	Télécharger

Join the documents to be provided when filing an acceleration request under the PPH:

All of the documents related to the PPH request have to be uploaded under the "Requête PPH / PPH Request" type.

In addition to the PPH Request Form provided in the "Aide en Ligne" section (or below), which is mandatory for processing the PPH request, four documents must be submitted, or identified, as specified above

- Copies of the offices actions/work products which indicate the patentability/allowability of the claims (and their translation)
- Copies of all claims determined to be patentable/allowable by the PPH partner office (and their translation)
- Copies of the references/documents cited by the PPH partner office examiner in the said office action/work product submitted
- Claim correspondence table between INPI claims and said patentable/allowable claims ; an example can be found in the PPH request form (see "Aide en Ligne" section or below)

**Warning** : When the PPH request is not filed at the same time as the patent application, the provision of a PPH request form and claim correspondence table are mandatory for completing the processing of a PPH request. In addition, non-patent literature must always be provided, if cited.

The documents will then be automatically dispatched to the examiners.

Filing a PPH request is **free of charge**.

#### **4. PPH request form**

Request for an accelerated examination under the PPH pilot program with INPI's PPH partner offices - *Requête pour un examen accéléré via le programme pilote PPH de l'INPI avec ses offices partenaires pour le PPH.*

INPI Application number (numéro de dépôt de la demande INPI) :

Corresponding Partner Office Application number (numéro de la demande de brevet de l'office partenaire correspondante) :

Documents submitted (*documents fournis*) :

Copies of all office actions/work product (which are relevant to substantial examination for patentability) which were issued for the corresponding application by the PPH Partner Office and (*copies de toutes les notifications (pertinentes pour l'examen de la brevetabilité) qui ont été envoyées pour la demande correspondante par l'office partenaire et*)

translations of them (*leur traduction*)

Copies of all claims determined to be patentable by the PPH Partner Office and (*copies de toutes les revendications déterminées comme étant brevetables par l'office partenaire et*)

translations of them (*leur traduction*)

Copies of documents cited by the PPH Partner Office examiner in the office actions/work products submitted (*copies des documents cités par l'examineur de l'office partenaire dans les notifications soumises*)

Claim correspondence table (*tableau de correspondance des revendications*)

(Documents to be omitted to submit – *Explication à propos des documents non fournis*) :

Claim correspondence table ( <i>tableau de correspondance des revendications</i> )		
The claim in the INPI ( <i>revendications de la demande INPI</i> )	The patentable claim in the PPH Partner Office ( <i>revendications brevetables de la demande de l'office partenaire</i> )	Comments about the correspondence ( <i>commentaires sur la correspondance</i> )

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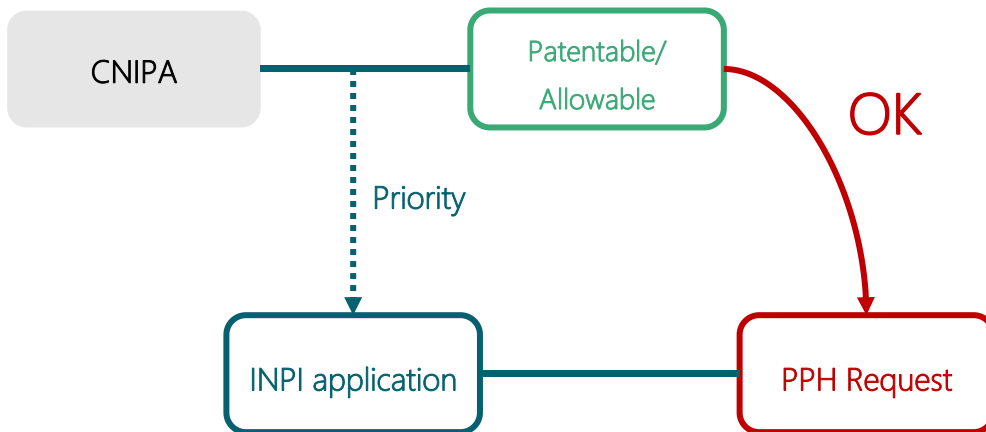
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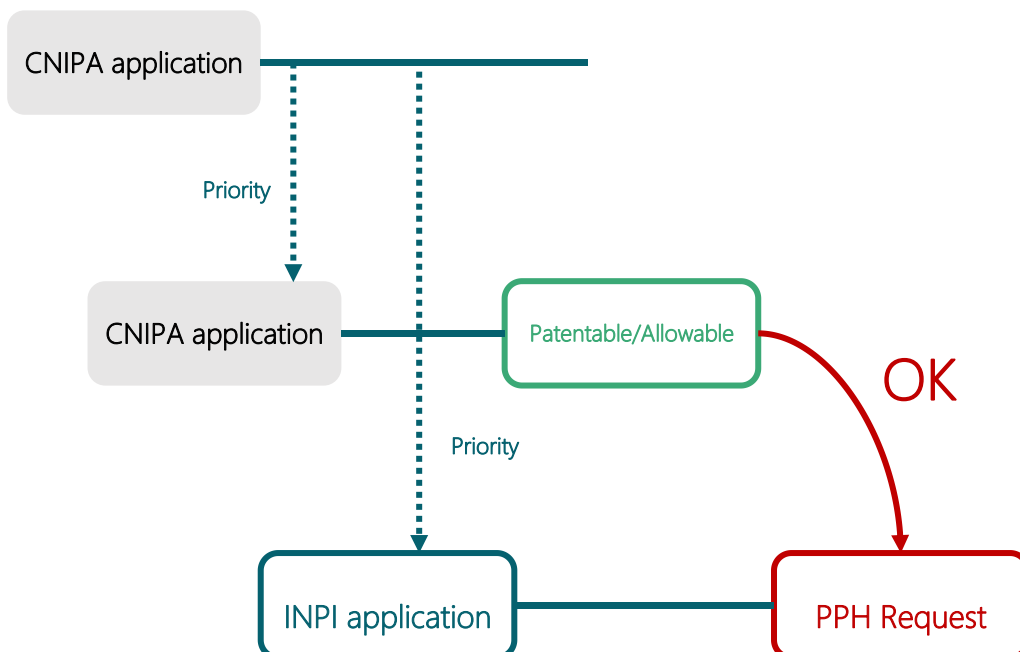
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## ANNEX

### A A CASE MEETING REQUIREMENT (A)-(i) (Paris route)

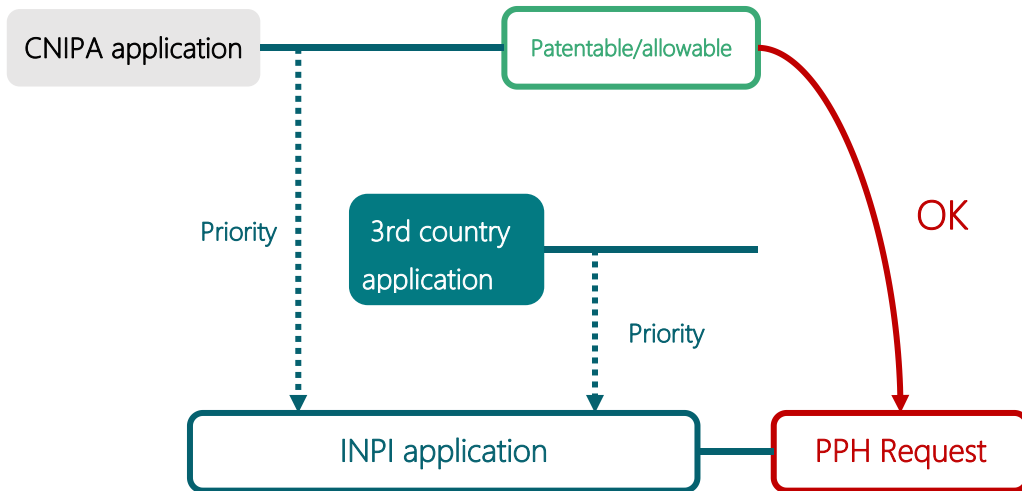


### B A CASE MEETING REQUIREMENTS (A)-(i) (Paris route,



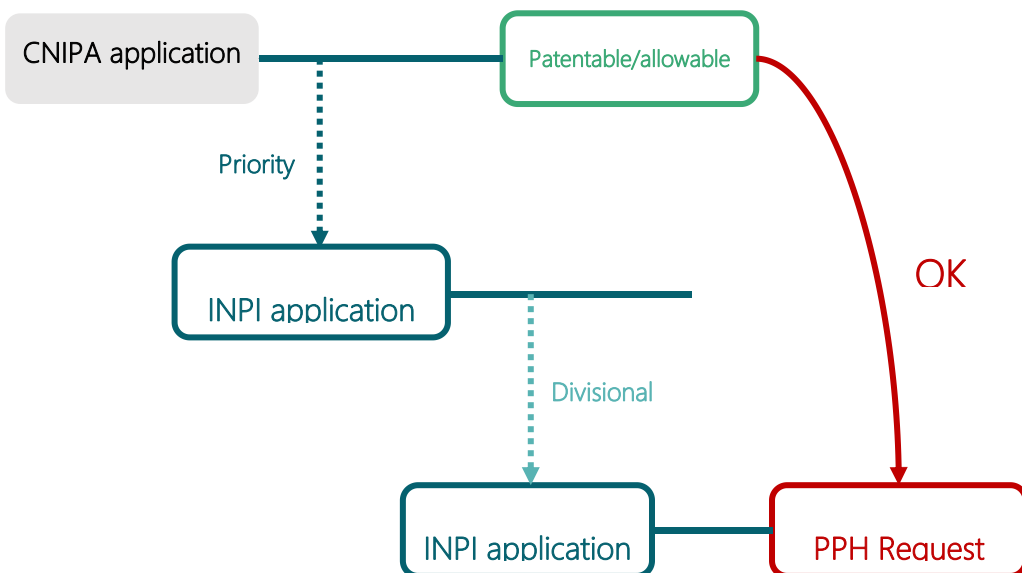
C

A CASE MEETING REQUIREMENTS (A)-(i) (Paris Route, complex priority)



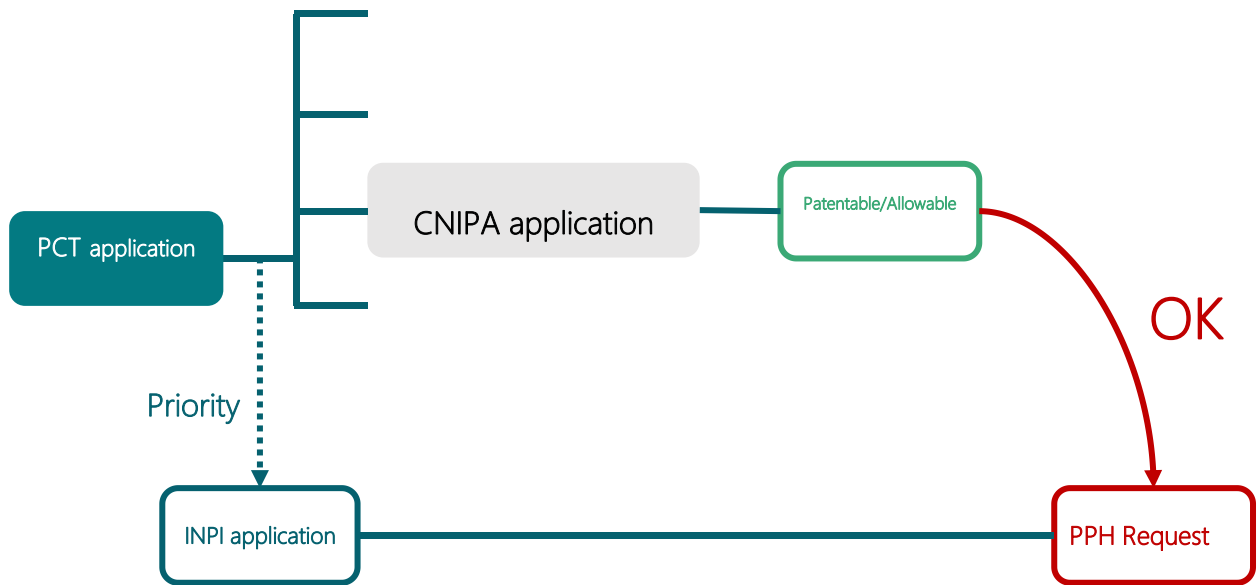
D

A CASE MEETING REQUIREMENT (A)-(i) (Paris route, divisional application)



E

A CASE MEETING REQUIREMENT (A)-(ii) (Paris route, PCT application)



F

A CASE NOT MEETING REQUIREMENT (A) (Paris route, but the first application is from a third office)

