



## **Procedure under Patent Prosecution Highway pilot programme for filing request to Patent Office at Foreign Trade & Industrial Property Directorate – Ministry of industry and Commerce (MOIC) – Kingdom of Bahrain**

The Patent Prosecution Highway (PPH) leverages fast-track patent examination procedures already available at the offices to allow applicants to obtain corresponding patents faster and more efficiently. It also permits each office to exploit the search and examination work previously done by the other office. This PPH pilot programme takes into account the participation conditions and requirements currently applicable to other PPH programmes operational worldwide.

### **A. Requirements for requesting participation in the PPH pilot programme**

In order to be eligible to participate in the PPH pilot programme at the Bahrain Patent Office as Office of Later Examination (OLE), the following requirements must be met:

1. The OLE application for which participation in the PPH pilot programme is requested and the corresponding application filed with the other Office or a corresponding PCT international application for which the designated office has been ISA and/or IPEA must have the same earliest date whether this be the priority or filing date.
2. The corresponding application(s) has/have at least one claim indicated by the Office of Earlier Examination (OEE) in its capacity as a national or regional Office or for which the designated office has been ISA and/or IPEA, to be patentable/allowable. The claim(s) determined as novel, inventive and industrially applicable by the ISA and/or IPEA has/have the meaning of patentable/allowable for the purposes of this document.
3. All claims in the application for which a request for participation in the PPH pilot programme is made must sufficiently correspond to the patentable/allowable claims in the corresponding application(s). Claims are considered to sufficiently correspond where, accounting for differences due to claim format requirements, the claims are of the same or a similar scope or the claims in the application for which PPH is requested are narrower in scope than the claims in the corresponding application(s). In this regard, a claim that is narrower in scope occurs when an OEE claim is amended to be further limited by an additional feature that is supported in the specification (description and/or claims). Additionally, a claim in the OLE application which introduces a new/different category of claims than those indicated to be patentable/allowable by the OEE is not considered to sufficiently correspond, unless national/regional laws permit such claim types. For example, where the OEE claims only contain claims to a process of manufacturing a product, then the claims in the OLE application are not considered to sufficiently correspond if the OLE claims introduce product claims that are dependent on the corresponding process claims.
4. Substantive examination of the OLE application for which participation in the PPH Pilot Programme is requested has **not** begun.

## B. Documents required for participation in the PPH pilot programme

For participation in the PPH pilot programme at the OLE the applicant has to:

1. file a request for participation in the PPH pilot programme. A form (Annex) to be available via request by contacting Bahrain Patent office: [ip@moic.gov.bh](mailto:ip@moic.gov.bh) ;

2. file a claims correspondence table

or

where applicable, a declaration of claims correspondence;

3. submit a copy of

either all the office actions or, where applicable, the latest office action for the OEE corresponding application(s) containing the patentable/allowable claims that are the basis for the PPH request and a translation thereof in one of the acceptable languages at the OLE,

or

the latest work product in the international phase of a PCT application, the WO-ISA or, where a demand under PCT Chapter II has been filed, the WO-IPEA or the IPER, and a translation thereof in one of the acceptable languages at the OLE.

4. submit a copy of the patentable/allowable claim(s) from the OEE application(s) and a translation thereof in one of the acceptable languages at the OLE.

5. submit copies of all the documents cited in the office action(s) or the PCT work product identified in point 3 above. If the cited document is a patent document, the applicant is not required to submit it, unless the OLE has difficulty in obtaining it, in which case the applicant may be asked to submit it.

Where the request for participation in the PPH pilot programme is granted, the OLE application will be processed in an accelerated manner. In those instances where the request for participation in the PPH pilot programme 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 will be given at least **one** opportunity to correct deficiencies identified in the request. If the request is not corrected, the application will be taken out of the PPH pilot programme and the applicant will be notified.

If any of the documents identified in points 3 and 4 above

a. have already been filed in the OLE application prior to the request for participation in the PPH pilot programme, it will not be necessary for the applicant to resubmit these documents with the PPH request. The applicant may simply refer to these documents and indicate in the request for participation in the PPH pilot programme when these documents were previously filed in the OLE application.

- b. are available via DAS (Dossier Access System) or Patentscope, the applicant does not need to submit a copy thereof, but has to provide a list of the documents to be retrieved. Machine translations will be admissible for the documents identified in points 3 and 4. The OLE can request applicants to submit an accurate translation, if the machine translation is insufficient. If the OEE application(s) is (are) unpublished, the applicant must submit the documents identified in points 3 and 4 above upon filing the PPH request.

## Annex

### Draft Request Form to Participate in the Patent Prosecution Highway (PPH) Pilot Programme

<b>A. Bibliographic data</b>	
Application number	
<b>B. Request</b>	
The applicant's request to participate in the Patent Prosecution Highway (PPH) pilot programme is based on:	
Earlier Examining Office (OEE).	
The type of OEE work results	<input type="checkbox"/> National Office Actions <input type="checkbox"/> WO-ISA, WO-IPEA or IPER
OEE application number	
The relationship between this application and the OEE application	
<b>C. Document Submission</b>	
<b>Chapter I The results of the OEE work and the required translations</b>	
1.	<input type="checkbox"/> A copy of the results of the OEE work was submitted <input type="checkbox"/> Request access to the above-mentioned documents through the Dossier Access System or PATENTSCOPE
2	<input type="checkbox"/> Translations of the documents referred to in 1 were submitted
.	<input type="checkbox"/> Request access to the above-mentioned documents through the Dossier Access System or PATENTSCOPE
<b>Chapter II Copies of all claims deemed by the OEE to be grantable and their required translations</b>	
3	<input type="checkbox"/> Copies of all claims deemed authorizable by the OEE were submitted
.	<input type="checkbox"/> Request access to the above-mentioned documents through the Dossier Access System or PATENTSCOPE
4	<input type="checkbox"/> Translations of the documents referred to in 3 were submitted
.	<input type="checkbox"/> Request access to the above-mentioned documents through the Dossier Access System or PATENTSCOPE
<b>Chapter III Documents cited by the results of the OEE work</b>	



1. Explanation of special items:	
Applicants or their representatives	date