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LEGAL ALERT

INAPI joins the Global PPH program

The National Institute of Industrial Property (INAPI) announced the incorporation to the Global Patent Prosecution Highway (GPPH). INAPI's purpose in this area is to collaborate with the acceleration of registration procedures by optimizing the efforts and resources of the patent offices of the various member countries of the agreement, through the exchange of information concerning the examination of patentability requirements.

The Patent GPPH allows national patent applicants to request accelerated examination at any of the 27 national offices of member countries, if the application contains claims which have been found acceptable by any of the other offices participating in this Agreement. The requirements to request the accelerated examination of PPH in INAPI as an Office of Later Examination (OLE), are summarized below:

- The patent application before INAPI in which the PPH is required must have the same filing date or the same priority date as the application at the Office of Earlier Examination (OEE).
- The corresponding application in the Office of Earlier Examination must have at least one or more claims that have been declared patentable.
- All the claims in the application, as originally filed or duly amended, must be sufficiently equivalent to one or more of the claims that have been established as patentable by the Office of Earlier Examination.
- The application in Chile must have been disclosed.
- The substantive examination of the application in Chile must not have begun at the time of the request for examination by the PPH. Substantive examination is deemed to be initiated when the Examiners accept their appointment as experts in the corresponding applications.

The entrance of Chile to the GPPH replaces bilateral agreements that already existed between the Chilean Patent Office and other Patent Offices that also belong to the GPPH, as the cases of previous PPH agreements between INAPI and the Patent Offices of Canada, Colombia, Japan, Peru and the United States.

For more information on the procedure and requirements for requesting substantive examination of a patent application based on the GPPH, see the following link:

<https://www.inapi.cl/sala-de-prensa/detalle-noticia/inapi-se-incorpora-al-programa-de-patentes-global-pph>

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