



Patent and Trademark Office Handles Upsurge in GATT-Related Applications

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The Patent and Trademark Office received and processed over 50,000 applications for patents during the nine days prior to the June 8th deadline when the Uruguay Round of the General Agreement on Tariffs and Trade/Trade Related Aspects of Intellectual Property (GATT/TRIPS) agreement provisions took effect. These provisions, which will change the way patent terms are measured, created an incentive for some applicants to file before the deadline.

The GATT contains numerous provisions which various agencies of the federal government are required to implement. One of these provisions, affects the term of U.S. patents. Under the pre-GATT/TRIPS system, the term of a patent ran for 17 years from the time a patent was granted. Under the Uruguay Round Agreements Act of the GATT/TRIPS, the term of a patent, based on an application filed on or after June 8, 1995, will end 20 years from the earliest effective filing date claimed in the application. As part of the period of transition to this new system, applicants for patents, except for design applications, who filed before the June 8th effective date will enjoy the greater of a patent term running 17 from grant or 20 years from filing, creating an incentive to file before the deadline. For many inventors, this new system will increase the term of their patent since the average pendency is 19.4 months from the filing of the application to grant.

In anticipation of an increase in applications due to this deadline, the Patent and Trademark Office had, several months ago, prepared a series of contingency plans to effectively respond to a variety of different scenarios. The actual increase of approximately 45,000 applications above what normally would have been filed during the period, represents almost one quarter of the years projected filings in only nine days. The walk up window where applicants can file in person normally receives about 250 applications per day. On June 7th, the last day before the deadline, over 3,900 applications were filed, mostly in the evening.

The number of applications was, however, well within projected planning levels and are being handled by two working groups. While one team oversees the logistics of processing the applications, the other is working on ensuring that each pre- deadline application is considered as rapidly as possible without jeopardizing the post-deadline patent pendency.

According to Edward Kazenske, deputy assistant commissioner for patents, the last minute flood of applicants matched PTO's projections. "We fully expected this would happen and we were completely prepared to deal with the challenge. Extra staff and shifts were authorized to deal with the work load. All of the 52,000 plus applications have been date stamped, jacketed and sequenced for pre-examination processing. Commissioner Bruce Lehman and I were delighted by our employees response and diligence in accomplishing a monumental task."

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