

Patents Department

“Gulf Cooperation Council”

Code	GC
Country	Gulf Cooperation Council
National phase entry deadline	12 months from priority date (not a member of the PCT)
Documents required BY the national phase entry/filing deadline	<p>1) Specification</p> <p>2) Inventors' addresses (which must be the same as those stated on the assignment, see next section)</p> <p>3) Certificate of incorporation</p> <p>Colour scan electronic copy is sufficient, and original is required only if the patent office requests the document for verification. Should be legalized up to the consulate of a GCC member state</p> <p>4) Power of Attorney, general powers are allowed</p> <p>Colour scan electronic copy is sufficient, and original is required only if the patent office requests the document for verification. Should be legalized up to the consulate of a GCC member state.</p> <p>3) & 4) can also be possible to submit within three months from the application filing date, as late filing.</p>

<p>Documents required AFTER the national phase entry/filing deadline</p>	<p>1) The Arabic translation used to be due upon filing, now it just needs to be filed before grant (so by after receipt of the notice of acceptance)</p> <p><i>However, Arabic translation of <u>title and abstract</u> must be submitted at the time of filing.</i></p> <p>2) A scanned coloured copy of a certified US assignment from the USPTO, legalised up to the Consulate of any GCC member state: due within 3 months of filing</p> <p>3) A scanned coloured copy of the certified priority application: due within 3 months of filing</p> <p><i>Legalization is not required for priority document.</i></p> <p>Are any extensions to these deadlines available? Extension is not available.</p>
<p>Translation requirements</p>	<p>Arabic (due before grant)</p>
<p>Allowance of voluntary claim amendments at national phase entry</p>	<p>N/A (not a member of the PCT)</p>
<p>Excess claims fees / page fees</p>	<p>No excess claims fees, and examination fees are not linked to the number of claims, so there are no cost-savings by reducing claim number</p>
<p>Requesting examination</p>	<p>Payment of examination fees acts as the request. The GCC patent office will request examination fees approximately 2-3 years after entry - though in some cases examination fees have been requested just 10 months after entry</p>
<p>Deadline for filing voluntary claim amendments</p>	<p>Before or at the time of paying the examination fees</p>
<p>Prosecution procedure information</p>	<p>GCC will issue up to three examination reports only</p>



	<p>A significant 'examination fee' of approx. USD 2,550 is due for each round (regardless of the number of claims), so it's worth minimising rounds</p> <p>If a lack of unity is found during search, only the invention listed first in the claims will be searched</p> <p><u>Can you provide a brief summary of the prosecution procedure in GCC?</u></p> <p>In case of rejection by the 1st examination report, the request for 2nd or Re-examinations must be filed with arguments/claims amendments and 3rd examination request must be filed for the rejection by the 2nd examination.</p> <p>There are 3 Examination Reports may be issued before final rejection. However, the 3rd examination is final and no response with arguments/amendments can be filed.</p> <p>Are there any additional useful tips, is there a significant backlog currently? Allowance of counterpart EP patent is considered by the Examiner</p> <p>Are post-allowance or post-grant amendments allowed? No</p>
<p>Novelty only prior art</p>	<p>If a prior art patent document is filed before, but published after the filing date of the application being examined, is it relevant for novelty only? Or not relevant at all? What are the rules around novelty-only prior art? Any publication after the filing date shall not be cited</p>



Method of treatment / medical use claims	<p>Method of treatment/diagnosis/surgery claims are not allowed</p> <p>First and second medical use claims are allowed in the Swiss type claim format</p>
Claim drafting information	<p>Can the pending claims be broadened during examination, though obviously not beyond what is taught by the application? No</p> <p>Can claims be added during examination? Yes</p> <p>Are optional features allowed in claims? Clarity may be objected</p> <p>Can multiply dependent claims depend on other multiply dependent claims? No</p> <p>Must claims include 'characterised in that' language, or a purpose of some kind? Optional</p> <p>Are there any specific points that you think we should know about for drafting claims that conform to local practice? Claims should be supported in the original patent text</p>
Divisional applications	<p>It is allowable to pursue subject-matter in a divisional that was not searched/examined on the parent.</p> <p><i>A divisional is due before a final decision* has been issued on the parent**</i></p> <p>* <u>What is a "final decision"?</u> A "final decision" is a grant or refusal decision. A notice of allowance is issued requesting payment of the grant fees before a grant decision is issued, so there will be a guaranteed opportunity to file a divisional after allowance</p>



	<p>A refusal instantly closes the divisional filing period. It seems that the first or second office action will not be a refusal, but that refusal may issue as a third office action and that this office action will end the period for filing all divisionals in the family.</p> <p>** <u>What is the "parent"?</u> The "parent" is the original application rather than the immediate parent. So it is possible to file a second generation divisional, but only if the original parent (i.e. the grandparent) is still pending.</p> <p><u>Recommendation</u> All desired divisional applications should be filed (at the latest) with the response to the second office action in the original parent application, because a refusal may then issue as the third office action and prevent any further divisional filing.</p> <p>Are there any changes to the prosecution procedures for divisionals? No</p> <p>Are there any restrictions around filing divisional applications that it would be useful for us to know? <i>Overlapping the parent application is not allowed</i></p> <p>For example, must a divisional be directed to narrower subject-matter than the parent, or can we simply file a divisional with the PCT claims and then amend the claims at a later date? <i>The amendments should be filed before the application is turned for examination</i></p>
<p>Double patenting</p>	<p>No actual law outlining any restrictions but examiners tend to apply an overlapping standard – threshold is unclear</p> <p>Applies to parent/divisionals only, not co-pending applications</p>



Accelerated examination	No acceleration is available
Other comments	The GCC is not a member of the PCT
Renewal fees	<p>When are renewal fees due, and is there a grace period to allow for late payment?</p> <p><i>The patent annuities are due for payment on January 1st of each year and payable within three months. The first annuity fee is included in the filing fee of the application.</i></p> <p><i>Late payment is possible within 3 months thereafter, but are liable to pay additional fee.</i></p>

