

# Intellectual Asset Management

## International reports



### Bridge or tunnel? The Germany-UK Patent Prosecution Highway

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Since 1st March 2012 a new highway exists between Germany and the United Kingdom: the Patent Prosecution Highway (PPH), connecting the German Patent and Trademark Office (DPMA) and the UK Intellectual Property Office (UKIPO) for the first time.

Previously, the DPMA ran PPH pilot programmes with the Japan Patent Office, the US Patent and Trademark Office, the Korean Intellectual Property Office, the Canadian Intellectual Property Office and the Chinese State Intellectual Property Office.

The PPH is an initiative which provides the applicant with a way to accelerate significantly the examination of its patent application if the examination work has already been conducted by another IP office. Under the PPH, if the patent claims of an application have been allowed by a first office, a request for the accelerated examination of a corresponding application may be filed with the second office.

In Germany, an applicant must file a request for accelerated examination under the PPH with the DPMA as the office of second filing in German by submitting a request form for accelerated examination under the PPH pilot programme, accompanied by the relevant supporting documents. The requirements for a request for accelerated examination under the PPH at the DPMA are available on the DPMA's website at [www.dpma.de/english/patent/procedures/pph/index.html](http://www.dpma.de/english/patent/procedures/pph/index.html).

In the United Kingdom, an applicant will need to submit the search and examination reports from the DPMA relating to the invention in order for the UKIPO to carry out an accelerated examination. This will allow the UKIPO to benefit from work previously done by the DPMA, which in turn will reduce the examination workload.

Using the PPH will greatly improve efficiency and should also improve the quality of the patents issued by both patent authorities. Taking the PPH will result in a granted patent much sooner than would normally be possible. However, neither the DPMA nor the UKIPO is bound by the decisions of the other authority. Examinations at the DPMA and the UKIPO will continue to be governed by German or UK patent law and the applicable ordinances, respectively.

The Germany-UK PPH pilot programme will run for an initial period of one year, ending on 1st March 2013.

In conclusion, connecting Germany and the United Kingdom via the Patent Prosecution Highway brings light into the tunnel between different European patent jurisdictions, and could act as a template for other European patent countries to follow.

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