

Green Patent Prosecution Highways



Some IP Offices have put in place green Patent Prosecution Highways, known as “PPH”. These arrangements involve offices working together to share the results of their search and examination. This enables the partner IP Office to build on the work already done by the first IP Office, thus raising the chances that all prior art will be identified. This can be expected to improve patent quality. A green PPH involves collaboration in relation to green patent applications that have been filed in both countries.

A PPH can speed up the prosecution process, since one office can build on the work already done by the partner office. Within a PPH, search and examination results are shared among the participating offices. However, the decision as to whether to grant the patent rests firmly with each office, in line with national legislation.

At this time, several offices are reportedly considering implementing a green PPH but not many have actually put one in place.

Intended impact

Encourage green innovation, by supporting green technology innovators who have filed the same application in two countries to secure quality patents more quickly, in line with their IP management strategies. Expedited delivery of patents is intended to enable green innovators to more rapidly use their portfolios for partnerships, investments, and tax incentives.

Beneficiaries

Green technology innovators applying for patents across multiple jurisdictions are the beneficiaries, due to enhanced search and examination and possibly faster grant. IP Offices also benefit from participation in a green PPH arrangement, which can improve patent quality and enhance efficiency.

Considerations for implementation

- It is straightforward to add a green component to an existing PPH arrangement.
- Launching a green PPH can be a way to create a PPH arrangement, which can be expanded over time to include additional sectors.
- PPH programs can be used to expedite prosecution, by sharing information about search and examination. The positive impact is felt most in those countries with relatively long pendency.