

Accelerated Patent Prosecution



This initiative provides for accelerated processing of patents for green technology solutions within a given IP Office. Essentially, it involves moving green technology patent applications to the front of the line for faster prosecution. Accelerated prosecution programs for green technology solutions have existed in several countries for more than a decade.

The specifics of such initiatives, which are purely national in scope, vary depending on the office. Some IP Offices enable participants to select the part of prosecution they wish to expedite: search, examination, or a combination of both. Some countries offer a sector-agnostic fast track program in exchange for payment of a fee that any applicants – including those with green solutions – can opt to use. Other countries provide a specific acceleration program for green technology solutions, generally at no extra cost.

Participating applicants benefit from much faster first office actions – for instance, a first office action in 3 months rather than the usual 10 under the normal prosecution process – and they

can have their patents granted more quickly as well. Depending on the country, the time from application to the grant of a green technology patent can be slashed by as much as two-thirds under accelerated prosecution programs.

Participation in these programs is upon request by the applicant, whose solution must be considered to be a form of “green technology”. In this respect, most IP Offices set broad criteria for participation to encourage uptake. For instance, one IP Office simply requires that the technology in question has an “environmental benefit”. In this case, it is up to the applicant to demonstrate the green nature of the solution.

This type of initiative is variously known as fast track, accelerated green program, accelerated office action, prioritized examination, and other names. Certain countries also offer accelerated examination of other IPRs such as trademarks to accompany faster action in relation to the green patent application.

Intended impact

Encourage green innovation, by supporting green technology innovators to secure patents more quickly, in line with their IP management strategies.

Expedited delivery of IPRs is intended to enable green innovators to more rapidly use their portfolios for partnerships, investments, tax incentives.

Beneficiaries

Green technology innovators applying for a patent and, in some cases other IPRs, and with interest in their IP rights issuing more quickly. Not all businesses have a strategy that aligns with faster prosecution.

Considerations for implementation

- While this program is straightforward to implement, the IP Office must have the capacity to process the green applications more quickly without compromising on quality.
- The criteria for participation can be based on classification of the invention, under the IPC and/or more detailed green classification schemes, or it can be based on the applicant’s explanation as to why the solution is “green”.
- It is straightforward to add a green component to a pre-existing accelerated prosecution program.
- A green accelerated prosecution program may require some capacity-building for examiners. Also, additional human resources may be required for compliance with timelines under the program.
- Data indicates that uptake by clients in many countries has been modest but growing over time.