

August 22, 2025

To:

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Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Patent Cooperation Treaty

a.) Evaluate whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

The USPTO's data collection process for the PCT plays a key role in its operations and helps the US meet its global commitments. This systematic gathering of information makes it easier to work with WIPO, allows for correct handling of international applications, and sets the stage for in-depth reviews during both international and national stages. The accuracy and thoroughness of the collected data are essential to protect applicants' rights and lower the risk of procedural errors.

Also, the current ways of gathering data use the same rules for all kinds of applicants, even though there are big differences in what individual inventors small businesses, and big companies can do and have. How important certain pieces of data are can change based on where an applicant is in the process or how complex their application is. If we bring in custom ways to collect data or easier paths for simple, low-risk filings, we could keep the system working well while making things less hard when it's not needed.

b.) Evaluate the accuracy of the agency's estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;

The United States Patent and Trademark Office's (USPTO) burden estimates understate the actual time needed for PCT submissions. The fixed-hour

assumptions don't account for varying experience levels, complexity, and available support.

People filing on their own or without lawyers run into big delays. This happens because of weird terms, technical filing problems, and not enough guidance from the system. It takes way more time than expected to gather papers, format stuff, and make sure everything follows the rules. This is true when you need to fix mistakes or make changes. Big companies can handle filings, but individual inventors and small businesses take longer than the estimates say. This leads to a lot of stress and money worries.

Accurate burden estimates should reflect on varying applicant experience levels, use of legal assistance and time lost to technical and procedural problems.

c) Enhance the quality, utility, and clarity of the information to be collected; and

The current guidance materials need improvement to help applicants navigate the filing process more effectively. Instructions assume extensive knowledge of patent terminology and procedures, creating barriers for new and independent filers.

The following are the recommended improvements:

1. Tiered guidance system: Offer "basic" and "advanced" instruction modes so users can choose appropriate detail levels based on their experience.
2. Comprehensive examples: Provide completed sample forms for common scenarios (e.g., independent inventors using USPTO as Receiving Office). Templates are clearer than descriptive text alone.
3. Enhanced feedback mechanisms: Create post-submission protocols with detailed confirmation summaries, status updates, and clear next steps. This reduces inquiries and improves transparency.

These changes would improve user experience while maintaining data quality standards, resulting in fewer errors, better efficiency, and higher satisfaction for applicants and USPTO staff.

d.) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

PCT filing is overwhelming for first-time applicants, small businesses, and those without legal support. The main problems include:

1. Complex forms: Legal jargon like "priority claim" and "receiving office" lacks plain-language guidance, making forms difficult to understand.
2. Poor user experience: The systems like Patent Center and ePCT are not easy to use. There are people filing patents who take a long time figuring out which forms they need, how documents relate to each other, and what the next steps are.
3. High error risk: Little slip-ups (including wrong file names or missing information) lead to rejections, delays, and even missing out on deadlines.

The USPTO could make things better by implementing smart forms that adapt to user responses, auto-filling information for repeat filers, accepting flexible file formats, and providing real-time error checking. Linking up better with WIPO's ePCT platform would also cut down on doing the same work twice. These changes would reduce applicant burden and improve submission accuracy.

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