

WIPO



PCT/CTC/21/2

ORIGINAL: English

DATE: August 17, 2005

WORLD INTELLECTUAL PROPERTY ORGANIZATION
GENEVA

INTERNATIONAL PATENT COOPERATION UNION
(PCT UNION)

PCT COMMITTEE FOR TECHNICAL COOPERATION

Twenty-First Session
Geneva, September 26 to October 5, 2005

PCT MINIMUM DOCUMENTATION:
ADDITION OF PATENT DOCUMENTS OF THE REPUBLIC OF KOREA

Document prepared by the International Bureau

SUMMARY

1. Following favorable consideration by the Meeting of International Authorities Under the PCT and the Working Group on Reform of the PCT, the Committee is invited to offer its advice to the PCT Assembly concerning the proposed amendment of Rule 34¹ to include the patent documents of the Republic of Korea in the minimum documentation. An additional document will be provided concerning the effective date of any such amendment.

BACKGROUND

2. The Government of the Republic of Korea requested the eleventh session of the Meeting of International Authorities Under the PCT to make recommendations concerning the possibility of amending Rule 34 to include patent documents of the Republic of Korea in the minimum documentation for the purpose of international search under Article 15(4) (see document PCT/MIA/11/9 and paragraphs 12 and 19 to 22 of document PCT/MIA/11/14).

¹ References in this document to “Articles” and “Rules” are to those of the Patent Cooperation Treaty (PCT) and the Regulations under the PCT (“the Regulations”), or to such provisions as proposed to be amended, as the case may be.

3. The Meeting, addressing the question of minimum documentation more generally, considered that a comprehensive review of the concept, definition and content of the PCT minimum documentation was desirable and set up a Task Force to report on the issues involved and to make recommendations (see document PCT/CTC/21/3). In connection with the request of the Government of the Republic of Korea, the Meeting noted that an ever-increasing number of first patent filings were being made with the Korean Intellectual Property Office, particularly in the fields of information technology and biotechnology, making these documents a valuable source of technical information. Furthermore, the Meeting noted that all the patent documents published by the Office were already available in electronic format (either image or full-text), and English language abstracts (available since 1979) were available in searchable SGML format.

4. The Meeting expressed its support for the inclusion of the patent documents of the Republic of Korea in the PCT minimum documentation. In view of the time which would be needed for the Task Force to report in respect of the comprehensive review, the Meeting considered that these documents should be treated as a special case for inclusion in parallel with that review.

5. The Meeting noted that the legal aspects of the proposal would be considered by the Working Group on Reform of the PCT and requested the Task Force conducting the comprehensive review to report as a matter of priority on when the International Authorities would be able to include the documents into any databases necessary for them to search the information effectively. The question of timing will be the subject of an additional document, to be submitted to the Committee when the Task Force has reported.

6. The seventh session of the Working Group on Reform of the PCT approved the proposed amendment of Rule 34 as set out in the Annex to the present document, with a view to its submission to this Committee for its advice under Article 65(3) and to the PCT Assembly for consideration at its 34th (15th ordinary) session (see paragraphs 102 to 107 of document PCT/R/WG/7/13).

DOCUMENTATION INVOLVED

7. The proposed amendment of Rule 34 set out in the Annex would include the patents and published patent applications of the Republic of Korea into the PCT minimum documentation, subject to the qualification which applies to all patents and patent applications that it is not necessary to keep more than one version where an application is published more than once or as both an application and a granted patent, and a qualification equivalent to that which currently applies to Japanese, Russian and Spanish language documents, so that Authorities for which Korean is not an official language would only be required to include in their documentation those patent documents of the Republic of Korea for which an English language abstract is available.

8. All of the patents and published applications of the Republic of Korea are available in electronic format (either image or full-text). English language abstracts of patents and published patent applications are available from 1979 onwards in searchable SGML format. The number and types of these documents are as follows:

<i>Type</i>	<i>Coverage</i>	<i>Format</i>	<i>Number of documents</i>
Granted patents	1948 to 1998	Image	144,000
	1979 to the present	SGML	456,000
Published patent applications	1983 to 1998	Image	412,000
	1983 to the present	SGML	1,058,000
English language abstracts	1979 to the present	SGML	550,000

9. *The Committee is invited to offer its advice to the Assembly on the addition of patent documents of the Republic of Korea to the PCT minimum documentation, and in particular on the proposed amendments of Rule 34 set out in the Annex.*

[Annex follows]

ANNEX

PROPOSED AMENDMENTS OF RULE 34 OF THE PCT REGULATIONS ²

Rule 34
Minimum Documentation

34.1 *Definition*³

(a) and (b) [No change]

(c) Subject to paragraphs (d) and (e), the “national patent documents” shall be the following:

(i) [No change]

(ii) the patents issued by the Federal Republic of Germany, the Republic of Korea and the Russian Federation,

(iii) to (vi) [No change]

(d) [No change]

(e) Any International Searching Authority whose official language, or one of whose official languages, is not Japanese, Korean, Russian or Spanish is entitled not to include in its documentation those patent documents of Japan, the Republic of Korea, the Russian Federation and the former Soviet Union as well as those patent documents in the Spanish language, respectively, for which no abstracts in the English language are generally available. English abstracts becoming generally available after the date of entry into force of these Regulations shall require the inclusion of the patent documents to which the abstracts refer no later than six months after such abstracts become generally available. In case of the interruption of abstracting services in English in technical fields in which English abstracts were formerly generally available, the Assembly shall take appropriate measures to provide for the prompt restoration of such services in the said fields.

(f) [No change]

[End of Annex and of document]

² Proposed additions are indicated by underlining the text concerned.

³ Further drafting changes have been made to Rule 34.1, in the French text only, beyond the text as agreed by the Working Group; see paragraph 105 of Annex V to document PCT/A/34/2.