

WIPO



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WORLD INTELLECTUAL PROPERTY ORGANIZATION
UNITED INTERNATIONAL BUREAUX FOR THE PROTECTION OF INTELLECTUAL PROPERTY
GENEVA

PATENT COOPERATION TREATY

INTERIM COMMITTEE FOR TECHNICAL COOPERATION

Second Session : Geneva, October 6 to 9, 1972

REPORT

prepared by the International Bureau

Introduction

1. The "PCT Interim Committee for Technical Cooperation" (hereinafter referred to as "the Interim Committee") held its second session in Geneva from October 6 to 9, 1972.
2. The members of the Interim Committee are those States--37 in number--which have signed, or acceded to, the PCT, and, pursuant to a recent decision of the Executive Committee of the Paris Union, any other country which pledges a special contribution to the PCT budget. There is one State, Australia, which so far has qualified under the latter criterion. The following 28 States were represented: Algeria, Argentina, Australia, Austria, Belgium, Brazil, Canada, Denmark, Egypt, Finland, France, Germany (Federal Republic), Hungary, Iran, Ireland, Israel, Italy, Japan, Monaco, Netherlands, Norway, Romania, Senegal, Sweden, Switzerland, Union of Soviet Socialist Republics, United Kingdom, United States of America. The following 10 were not represented: Central African Republic, Holy See, Ivory Coast, Luxembourg, Madagascar, Malawi, Philippines, Syria, Togo, Yugoslavia.
3. The following three intergovernmental organizations were represented by observers: United Nations Conference on Trade and Development (UNCTAD), Intergovernmental Conference for the Setting up of a European System for the Grant of Patents, International Patent Institute (IIB).
4. The following six non-governmental organizations were represented by observers: Council of European Industrial Federations (CEIF), Federation Européenne des Mandataires de l'Industrie en Propriété Industrielle (FEMIPI), International Association for the Protection of Industrial Property (IAPIP), International Chamber of Commerce (ICC), International Federation of Inventors Associations (IFIA), International Federation of Patent Agents (FICPI).
5. The number of participants was over 70. The list of participants is annexed to this report.
6. The Interim Committee unanimously elected Mr. E. Tuxen (Denmark) as Chairman, and Mr. F.W. Simons (Canada) and Mr. E. Tasnádi (Hungary) as Vice-Chairmen.

7. Mr. Klaus Pfanner, Senior Counsellor, Head of the Industrial Property Division, WIPO, acted as Secretary of the Interim Committee.

Agenda

8. The Interim Committee adopted its agenda as contained in document PCT/TCO/II/1.Rev.Rev.

Consideration of developments since the last session of the Interim Committee

9. Discussions were based on documents PCT/TCO/II/2, 3 and 4.

Minimum Documentation: National Patent Documents

10. The Secretariat recalled the information contained in paragraphs 3 to 6 of document PCT/TCO/II/2 and reported on the results of the discussions which, a few days earlier, took place in the Standing Subcommittee on the question of detailed inventories of national patent documents to be included in the PCT minimum documentation under PCT Rule 34. The Secretariat reported in particular that the Standing Subcommittee had:

(i) noted the information contained in document PCT/TCO/SS/III/4;

(ii) agreed that the existing inventory of patent documents to be included in the minimum documentation under PCT Rule 34.1(c)(i) to (v), may now be used for checking and, where necessary, for the completing of the files of the prospective International Searching and International Preliminary Examining Authorities;

(iii) agreed that, for the time being, the cut-off date of the said inventory would remain July 1, 1971, and that a general revision and updating of the inventory should take place only shortly before the expected entry into force of the Patent Cooperation Treaty.

11. With respect to the patent documents referred to in Rule 34.1(c)(vi),--i.e., non-priority documents in English, French and German, published by countries other than the seven minimum documentation countries--the Standing Subcommittee had asked the International Bureau to continue its work with a view to preparing at an early date an inventory of the patent documents to be included in the PCT minimum documentation under the said provision. As a first step, a new survey among the patent offices concerned will be made in order to enable the preparation of the said inventory.

12. The Delegation of Canada supported the idea of a new survey with respect to the patent documents referred to under Rule 34.1(c)(vi). In its view, one of the reasons for the inadequate results of the earlier survey in this matter might have been that a number of countries were not able to find a solution to sort out the non-priority patent documents. A simple screening method for that purpose would be satisfactory and there would be no need for complex sorting techniques. The International Bureau should indicate simple methods to the Offices concerned in order to assist them in the identification of the relevant documents.

13. The Secretariat replied that it agreed that simple screening methods were satisfactory. It would undertake a study enabling it to make proposals as to the most suitable and practical methods for the identification of patent documents under Rule 34.1(c)(vi). The study would have to take into account that the situation was probably different from country to country.

14. The Delegation of Canada suggested that the screening of the relevant documents could be done on the basis of the Patent Gazette of the country concerned. If no priority claim was mentioned in the Gazette entry, the patent document would be included in the list of patent documents under the said Rule.

15. The Delegation of Australia stated that so far Australia had only estimated the number of Australian patent documents to be included in the PCT minimum documentation under Rule 34.1(c)(vi). Precise results could only be achieved through screening by physical inspection of each patent document, a method which seemed

rather complicated and costly at this stage. The Secretariat replied that, awaiting the study of the International Bureau as to simple screening methods, no detailed screening need be performed. For the time being, an estimate of the number of the documents in question would be sufficient.

16. After this discussion, the Interim Committee noted the plans of the Standing Subcommittee with approval.

Minimum Documentation: Non-Patent Literature

17. The Secretariat recalled the information contained in paragraphs 7 to 10 of document PCT/TCO/II/2, and paragraphs 3 and 4 of document PCT/TCO/II/4, and reported on the results of the discussions which, a few days earlier, took place in the Standing Subcommittee, on the question of citations of non-patent literature and a list of periodicals constituting the minimum documentation for non-patent literature.

18. As to citations of non-patent literature, the conclusion of the Standing Subcommittee was that the share of non-patent literature in the PCT minimum documentation should be kept as small as possible, since the interest in non-patent literature was steadily decreasing in view of the introduction, by more and more legislations, of a system of publication of patent applications after 18 months. Whereas a higher proportion of non-patent literature was to be found in the electrical and physics fields, the use of non-patent literature for search and examination seemed to be relatively low in the mechanical arts.

19. With respect to the list of periodicals to be included in the PCT minimum documentation, the Standing Subcommittee had expressed the opinion that such list should, at least at the beginning, not comprise more than approximately 100 periodicals and that in establishing the list two considerations should be paramount: that the periodicals included should be those which, according to the experience of the examiners, are the most useful in the sense that they are the most likely to contain disclosures not available in the patent literature, and that periodicals should not be excluded from the list only because of the fact that they were in languages used in only one or in only very few of the prospective Searching Authorities. The Standing Subcommittee had decided that with the aim of gradually developing such a restricted list of periodicals the International Bureau should make a survey among members of the Standing Subcommittee based on two requests: one of the requests would be along the lines that each member should indicate 42 periodicals in the chemical field, 36 periodicals in the electrical and physics fields and 22 periodicals in the mechanical field, which, on the basis of experience of its examiners, were the most useful. The second request would consist of an invitation to indicate in each of the three groups, in the order in which they were considered to be useful, the most outstandingly important periodicals published in the language of the country concerned.

20. The Interim Committee noted the plans and decisions of the Standing Subcommittee with approval.

"PAL" Project

21. The Secretariat recalled the information contained in paragraphs 11 to 13 of document PCT/TCO/II/2 and paragraph 5 of document PCT/TCO/II/4, and reported on the results of the discussions which, a few days earlier, took place in the Standing Subcommittee, on the progress accomplished in respect of the "PAL" (Patent Associated Literature) Project of INSPEC, an information service operated by the Institution of Electrical Engineers, London.

22. The Standing Subcommittee had taken note of a report by Mr. Barlow, representative of INSPEC, describing the essential part of the PAL Service as now proposed. The PAL Service would consist of abstracts of scientific articles. In a first period--the only one to which the present plan and offer related--the fields to be covered would be "physics, electrical and electronics engineering, computers and control." (Later, the Service could be extended to the fields of mechanical engineering, as well as chemical and other fields, but no offer was made in respect of these fields at the present time.) In order to select the articles to be abstracted for the purposes of the PAL Service, INSPEC would scan

several thousand scientific journals. These included, among others, all the journals in the field of physics, electrical and electronic engineering, computers and control, which appeared in the first list of 594 periodicals drawn up by WIPO and listed in document PCT/TCO/SS/I/3 ANNEX. The articles selected would be those likely to be of interest to patent examiners looking for new disclosures. The abstracts would be in English. Each abstract would be on a separate sheet of paper of A4 size. In addition to bibliographic data, each abstract would contain one or more classification symbols according to the International Patent Classification (IPC); if any abstract contained more than one such symbol, as many copies of the same abstract would be furnished as there were symbols. Furthermore, when the article contained drawings, the abstract would include at least one of them if it facilitated the understanding of the abstract. The classification according to the IPC--always to its finest subdivision--would be effected by INSPEC. (For a surcharge, classification also according to the US Patent Classification would be available). The total number of abstracts per year was expected to be in the neighborhood of 10,000. They would be delivered at monthly or, on special request, at shorter intervals. The time between the publication of the article and its abstracting would generally be from 30 to 40 days. The subscription fee for one year would be between US\$39,000 per subscription, if there were three subscribers, and gradually less if there were more than three subscribers, the minimum being, in the case of seven or more subscribers, US\$21,500. Copies of the full text of each article abstracted would be available for US\$2 per article. Mr. Barlow emphasized that the PAL Service would be started only, but that it would be started, if at least three subscriptions were made for at least one year. If such subscriptions were made within the next few weeks, the Service would start with the periodicals published as from January 1, 1973.

23. During the discussions of the Standing Subcommittee, a number of Delegations had expressed interest in subscribing to the PAL Service. The Standing Subcommittee noted a declaration of the representative of INSPEC that INSPEC would in the very near future negotiate subscription agreements with all interested parties, decided to maintain the INSPEC/PAL project as a high priority item on its agenda, and asked the International Bureau to continue its efforts to bring about the realization of that project.

24. The Interim Committee noted the plans and decisions of the Standing Subcommittee with approval.

Abstracting and Translating Services

25. The Secretariat recalled the information contained in paragraphs 14 to 17 of document PCT/TCO/II/2, and reported on the results of the discussions which, a few days earlier, took place in the Standing Subcommittee, on the question of abstracting and translating services.

26. The Standing Subcommittee had decided that, in view of the very substantial and detailed information already assembled, there was no need for further action for the time being. The matter should, however, be reviewed in due course in the light of further developments.

27. The Interim Committee noted the decision of the Standing Subcommittee with approval.

INPADOC

28. The Secretariat recalled the information contained in paragraphs 18 to 23 of document PCT/TCO/II/2 and in document PCT/TCO/II/3, and reported on the results of the discussions which, a few days earlier, took place in the Standing Subcommittee, on the progress achieved in connection with the creation of the International Patent Documentation Center (INPADOC) in Vienna.

29. The Standing Subcommittee had taken note of a report of Dr. Auracher, Director General of INPADOC, reporting about two recent events: the increase of INPADOC's capital (Stammkapital) from 1 million Austrian Schillings to 20 million Austrian Schillings and the submission of the Agreement between Austria and WIPO to the Austrian Parliament for ratification. In his report, Dr. Auracher underlined furthermore that one of the most urgent tasks of INPADOC was the conclusion of agreements of

cooperation between each of the major national Offices and the IIB on the one hand and INPADOC on the other hand. These agreements should secure, and regulate the details of, the exchange, in machine-readable form, of bibliographic data of patent documents. Representatives of INPADOC would visit, in the course of the next weeks, the said Offices and the International Patent Institute (IIB) in order to negotiate an agreement of cooperation. INPADOC had acquired from Siemens (the firm with which INPADOC concluded a contract for its computer operations) computer tapes carrying the bibliographic data of some 600,000 patent documents published in the last three years and relating mainly to electrical, electronic and mechanical inventions. These data would be included in the INPADOC data base. INPADOC expected to start the exchange early in 1973--provided the agreements of cooperation are concluded and become operative in the meantime--and planned to include in its services, by the end of 1973, all published patent documents of all countries provided they contain the priority data (where applicable) and/or the IPC symbols required for the patent family service and the identification by classification service, respectively.

30. A number of Delegations of the Standing Subcommittee had expressed their interest in collaborating with INPADOC and the Standing Subcommittee had decided that the International Bureau should give the highest priority to the continuation of the INPADOC project.

31. The Interim Committee noted the views and plans of the Standing Subcommittee with approval.

Cooperation with the International Atomic Energy Agency

32. The Secretariat recalled the information contained in paragraphs 24 and 25 of document PCT/TCO/II/2, and reported on the results of the discussions which, a few days earlier, took place in the Standing Subcommittee, on the question of the International Nuclear Information System (INIS), a system operated by the International Atomic Energy Agency.

33. The Standing Subcommittee had expressed the view that the INIS system, at least in its present form and at the present time, was of little, if any, use for Patent Offices. Further evaluation of the system should be suspended. This position could, however, be reviewed in due course in the light of new developments.

34. The Interim Committee noted the views of the Standing Subcommittee.

Isolated Searches; Establishment of Uniform Search Methods

35. The Secretariat recalled the information contained in paragraphs 26 and 27 of document PCT/TCO/II/2 and paragraph 7 of document PCT/TCO/II/4, and reported on the results of the discussions which, a few days earlier, took place in the Standing Subcommittee, on the question of isolated searches and the establishment of uniform search methods for the prospective PCT authorities.

36. With respect to isolated searches, the Standing Subcommittee had noted with appreciation the reports presented by the German Patent Office and the IIB, contained in documents PCT/TCO/SS/III/12 and 15, respectively.

37. With respect to uniform search methods, the Standing Subcommittee had decided that once a revised report of the IIB on isolated searches was available in early 1973, the International Bureau should draw up a new questionnaire on search techniques along the lines of the ICIREPAT questionnaire, reproduced in Annex II of document PCT/TCO/SS/III/12. The new questionnaire, to be circulated to the Offices concerned, should be drafted in such a way as to obtain information not only on current searching practices but also on standards which are expected for PCT searches.

38. The Interim Committee noted the decisions of the Standing Subcommittee with approval.

Bilateral Examiner Exchanges

39. The Secretariat recalled the information contained in paragraph 28 of document PCT/TCO/II/2 and paragraph 8 of document PCT/TCO/II/4, and reported on the results of the discussions which, a few days earlier, took place in the Standing Subcommittee on the question of bilateral examiner exchanges.

40. The Standing Subcommittee had noted the declaration of several Delegations referring to the benefits to be obtained from examiner exchanges.

41. The Interim Committee noted this information.

Draft Forms and Explanatory Memorandum on the Utilization of the Forms

42. The Secretariat recalled the information contained in paragraph 29 of document PCT/TCO/II/2, and reported on the results of the discussions which, a few days earlier, had taken place in the Standing Subcommittee, on draft forms designed for use in communications involving Receiving Offices, International Searching Authorities and the International Bureau under Chapter I of the PCT, and the explanatory memorandum thereto.

43. The Standing Subcommittee had:

(i) noted a number of detailed comments on the forms and the flow charts presented in documents PCT/TCO/SS/III/2 (draft forms) and PCT/TCO/SS/III/3 (explanatory memorandum on the utilization of the forms);

(ii) decided to invite all members of the Standing Subcommittee to communicate written observations, if any, to the International Bureau not later than by December 15, 1972;

(iii) invited the International Bureau to prepare a revised new edition of the documents containing the forms and the flow charts on the basis of the comments received.

44. On the basis of the revised edition of the documents concerned, the Standing Subcommittee would continue its consideration of the forms and flow charts in its next session. Thereafter, revised documents would be submitted to the Interim Advisory Committee for Administrative Questions which had the ultimate responsibility for the establishment of the forms.

45. The Interim Committee noted the decisions and plans of the Standing Subcommittee with approval.

Future Program

46. The Interim Committee expressed the opinion that the International Bureau should give the highest priority to the matters relating to INPADOC and PAL/INSPEC and to the establishment of forms to be included in the PCT Administrative Instructions. Furthermore, priority should be given to further work on the list of periodicals constituting the minimum non-patent literature under the PCT, on the inventory of patent documents under PCT Rule 34.1(c)(vi) and on the questionnaire on search techniques. Time permitting, work should continue also on items of the program of the Interim Committee as contained in paragraphs 25 to 28 of the report of its first session (document PCT/TCO/I/6) other than the highest priority items and the priority items referred to in the preceding two sentences.

47. Upon an observation of the Delegation of Israel, the Interim Committee agreed that, in principle, the Standing Subcommittee should not hold meetings during practically the same period of time as the Interim Committee, except when the Standing Subcommittee has to prepare the discussions in the Interim Committee. Whenever a question is ripe for discussion in the Interim Committee it should be placed on that Committee's agenda.

48. The Secretariat said that it welcomed this decision because it would permit a more intensive participation for a higher number of countries and for the non-governmental organizations which assisted WIPO in the preparation of the PCT.

49. The Delegation of the Soviet Union proposed that:

(i) close contacts between the Standing Subcommittee and ICIREPAT should be established in respect of the question of the mechanization of search;

(ii) the Standing Subcommittee should be a forum for a regular exchange of information about progress of work in Patent Offices relating to minimum documentation and search techniques;

(iii) uniform methods for search and examination of the prospective PCT Authorities should be established, based on a survey of the methods presently used by the Offices with the aim of retaining those which are best suited for purposes of the PCT; the elaboration of such uniform methods might be promoted by an exchange of search results;

(iv) the work of Patent Offices concerning the reclassification according to the IPC of patent documents belonging to the PCT minimum documentation should be coordinated and urgently pursued;

(v) the International Bureau should study the possibility of organizing an international symposium on technical and legal questions of search and examination within the framework of the PCT.

50. The Delegation of the Soviet Union added that the task of reclassification of the PCT minimum documentation according to the IPC was of particular importance since the various existing systems of patent classification complicated search and examination considerably and since that reclassification work was an enormous task which could only be carried out effectively through international cooperation. It announced the presentation of a detailed proposal in writing.

51. The Delegations of Germany (Federal Republic) and Israel supported the proposals presented by the Delegation of the Soviet Union. The program of the Interim Committee should be extended accordingly. The Delegation of Israel added that the reclassification of search files according to the IPC, in the experience of its Office, was an extremely heavy burden, in particular for smaller Patent Offices, but was on the other hand of primary importance. A special effort of international cooperation in this field should therefore be made.

52. The Secretariat, in commenting on the proposals presented by the Delegation of the Soviet Union, said that a closer coordination with ICIREPAT would have to await the results of the present reevaluation period of the ICIREPAT shared systems program. The harmonization of Office procedures among prospective PCT Authorities was already under discussion, and efforts in this direction would continue. With respect to the organization of the PCT minimum documentation according to the IPC, the possibilities for an international cooperation in this matter would be further studied by the International Bureau with the assistance of a Working Group of interested States to be established, as decided by the last session of the Executive Committee of the Paris Union. The proposed international symposium required further study, in particular as to the question of financing. The International Bureau would further study the suggestions of the Delegation of the Soviet Union once they were submitted in writing, as announced.

53. The Interim Committee, noting with appreciation the invitation extended by the Japanese Government, agreed to have its next session from October 22 to 27, 1973, in Tokyo.

54. This Report was unanimously adopted by the Interim Committee in its closing meeting on October 9, 1972.

[Annex follows]

LISTE DES PARTICIPANTS/
LIST OF PARTICIPANTS

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