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WORLD INTELLECTUAL PROPERTY ORGANIZATION  
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PATENT COOPERATION TREATY

INTERIM COMMITTEE FOR TECHNICAL COOPERATION

Fourth Session: Geneva, November 14 to 19, 1974

SEARCHING UNDER THE PCT:  
TEST SEARCHES

Progress report prepared by the International Bureau

1. In the first session of the PCT Interim Committee for Technical Cooperation, (hereinafter referred to as "the Interim Committee"), the Delegation of the Federal Republic of Germany proposed a procedure for the carrying out of a PCT test search by the prospective International Searching Authorities (see document PCT/TCO/I/2).
2. The Interim Committee concluded that its Standing Subcommittee should study the merits, costs, feasibility, usefulness of, and possible timetable for carrying out test searches and report to the Interim Committee. The Interim Committee further concluded that the advice of non-governmental organizations should be sought on the question of what documents (fictitious or real applications) should serve as a basis for any test searches and, if fictitious applications are chosen as the basis, such organizations should be invited to assist in drafting them and in submitting test searches based upon the documentation available in industry. Such organizations should also be invited to comment on the results of the test searches (see document PCT/TCO/I/6, paragraph 26).
3. The Standing Subcommittee, while acknowledging the importance of test searches at its first session, concluded that priority should be given to the task of completing the minimum documentation and arranging it in a way which would facilitate the establishment of uniformly high quality search reports (see document PCT/TCO/SS/I/17, paragraph 54). Consequently, work on the test search project was maintained on the program of the Standing Subcommittee with actual work being deferred.
4. The Delegation of the Soviet Union, at the second session of the Interim Committee, in October 1972, proposed that uniform methods for search and examination of the prospective PCT Authorities should be established and the elaboration of such uniform methods might be promoted by an exchange of search results (see document PCT/TCO/II/7, paragraph 49 (iii)).

5. The Interim Committee, at its third session, held in October 1973 in Tokyo, considered a proposal by the Soviet Union that the conducting of test searches by the International Searching Authorities be considered as a program item and concluded that, prior to conducting actual test searches, a study should be made by the Standing Subcommittee, such study being in particular concerned with whether the interested Offices or at least one of them were already sufficiently advanced in their preparations to make test searches meaningful. Furthermore, if any Office replied in the affirmative, the study should define the type of test search to be conducted, its basis (probably model PCT applications), and the manner in which it was to be made. The International Bureau was asked to submit a preparatory document dealing with the aforementioned questions to the Standing Subcommittee (see document PCT/TCO/III/13, paragraph 88).

6. Since the Standing Subcommittee is not scheduled to meet in 1974 the International Bureau has prepared a short draft questionnaire on test searches for the consideration of the Interim Committee. It is envisaged that the draft, once approved, will be distributed to the prospective International Searching and Preliminary Examining Authorities.

7. The questionnaire asks Offices:

(i) to state whether they are sufficiently advanced in their preparations to make meaningful test searches;

(ii) to suggest the type of test search to be conducted and its basis and the manner in which it should be made;

(iii) to state whether they are willing to furnish a model search report.

8. Once all responses to the questionnaire are received, they will be summarized as a document to be presented to the next session of the Standing Subcommittee.

9. The Interim Committee is invited to comment on the continuation of the test search project and to offer comments on the proposed questionnaire.

[Annex follows]

ANNEX

QUESTIONNAIRE ON PCT TEST SEARCHES

1. Is your Office willing to make PCT test searches?

yes

no

2. What does your Office suggest as to:

- (i) the type of PCT test search to be conducted?
- (ii) the basis of the PCT test search, e.g., real or fictitious (PCT model) applications?
- (iii) the manner in which the PCT test search is to be made?

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