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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

STANDING SUBCOMMITTEE

(Fourth Session, Geneva, April 25 to 30, 1973)

REPORT

prepared by the International Bureau

Introduction

1. The Standing Subcommittee of the PCT Interim Committee for Technical Cooperation (hereinafter referred to as "the Standing Subcommittee") held its fourth session in Geneva from April 25 to 30, 1973.
2. The members of the Standing Subcommittee are the countries whose national industrial property Offices are prospective International Searching or International Preliminary Examining Authorities under the PCT, that is, Austria, Germany (Federal Republic of), Japan, the Netherlands, the Soviet Union, Sweden, the United Kingdom and the United States of America. The International Patent Institute (IIB) is also a member of the Standing Subcommittee. Brazil is an observer member of the Standing Subcommittee. All members with the exception of the Soviet Union and Brazil were represented at this session. In addition, France and Switzerland were represented by observers, having been invited by the Director General of WIPO in view of their active participation in the INPADOC project. The list of participants is reproduced in the Annex.

Opening of the Session

3. The session was opened by First Deputy Director General Dr. Arpad Bogsch who welcomed the participants in the name of the Director General.

Election of Officers

4. The Standing Subcommittee unanimously elected Mr. R.A. Wahl (United States of America) as Chairman and Mr. K.H. Hofmann (Germany (Federal Republic of)) and Mr. K. Takami (Japan) as Vice-Chairmen.
5. Mr. Klaus Pfanner, Senior Counsellor, Head of the Industrial Property Division, WIPO, acted as Secretary of the Standing Subcommittee.

Agenda

6. The Standing Subcommittee adopted its agenda as contained in document PCT/TCO/SS/IV/1.Rev. However, the Standing Subcommittee, as a result of later discussion, decided to place an additional item, namely item 4(vi) pertaining to the language of the forms, on its agenda.

Draft Forms and Explanatory Notes and References on the Contents of the Forms

7. Discussions were based on documents PCT/TCO/SS/IV/2 (Draft Forms), PCT/TCO/SS/IV/4 (Explanatory Notes and References on the Contents of the Forms) and PCT/TCO/SS/IV/10 (comments on the preceding documents received from Germany (Federal Republic of), the Soviet Union, the United States of America and the United Kingdom).

8. The members of the Standing Subcommittee made a number of detailed comments on the forms and the explanatory notes. Most of these comments are reflected in document PCT/TCO/SS/IV/10. Other comments which were made only orally were noted by the Secretariat. Due to the large number and detailed nature of the comments, none of them is recorded in this report. All comments, whether presented in writing or orally, will be duly considered by the Secretariat in the revision of the forms, taking into account observations made on some of those comments by other members of the Standing Subcommittee.

9. The Standing Subcommittee expressed the general view that the use by the various international authorities (namely, the Receiving Office, the International Searching and Preliminary Examining Authorities, and the International Bureau) of forms standardized as to their contents would facilitate and expedite the PCT procedure and would therefore be very useful for the public and the authorities concerned. The Standing Subcommittee agreed that the question of a standardization of the layout of the forms--with the exception of the consideration of the printed drafts of the request form and the international search report form contained in document PCT/TCO/SS/IV/9--should be reserved for consideration at a later stage.

10. The Standing Subcommittee was of the opinion that the use by the international authorities of the forms should be either "obligatory" or "non-obligatory," according to the nature and importance of the form. The term of "obligatory" use was qualified to mean that, if an international authority, in performing a certain step of the PCT procedure, had to effect a communication for which a form was established, that form would have to be used. Offices acting as Receiving Office and as International Searching or International Preliminary Examining Authority would, however, be free not to use obligatory forms for their communications within the Office. The term of "non-obligatory" use was qualified to mean that use of the forms so designated was merely recommended and its actual use left to the discretion of the international authorities.

11. The Standing Subcommittee proceeded thereafter to an examination of each of the forms contained in document PCT/TCO/SS/IV/2 from the point of view of its contents and whether its use by the international authorities should be obligatory or non-obligatory. Only three of the forms (PCT/RO/112, PCT/ISA/214 and PCT/IPEA/410) were categorized as non-obligatory whereas all others were considered to be of sufficient importance to be designated as obligatory.

12. The Standing Subcommittee agreed that both the obligatory and the non-obligatory forms should be annexed to the draft of the Administrative Instructions to be presented to the next session of the PCT Interim Advisory Committee for Administrative Questions. The relevant provision of the draft Administrative Instructions should state that the use of all the forms except the three referred to above would be obligatory for the international authorities but that the latter would be free not to use them for communications within the Office. Since views were divided as to the question whether the concept of non-obligatory forms would be maintained and whether the said forms would remain annexed to the Administrative Instructions, the Standing Subcommittee refrained from taking a decision in this matter at this stage.

13. With respect to form PCT/ISA/201 and its printed presentation in document PCT/TCO/SS/IV/9, the Standing Subcommittee considered the way in which citations of particular relevance should, according to Rule 43.5(c) of the PCT Regulations, be specially indicated in the international search report. Instead of the underlining of citations of particular relevance, as suggested in document PCT/TCO/SS/IV/9, it proposed to provide for an additional column in the form where, for citations of particular relevance, a special mark would be made.

14. With respect to the code used for the forms of the International Bureau, containing the abbreviation "IB", the representatives of the Netherlands, the United Kingdom and the IIB referred to the fact that the abbreviation "IB" in the ICIREPAT country code was the abbreviation adopted for the IIB. The same abbreviation should not be used for the International Bureau. The Secretariat replied that "IB" was the two letter abbreviation used by the International Bureau of WIPO. The ICIREPAT country code might be revised in the near future and the matter should be discussed further in that context. In view of the organizational changes to be expected for the IIB within the framework of the proposed European Patent Organization, the use of the abbreviation "IB" in respect of both organizations would only continue for a transitory period.

15. The representative of Sweden suggested studying whether an additional form should be introduced for communication with the applicant in cases where the applicant has not furnished in the request the name of, and other prescribed data concerning the inventor although the national law of at least one of the designated States requires such furnishing of the said indications (Article 4(1)(v)). The Secretariat stated that the possibility of providing for the use of such a form in cases where the International Bureau was informed of such national law would be further studied.

Explanatory Memorandum on the Utilization of the Forms

16. Discussions were based on document PCT/TCO/SS/IV/3 (Explanatory Memorandum on the Utilization of the Forms) and document PCT/TCO/SS/IV/10 (comments on document PCT/TCO/SS/IV/3).

17. Several members of the Standing Subcommittee made detailed comments on the explanatory memorandum. Some of these comments are contained in document PCT/TCO/SS/IV/10; others were presented in writing or orally during the meeting. In view of their detailed nature, none of the said comments is recorded in the present report. All of them were, however, noted by the Secretariat. At the request of several representatives, the members of the Standing Subcommittee were invited to submit additional written comments by the end of June 1973. All comments received and to be received will be carefully considered in the revision of the explanatory memorandum.

18. The Standing Subcommittee took note of the potential usefulness of the explanatory memorandum in assisting national Offices in adapting their national processing systems to handle international applications under the PCT. Accordingly, the Standing Subcommittee invited the International Bureau to submit a revised version of the explanatory memorandum in time for it to be considered at the next session of the PCT Interim Committee for Technical Cooperation.

19. In the opinion of the Standing Subcommittee, the revised version of the document should emphasize that the explanatory memorandum is only to serve as a guide for national Offices in the adaptation of their national systems. In this respect, it should be indicated that the sequence of processing tasks set forth in the explanatory memorandum is only one of several possible approaches and that that sequence was not to be interpreted as meaning that it was necessary to complete any particular processing task before continuing with the next processing task. As far as possible, national Offices should attempt to combine such tasks in order to expedite the processing of international applications.

Suggested Model Wording for Applicant Communications

20. Discussions were based on document PCT/TCO/SS/IV/5 (Suggested Model Wording for Applicant Communications) as well as on documents PCT/TCO/SS/IV/10 and PCT/TCO/SS/IV/12 (containing comments on document PCT/TCO/SS/IV/5).

21. The Standing Subcommittee, following a discussion of the merits of the suggested model wording for applicant communications, concluded that achieving uniformity of applicant communications was not practicable and that, for this reason, the study of that problem should not be continued. As soon as feasible, consideration should, however, be given to the preparation of a brochure containing a general guide explaining to applicants the procedures under the PCT.

Printed Drafts of the Request Form and the International Search Report Form

22. Discussions were based on document PCT/TCO/SS/IV/9.

23. The Standing Subcommittee noted with approval the first attempt by the Secretariat to present a layout of the request form and the international search report form. A number of comments on the draft printed forms were presented and were carefully noted by the Secretariat for consideration in a future revision.

24. In response to the request of several representatives to be given the opportunity to reflect further on the printed forms, it was decided to give all members of the Standing Subcommittee the opportunity to submit written comments on the printed forms.

25. The members of the Standing Subcommittee were asked to communicate with their comments on the printed forms any general considerations and suggestions on layout which might aid the Secretariat in the revision of the already printed forms and in the later consideration of the general question of standardization of layout of the forms annexed to the Administrative Instructions. In this context, the members might also offer comments on any layout considerations which are reflections of particular demands of the processing procedures within their Offices. Such comments would be of particular value in the preparation of the forms which, in order to permit efficient use, must be tailored as to layout to the mechanized processing requirements of the authority using them. The written comments should be presented by August 1, 1973.

Languages of the Forms

26. The representative of Japan stated that he was of the opinion that the Japanese Patent Office could use forms translated into the Japanese language since Rule 12 of the PCT Regulations stipulated that an international application should be filed in the language specified in the agreement concluded between the International Bureau and the International Searching Authority.

27. As to the language to be used for communications to the International Bureau from the Japanese Patent Office in respect of international applications, the representative of Japan stated that in his opinion the Japanese language could be used by the Japanese Patent Office in its functions as a Receiving Office and an International Searching Authority.

28. The Secretariat stated that, since Japanese was a language in which international applications could be filed, the request form to be used for PCT applications to be filed with the Japanese Patent Office would have to be in Japanese. The possibility of establishing bilingual forms, the printed matter of which would, if the language of the application was neither English nor French, also appear in either English or French, should, however, be given careful consideration. The broader problem of the language of communications raised by the Japanese Delegation was not within the mandate of the Standing Subcommittee. It would have to be further considered by the PCT Interim Advisory Committee for Administrative Questions.

INPADOC

29. Discussions were based on document PCT/TCO/SS/IV/6.

30. Dr. Auracher, Director General, and Mr. Rubitschka, Head, Commercial Department, of the International Patent Documentation Center (INPADOC) participated in the discussion. In addition to the information contained in document PCT/TCO/SS/IV/6, the representative of INPADOC informed the Standing Subcommittee in some detail of the financial situation of INPADOC. Up to now, from the 20 million Austrian schillings (approx. one million US dollars) (Stammkapital) placed at the disposal of INPADOC by the Government of Austria, 7 million had been used for salaries in 1972 and the first four months of 1973; whereas 4.5 million schillings had been invested in premises, technical equipment and software. He added that the Austrian Government was ready to guarantee any further expenditure needed for implementing INPADOC's program. The new premises of INPADOC at Möllwaldplatz in Vienna provided space for 50 to 60 staff members. At the present time, 24 persons, including a programming staff of 10 persons, were employed by INPADOC. Gradual expansion to about 50 staff members was foreseen during the next two to three years.

31. The representative of INPADOC stated that successful negotiations had been held with the Patent Offices of Australia, Canada, France, Germany (Federal Republic of), Japan, Soviet Union and with the International Patent Institute in order to exchange bibliographic data in machine-readable form. The preliminary discussions held with the United States Patent Office had not led to the conclusion of an agreement of cooperation. He informed the Standing Subcommittee that by the end of 1973 the services of INPADOC would cover the current patent documents of at least 25 countries listed in paragraph 14 of document PCT/TCO/SS/IV/6 which totalled about 730,000 patent documents per year. This constituted more than 90% of the world patent literature. He confirmed that INPADOC was technically ready at the present time to start delivery of the accumulated data tape. He thanked all Patent Offices and the IIB for having accepted a non-competition clause in the agreements of cooperation.

32. The representatives of France, Germany (Federal Republic of), Japan, Netherlands, Sweden, Switzerland, the United Kingdom and the IIB paid tribute to the Austrian Government for the constant and generous financial support given to INPADOC.

33. The representative of the United States of America, with reference to paragraph 11 of the document under consideration and the statement of the representative of INPADOC that discussions held with the United States Patent Office had not yet led to the conclusion of an agreement of cooperation, pointed out that his Office was having great difficulty with regard to the proposed services of INPADOC because of a general lack of information on those services. He underlined that his Office felt that the guidelines formulated by the Paris Union Executive Committee and referred to in document PCT/TCO/SS/I/8 should be followed closely, particularly with regard to the fourth guideline which states that "the arrangement should be such that it requires no risk and no cash outlay by any national Office..." (cf. PCT/TCO/SS/I/8, paragraph 12). Already in early 1972, the United States Patent Office had stressed both its need for a merged tape which would contain all the necessary data elements identifying duplicate patents granted in 12 countries and including the patent having priority of filing and its need for the patent family and classification service on a temporary basis.

34. The representative of the United States of America added that, when during the conversations held in Washington on October 24 and 25, 1972, the representatives of INPADOC had proposed an agreement of cooperation, the United States Patent Office had found the contract proposals unacceptable and had raised a series of questions in regard to the technical matters concerning INPADOC services which to date had not been answered. He said that the United States Patent Office at that time was not in a position to make its magnetic tapes of the data base available because of certain in-house demands on the tapes. He pointed out that these tapes only covered 75% of the issued US patents and that INPADOC had not as yet indicated whether or not the data elements for the missing patents would be supplied so as to complete the data base.

35. Finally, the representative of the United States of America stated that regardless of the fact that the magnetic tapes were not available, they needed information from INPADOC on the available services in order to prepare for any eventual release of the magnetic tapes. He further declared that the lack of information also made it difficult for his Office to plan any possible negotiations with INPADOC on means to obviate the delay in delivery of such tapes. He expressed the hope that INPADOC would advise his Office on the content of all their proposed services which could lead to some meaningful negotiations enabling his Office to establish patent documentation services which would include bibliographic data of United States patent documents.

36. In response to the declarations of the representative of the United States of America, the Secretariat informed the Standing Subcommittee that in February 1973 INPADOC had offered through WIPO to negotiate again, but that the United States Patent Office had notified INPADOC that its position with regard to the magnetic tapes was still unchanged and that therefore negotiations at this time would not appear to be meaningful. It was further emphasized that both INPADOC and WIPO had since October 1972 repeatedly declared their willingness to continue negotiations with the United States Patent Office for the conclusion of an Agreement of Cooperation. This offer was, however, so far not accepted by that Office. Meaningful negotiations for an Agreement of Cooperation could only take place if the United States Patent Office was in a position to offer machine-readable data since the delivery of such data was the condition for the conclusion of an exchange agreement. The questions so far not answered in writing by INPADOC were not considered of such a nature as to prevent continuation of negotiations.

37. The representative of INPADOC stated that INPADOC would send its reply to the questions of the United States Patent Office within 10 days. He stressed furthermore that INPADOC continued to be ready to resume negotiations with the United States Patent Office as soon as the latter could offer machine-readable data.

38. The representative of the Netherlands pointed out that his Office issued only roughly 26,000 patent documents per year rather than 31,000 as mentioned in paragraph 10 of document PCT/TCO/SS/IV/6. He further stated that negotiations between his Office and INPADOC have started in order to provide INPADOC, on terms still to be agreed upon, with a copy of the whole or part of the patent family data base operated since 1969 jointly by the Netherlands Patent Office and the IIB.

39. The Standing Subcommittee noted with satisfaction the declaration of the representative of INPADOC that conversations between INPADOC and Derwent would be held in the beginning of May 1973 with a view to exploring possibilities for cooperation between the two parties.

40. Concluding the discussion of this item of the agenda, the Standing Subcommittee regretted that no agreement had been reached as yet between INPADOC and one of the Offices producing a high number of patent documents and expressed the unanimous desire that the negotiations between the United States Patent Office and INPADOC be resumed as rapidly as possible with a view to achieving early conclusion of an agreement of cooperation providing for the delivery of machine-readable data to INPADOC. The Standing Subcommittee asked the International Bureau to continue to use its good offices to promote the rapid conclusion of a satisfactory agreement.

The "PAL" System

41. Discussion on the PAL (Patent Associated Literature) system of INSPEC, an information service proposed by the Institute of Electrical Engineers, London, was based on document PCT/TCO/SS/IV/7 and document INSPEC PAL/6 "The PAL System-- A Progress Report, April 1973," prepared by INSPEC and transmitted to the members of the Standing Subcommittee on April 17, 1973, with WIPO Circular 1668.

42. Mr. Barlow, Director, and Mr. Cox, Manager, Product Development, of INSPEC, participated in the discussions. The representative of INSPEC recalled the steps accomplished since the first session of the Standing Subcommittee in December 1971. Following the third session of the Standing Subcommittee held in October 1972, INSPEC formulated a proposal entitled "The PAL System--Specification for the Introductory Service," presented in document INSPEC PAL/5 dated November 9, 1972. This document was transmitted to all members of the Standing Subcommittee in early November 1972 requesting "Letters of intent-to-subscribe" in accordance with the agreement reached in the said session of the Standing Subcommittee (cr. PCT/TCO/SS/III/23, paragraph 49).

43. The representative of INSPEC stated that following the transmittal of its document INSPEC PAL/5 in November 1972 INSPEC had received letters of intent from the United States Patent Office and from the National Institute of Industrial Property in Brazil, the letter of the latter conditional, however, upon there being at least six other subscribers. Two members of the Standing Subcommittee (Austria and the IIB) had informed INSPEC that they would not be subscribing in 1973, whereas Germany (Federal Republic of) and Sweden had informed INSPEC that the question of subscribing to the PAL system was still under consideration. The United Kingdom had informed INSPEC that since it was not a prospective International Searching Authority it would not be subscribing to the PAL system. No reply had been received from Japan or the Soviet Union.

44. The representative of INSPEC also said that since INSPEC had not received the minimum of three letters of intent required to implement the PAL system, development efforts for the project within INSPEC had been re-allocated during the last few months and the work on the PAL system had been placed in abeyance for the time being. He stressed, however, that INSPEC was still perfectly willing to provide services as described in document INSPEC PAL/5 but not starting before January, 1974, at the earliest. In view of the rising costs and the expected introduction of the system not before 1974, the PAL base subscription price had to be recalculated and was now \$45,000 (as against \$39,000 as first proposed) in the case of three subscribers. He added that full text copies of any article would continue to cost \$2 a piece.

45. The representative of INSPEC further stated that partly in view of the increased prices of the services offered in document INSPEC/PAL/5, and partly in view of the growing interest for the full texts of all selected articles, INSPEC had developed an alternative solution for the PAL system. Further investigations of the copyright problem for the provision of full text of the selected articles (see also in this respect document INSPEC/PAL/3 Appendix A and INSPEC/PAL/4) had proved that

- (i) copyright clearance for full text copies could be obtained in respect of all but a very small number of journals where peculiar circumstances apply;
- (ii) copyright clearance for full text copies could be obtained without requiring the Patent Offices participating in the PAL system, to subscribe to any particular journals or to incur any other expenses in addition to their PAL base subscription.

Consequently, and as an alternative service to the services described in INSPEC PAL/5, INSPEC was now ready to offer a service based on the furnishing of copies of the full texts of all the selected articles under the PAL system.

46. The representative of INSPEC described the specifications of this alternative service as follows:

- (i) Selection of Patent Associated Literature articles from all journals (more than 2,000, a list of which is attached to document INSPEC PAL/5) currently covered by the INSPEC services in the fields of physics, electronics, electrical engineering, computer and control; an estimated total of 10,000 - 11,000 selections per year;

- (ii) Monthly delivery of one full text of the selected articles by air mail (postage paid by INSPEC);
- (iii) The first page of the selected articles would contain the following extra features:
 - (a) English-language title and author names
 - (b) Publication data and bibliographic data of the parent publication
 - (c) The IPC symbols to sub-group level as applicable
 - (d) A document identification number (DIN)
- (iv) Non-English language articles will be accompanied by an English-language abstract;
- (v) English-language articles containing abstracts when published would be accompanied by such abstracts;
- (vi) Selection criteria for the items will be as previously agreed upon.

(See in more detail on pages 7 to 10 of document INSPEC PAL/6). The tentative subscription prices are given on page 10 of document INSPEC PAL/6; e.g., in the case of three subscribers, \$38,000 per year. Implementation of this service could also start on January 1, 1974, and commitments to subscribe would be due on August 1, 1973.

47. In the general debate on the merits of the PAL system as such and its implementation as proposed in document INSPEC PAL/5 and as supplemented with an alternative proposal in document INSPEC PAL/6, the following declarations were made.

48. The representative of Japan stated that the Japanese Patent Office had received the necessary budgetary appropriations for the fiscal year 1973 to subscribe to the PAL services with the proviso that there be at least six other subscribers.

49. The representative of Sweden stated that his Office preferred the PAL system implemented with the specially written abstracts of the articles selected as set out in document INSPEC PAL/5, because abstract sheets were preferred by the examiners of the Swedish Patent Office. It was under this assumption that his Office had requested the necessary budgetary appropriations for subscribing to the PAL system. His Office would investigate whether the alternative service of "full-text-copies-only" would also be acceptable. If most Offices would prefer the new proposal, the Swedish Office might adhere to it so as to help in making the service under it viable.

50. The representative of the United Kingdom stated that the alternative "full-text-copies-only" proposal seemed to offer a maximum value for the money spent. He stressed that in the experience of his Office, the writing of special abstracts for Patent Office search purposes had proved to be very expensive. Since in any event an abstract could only be used as a screening tool before going to the full-text of the article, the straightforward delivery of full text by INSPEC as now proposed seemed to be the best solution.

51. The representative of the United States of America stated that during the first six months of the delivery of similar services by INSPEC to the United States Patent Office, abstract sheets had been chosen. After that period, a shift was made to full text. He added that the United States Patent Office was very satisfied with the INSPEC services which were now in their third year of operation, that the selection criteria had been constantly improved upon in consultations between the United States Patent Office and INSPEC and that texts were being conducted to find out the citation frequency during examination of the material provided by INSPEC. He finally stated that the United States Patent Office had, thanks to its contract with INSPEC, been able to discontinue part of its journal circulation in the technical areas covered by INSPEC.

52. The representative of the IIB expressed his preference for the alternative proposal set out in document INSPEC PAL/6, since the full text of the articles was considered by the examiners to be a basic requirement. Although no budgetary appropriation had been obtained for 1973, the representative of the IIB would now strongly recommend to his management that the IIB subscribe to the PAL services for 1974.

53. The representative of the Netherlands generally supported the views expressed by the representatives of the United Kingdom and the IIB.

54. The representative of Germany (Federal Republic of) considered basically the alternative proposal as now presented to be acceptable. However, the assumptions of the German Patent Office for evaluating the PAL system until now had been based on document INSPEC PAL/5. This evaluation had been positive in view of the consideration that good quality abstract sheets were preferred over full texts of the articles in view of their small volume. With regard to the new proposal, therefore, no definite views could be formulated for the time being and that proposal required further study.

55. The representative of INSPEC noted with appreciation the interest expressed by all delegations and stated that INSPEC maintained its offer for the two kinds of services. He emphasized that in any event INSPEC needed a five-month period before putting either one of the services into operation. To make the PAL system more attractive to Offices preferring abstracts rather than full text of the selected articles, INSPEC might be able, once the full text service is operating satisfactorily, to provide as an additional service specially written abstracts for the selected articles.

56. After a general discussion on further steps, the Standing Subcommittee adopted the following recommendation:

"The Standing Subcommittee of the PCT Interim Committee for Technical Cooperation, in its session held at Geneva from April 25 to 30, 1973,

Recognizes the great potential usefulness of the two "PAL" services of INSPEC for economizing time and expenses in searching and examination procedures and in the harmonization of the basis for searching non-patent literature;

Recommends that the interested Industrial Property Offices and the International Patent Institute (IIB) give urgent and serious consideration to expressing their interest in and subscribing to one or both of the PAL Services;

Requests the International Bureau to lend support to the said Offices, the IIB and INSPEC with a view to facilitating the coming to the decisions which are required for making operational one or both of the PAL services of INSPEC."

57. Finally, the Standing Subcommittee approved a proposal according to which the International Bureau will itself write to all potentially interested Offices and the IIB a circular letter clearly setting out the two proposed PAL systems and their prices. These letters would be prepared in agreement with the management of INSPEC and would ask the addressees to come to an early decision on their interest in one or both systems.

Minimum Documentation (Patent Documents): Progress Report Concerning Survey on Documentation under Rule 34.1(c) (vi)

58. Discussions were based on document PCT/TCO/SS/IV/8 (Progress Report on the Inclusion in the PCT Minimum Documentation of Patent Documents from Countries other than Specifically Named in Rule 34 of the PCT Regulations).

59. The Standing Subcommittee noted the progress report and the offers of those countries which were willing to sort out and place either all non-priority claiming or only the non-duplicative patent documents at the disposal of the International Searching Authorities for introduction into their search files as part of the PCT minimum documentation.

60. In regard to Annex III of the progress report which sets forth methods of sorting out patent documents as an aid to Patent Offices contemplating the incorporation of their patent documents into the PCT minimum documentation, the Standing Subcommittee felt that a change in emphasis should be introduced. The Standing Subcommittee, while acknowledging as desirable any effort to reduce the volume of duplicative documentation, suggested to modify Annex III in order to reflect more accurately the difficulties which could be expected to be encountered in sorting out non-duplicative patent documents. The Standing Subcommittee noted that a revised progress report modified accordingly would be submitted to the next session of the PCT Interim Committee for Technical Cooperation.

English Language Abstracts

61. The representative of the United Kingdom informed the Standing Subcommittee of information which the United Kingdom Patent Office had received from Derwent Publications Ltd., London, with respect to the publication of English language abstracts of Japanese patent documents. That information was the following: "Derwent would continue to produce English language abstracts for 'old law' Japanese patent documents in the chemical field. With respect to Japanese patent documents in the chemical field published under the 'new law', Derwent, in view of the high number of documents involved, was negotiating with Chemical Abstracts Service (CAS), Columbus, to share the burden of producing English abstracts. These documents would therefore probably be covered by a joint effort of Derwent and CAS. With respect to all Japanese patent documents published in other technical fields, no agreement with the Japan Patent Information Center (JAPATIC) was reached to share the work of producing abstracts in English. Since the cost of producing English language abstracts for the said group of patent documents was estimated to be U.S.\$ 1,000,000 per year, Derwent was unable to undertake this task alone. Derwent was, however, ready to cooperate with any other organization prepared to share the work and the required investment." The representative of the United Kingdom pointed to the need to find a solution for this important problem in view of the provision in Rule 34.1(e) of the PCT Regulations according to which International Searching Authorities not having Japanese as an official language were entitled not to include in their documentation those Japanese patent documents for which no abstracts in the English language were generally available.

62. The representative of the United States of America underlined the importance and urgency of the problem in view of the rapidly growing number of Japanese patent documents received by the United States Patent Office for which no English language abstract existed which could facilitate access to the information contained in the document. A rapid solution of the problem was necessary in order to avoid the building up of a huge backlog of non-abstracted Japanese patent documents which contained important information but which could not be properly used for search purposes by most Offices.

63. The representative of Japan stated that the Japanese Patent Office, in cooperation with JAPATIC, was considering the possibility of publishing English language abstracts of Japanese patent documents.

64. The representative of Japan further explained the publication situation concerning Japanese patent documents. Under the new Japanese Patent Law, there are two kinds of publication of patent documents. One is the publication of unexamined applications which is made 18 months after the filing or priority date and the other is a publication of applications examined as to patentability. However, the procedure under the new Japanese Patent Law does not affect applications filed before January 1, 1971, under the so-called "old law" as applications filed thereunder are published only after examination as to patentability.

65. After the explanation of the representative of Japan, the Secretariat noted that the statement of Derwent needed further clarification. The representative of the United Kingdom undertook to inform Derwent accordingly.

66. The Standing Subcommittee noted a declaration by the Secretariat that the problem of English language abstracts for the patent documents referred to in Rule 34.1(e) of the PCT Regulations was part of the program of the PCT Interim Committee for Technical Cooperation and that the question would be submitted to the October 1973 session of that Committee with a view to entrusting the International Bureau with the task of preparing a study in this matter which would first be submitted to the Standing Subcommittee for consideration.

Next Session

67. The Standing Subcommittee noted that the next sessions of the three PCT Interim Committees will take place in Tokyo during the week of October 22 to 27, 1973. Whether during the same week the Standing Subcommittee will meet also, is left open for the time being and will be decided by the International Bureau in the light of further developments.

68. This Report was unanimously adopted by the Standing Subcommittee in its closing meeting on April 30, 1973.

[Annex follows]

LIST OF PARTICIPANTS

I. MEMBERS OF THE STANDING SUBCOMMITTEE

AUSTRIA

Mr. G. GALL
Oberkommissär
Austrian Patent Office
Vienna

GERMANY (FEDERAL REPUBLIC OF)

Mr. K.H. HOFMANN
Abteilungspräsident
German Patent Office (Berlin Branch)
Berlin

Mrs. R. VON SCHLEUSSNER
Regierungsdirektorin
German Patent Office
Munich

Mr. W. MASSALSKI
Oberregierungsrat
German Patent Office (Berlin Branch)
Berlin

JAPAN

Mr. K. TAKAMI
Counsellor for International Affairs
Japanese Patent Office
Tokyo

NETHERLANDS

Mr. J. DEKKER
Vice-President
Netherlands Patent Office
The Hague

SWEDEN

Mr. S. LEWIN
Head of Division
Royal Patent and Registration Office
Stockholm

Mr. T. LÖVGREN
Primary Examiner
Royal Patent and Registration Office
Stockholm

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