

Patent Cooperation Treaty (PCT) Working Group

**Seventh Session
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eSEARCHCOPY

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CONCEPT

1. The International Bureau (IB) is developing a service where the IB prepares and transmits search copies electronically to the International Searching Authority (ISA) on behalf of the receiving Office (RO) where both RO and ISA so agree. The principle of the service is as follows:

- (a) The RO transmits the record copy and related documents to the IB as usual, though potentially including documents which may previously only have been sent to the ISA, such as copies of sequence listings provided only for the purpose of international search.
- (b) The RO sends information concerning the payment of search fees to the IB.
- (c) When the IB has received all the *essential* documents (such as record copy and any translations required depending on the language of filing and the languages accepted by the ISA) and a notification that the fees have been paid, the relevant documents are transmitted to the ISA, using the record copy to form the basis of the search copy.
- (d) The IB will follow up periodically with the RO in cases where the record copy has been received but other essential documents remain outstanding, or where no indication of payment of search fees has been given and no indication has been given that the international application is considered withdrawn.

(e) If further documents of significant types (such as substitute sheets or powers of attorney) are received from the RO before the international search report is received by the IB, these are forwarded to the ISA in additional batches.

STATUS

2. A trial of the service in parallel with traditional transmission of the search copy is under way with four ISAs (AU, EP, KR and US) based on information held by the IB in relation to existing filings from a selection of the ROs for which they are competent. Sample batches of data have also been sent to a number of other ISAs for evaluation and can be prepared for other ISAs on request.

3. The results of the trials have been successful to the extent that the batches conform to the original specifications and can be readily imported into the ISAs' systems. However, two Authorities have requested additional features to be added before live services begin and another has requested further samples with a wider range of documents, from a wider range of receiving Offices; these requests are currently being evaluated, but it is clear that some changes and further rounds of testing will be required.

WAY FORWARD

4. Once the ISAs involved in the trial have confirmed that the service is satisfactory, a Circular will be sent to ROs and ISAs proposing a method of introducing it for live use between any sets of ROs and ISAs which wish to take advantage. It is expected that, at least for some ISAs, the service will be introduced for a few ROs at a time, allowing the transition for each one to be monitored carefully.

5. ePCT services for participating ROs will have existing functionality enabled to record the payment of search fees, either at the same time as transmission of the record copy to the IB or separately, removing the need for Offices using ePCT for that purpose to prepare separate lists of fees paid. It is intended that this functionality should be improved to offer a more complete record for both applicants and Offices of what fees were paid when, as well as effective information for both ROs and ISAs concerning the international applications relevant to their responsibilities for which fees remain outstanding.

6. *The Working Group is invited to note the above status report and proposed way forward.*

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