

Patent Cooperation Treaty (PCT) Working Group

Ninth Session
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PCT ONLINE SERVICES

Document prepared by the International Bureau

SUMMARY

1. PCT online services have continued to develop, offering new and improved tools for use by applicants, receiving Offices, International Authorities and designated Offices. The improvements include not only functions for viewing and processing individual applications, but for monitoring the flow of international applications to assist the effective management of workload and earlier identification of potential problems.
2. As well as new functionality, a highlight of this year's developments will be a release devoted to usability of the browser-based services, introducing a new "look and feel" and improved access management systems. The services available using the new access management system will also enable new and more effective secure machine to machine services to be developed and deployed.
3. Suggested short term priorities for national Offices in their roles as receiving Offices or International Authorities are: (i) ensure that applicants can upload documents to the Office; (ii) ensure that key documents from the Office are available online; and (iii) evaluate or begin use of eSearchCopy as a means for transmitting search copies in a consistent electronic format between the Office and any other Office as receiving Office or International Searching Authority.

4. Amendments to Rule 95, requiring designated Offices to provide information concerning national phase entries, publications and grants, will only come into force July 1, 2017, but Offices are requested to ensure that all the required information is provided as soon as possible rather than waiting until the very last moment. The International Bureau provides systems to assist Office with this, as well as with retrieving documents and data required for national phase processing.

5. The Working Group is invited to consider how applicants and Offices might better use the tools available and what further developments to online services might be desirable to provide a higher quality service to applicants, designated Offices and third parties at lower overall cost.

CURRENT STATE OF EPCT BROWSER-BASED SERVICES

6. The ePCT service, including not only the browser-based services but also services such as eSearchCopy and PCT-EDI (the SFTP-based service for routing documents and data), seeks to ensure that receiving Offices, the International Authorities and the International Bureau are able to provide high quality services efficiently, consistently and with a minimum of administrative overhead, irrespective of the origin of international applications.

7. The browser-based services now offer applicants and receiving Offices all the essential functions for electronic processing with the receiving Office and the International Bureau, save that priority documents which are issued by the Office of first filing on paper must still be physically transmitted to the receiving Office or the International Bureau on paper – scans made by the applicant cannot be accepted. Despite this limitation, approximately 85 per cent of priority documents are received electronically.

8. A more limited range of services is provided for the direct benefit of International Authorities. At the time of writing, the live services are primarily concerned with transmission of documents and information for Authorities which have not fully automated the relevant processes:

(a) Authorities have live access to the International Bureau's files for the international applications for which they are competent, including both documents and bibliographic data.

(b) Authorities may allow applicants or other Offices to upload documents for their attention – documents received may either be downloaded from the browser interface (notifications are sent to indicate that the new document is awaiting attention) or transmitted in batches over SFTP in the same format as that used for documents from the International Bureau. This arrangement will shortly be extended to allow delivery of search copies using ePCT browser-based services where this is preferred to SFTP.

(c) Authorities may upload documents to the system, both for transmission of documents which are required to be sent to the International Bureau, and to simply make the documents immediately available to the applicant (this result can also be achieved using more automated services over SFTP).

9. By the time that the Working Group meets, actions will be in place to generate search reports and written opinions of the International Searching Authority (see also paragraph 25, below).

10. Furthermore, certain management reports are available or due to become available before the Working Group meets, including:

(a) for receiving Offices – summary of applications filed, by type and status;

(b) for receiving Offices and International Searching Authorities – summary of international applications known to the International Bureau for which the Office is competent where the search copy appears to be outstanding;

(c) for International Searching Authorities – summary of international applications known to the International Bureau for which the Authority is competent where the international search report is outstanding;

(d) for International Preliminary Examining Authorities – summary of international applications where the International Bureau is aware that a demand has been submitted to the Authority but where the international preliminary examination report is outstanding.

11. It is hoped that Offices will actively use these reports to help manage their workload, including identifying and dealing quickly with cases where problems have arisen. Efforts will be made to optimize these reports to make the information more accessible to users with different needs.

USE OF EPCT BROWSER-BASED SERVICES

12. At the time of writing, ePCT-filing offered filing of international applications to 37 receiving Offices, 26 of which (including the receiving Office of the International Bureau) have their server hosted by the International Bureau. Several more are scheduled or expected to be added in the near future.

13. Over 50 national and regional Offices have access to ePCT in one or more capacities as receiving Office, International Searching and Preliminary Examining Office or designated or elected Office. Around 40 of those Offices regularly use the browser-based services as part of their international phase duties. Others use it for evaluation or to assist with customer services or other forms of trouble-shooting.

14. Thirty-seven receiving Offices allow applicants to submit post-filing documents to them by uploading them using ePCT. Thirty-four of those Offices retrieve documents through the ePCT browser-based interface; the others have the documents delivered as batches through PCT-EDI. Nine International Searching and Preliminary Examining Authorities similarly allow applicants to submit documents to them by uploading them using ePCT.

USE OF ESEARCHCOPY

15. The eSearchCopy service is now in use between 36 pairs of Offices, consisting of eight International Searching Authorities and 19 receiving Offices. The service is being evaluated to ensure that it meets the expectations of improved quality and timeliness when used by receiving Offices of different types or applying differing practices – including Offices which are geographically close to the International Authority or far away; Offices which transfer documents that have been mainly e-filed or else mainly scanned from paper; and Offices which provide search fee payment information by individual indications in ePCT or by batch notifications from a centralized fee handling system.

OPPORTUNITIES AND PRIORITIES

Scheduled Developments to the Browser-Based Service

16. In addition to a wide variety of minor improvements that are intended to go live in the coming year, the key developments of ePCT browser-based services by the International Bureau in 2016 will be:

(a) an overhaul of the “look and feel” of the browser application to provide a design which is easier to use, more consistent and more attractive;

- (b) a new identity and access management system, allowing applicants (and potentially Office users) to log in with authentication systems which are easier to use than the current digital certificates, but still at least as secure;
- (c) improved workflow arrangements for receiving Offices to make more clear what further processing is required and ensure that nothing is overlooked;
- (d) better use of machine-readable information to deliver improved services, including use of citation information from international search reports transmitted in XML format to give applicants and designated and elected Offices more effective access to cited documents, including patent family members and non-patent literature.

Web Services

17. In addition, the International Bureau is developing an initial set of web services to evaluate opportunities and interest by Offices in such services. These could be used for near-real time machine-to-machine interactions with applicants (through patent management systems) or Offices. For the moment, they would complement, rather than replace the browser-based and periodic batch services which make up the current communication services. The primary target is the effective automation of services where action, or at least acknowledgement of receipt, is urgent, or other efficiencies can be gained by direct use of data from another system, automated acknowledgement or real time data checks. Other possibilities include centralization of some common technical services to reduce development and maintenance costs and to ensure consistent results across different Offices.

Scheduled Developments to eSearchCopy

18. A number of improvements to the eSearchCopy service have been made following feedback from the participating Offices, notably extending the range of documents made available and improving the associated data to allow Offices to import the information into their systems automatically more effectively. Further improvements in the near future will include the availability of OCR text of application bodies which were not filed in XML format and further improvements to the bibliographic data required by International Searching Authorities. The process has also highlighted technical issues which cannot be addressed in the short term, but which will help shape the course of future more general development work.

Effective Use of ePCT

19. Just as important as the technical developments by the International Bureau is the extent to which Offices use the new opportunities to communicate more efficiently and to deliver better overall services to end users, including third parties and designated Offices.

20. For this purpose, the International Bureau suggests that it should be a priority for Offices to allow applicants to upload documents to them electronically in order to allow fast and clear responses and eliminate the need for scanning paper. Clearly, those Offices which have their own electronic document management systems will wish to allow this through their own, local services. However, most Offices acting as International Authorities handle a significant proportion of applications which are filed through receiving Offices other than their own. Consequently, ePCT should also be an option to ensure effective access to the system for applicants who do not have accounts with any online services operated directly by the International Authority.

21. Further, applicants should be able to access as much documentation as possible online, including Forms and documents which are not required to be sent to the International Bureau. Particularly important candidates for this type of treatment are documents which may require a response within a strict time limit, such as:

- (a) written opinions of the International Preliminary Examining Authority (PCT/IPEA/408);
- (b) invitations to pay additional fees due to lack of unity of invention (PCT/ISA/206 or PCT/IPEA/405);
- (c) documents cited in the course of the international search or preliminary examination (these would not be made available on PATENTSCOPE, but would be readily available to the applicant or designated Office in accordance with Article 20(3) without additional work or mailing costs for the International Authority);
- (d) other invitations to pay fees, request rectification, furnish documents, correct defects or specify a competent International Authority.

22. While the benefits for local applicants could generally be achieved by providing these documents through a local file inspection service, as previously noted, most Authorities deal with a significant number of applicants from other States. Perhaps more importantly, some of these documents (especially copies of cited documents) may be useful to designated Offices. Consequently, once again, it is important that they should become available through ePCT.

23. It should be emphasized that Offices would not need to provide these documents using the ePCT browser-based interface. They could be transmitted using PCT-EDI with the appropriate document codes and would automatically be made available to applicants and designated Offices privately through ePCT, or on PATENTSCOPE for the general public, depending on the nature of the document.

Publications

24. An improvement is intended to the internal processing leading to international publication, which should improve efficiency and allow better handling of international publications with certain difficulties, perhaps most notably applications where the drawing accompanying the abstract contains text (see also document PCT/WG/9/16).

XML Documents

25. As referred to in paragraph 16(d), above, the International Bureau has begun to receive international search reports and written opinions of the International Searching Authority in XML from a number of International Authorities. The International Bureau would strongly welcome the availability of international search reports, written opinions and international preliminary reports on patentability in XML or text format from more International Authorities. The next release of the browser-based ePCT services will, as noted in paragraph 9, above, include an action for generating international search reports and written opinions, which may be useful for some Authorities and assist in discussion of the issues and requirements for others.

26. Attention will be given to the development and implementation of other new standards for more effectively sharing information required by Offices for effective processing of international applications, including general bibliographic and processing information, as well as substantive information such as sequence listings contained in the recently adopted ST.26 format.

27. In addition, an import system has been built into ePCT-filing to allow applicants to attach application bodies in Microsoft Word documents, the contents being converted to Annex F XML (with warnings where difficulties are encountered) and the original document remaining on file as a pre-conversion format document in accordance with Section 706 of the PCT Administrative Instructions. It is hoped that work in this area will encourage more applicants to file in full text formats in the future, improving the quality of information delivered through the PCT system.

NATIONAL PHASE INFORMATION

28. At its forty-seventh session, in October 2015, the PCT Assembly adopted amendments to PCT Rule 95 requiring designated Offices to send timely information to the International Bureau concerning national phase entries, national publications and national grants. This information will be made available through PATENTSCOPE and as bulk information to other patent information service providers, allowing significantly improved information to be offered concerning where national rights may be pending or granted.

29. The amendments to the Rule come into force July 1, 2017, but Offices are invited to provide the information sooner if possible. A number of designated Offices already provide information concerning national phase entry¹. However, this needs to be extended to all designated Offices, made more timely and broadened to include information concerning publications and grants. The specifications for sending national phase information in XML or CSV format are listed on the WIPO website² and will be updated shortly to include provision for indicating publication numbers (at present, the specifications only provide for listing application numbers and the *dates* of publication or grant). Enquiries concerning the format or requests to arrange testing to ensure new feeds are correct can be sent to patentscope@wipo.int.

30. For Offices which do not have their own automated systems, WIPO offers the Industrial Property Administration System (IPAS). This is currently in use by 77 Offices (including those which presently only use it for the administration of other forms of right, such as trademarks) and includes modules allowing the required information to be sent to the International Bureau. It also permits retrieval of information from the International Bureau to assist in processing national phase entries for published international applications. Offices wishing to assess the possible deployment of IPAS or to take advantage of modules to improve handling of PCT national phase entries are invited to contact the IP Office Business Solutions Division at william.meredith@wipo.int.

31. For the purpose of early national phase entries which occur prior to international publication, it is recalled that the ePCT browser-based application allows designated Offices to notify an early national phase entry and gain access to the documents and bibliographic data on file. It is intended that this should also be possible as a web service in the future, allowing the equivalent functions to be carried out automatically.

RELATION TO OTHER WIPO PLATFORMS AND SERVICES FOR OFFICES

32. In addition to IPAS, referred to above, the International Bureau administers other services which should be considered by national Offices as possible ways to assist in their work or to provide useful additional services to their applicants, most notably, the WIPO Digital Access Service (DAS) and the WIPO Centralized Access to Search and Examination (CASE).

33. While DAS is a service which was primarily intended to assist applicants in using the Paris Convention route for filing abroad, it is well integrated into the PCT system and can allow national Offices to cheaply provide a service to assist their national applicants in efficiently providing priority documents for use with their international applications, particularly in the case where the applicant uses a receiving Office which is different from that where the priority application was filed. In 2012, there were over 47,000 such priority claims based on earlier applications at 75 different national Offices.

¹ The current status of national phase entry information availability can be seen on the PATENTSCOPE service at <https://patentscope.wipo.int/search/en/nationalphase.jsf>

² See http://www.wipo.int/patentscope/en/data/national_phase/

34. WIPO CASE enables patent Offices to securely share search and examination documentation related to patent applications, for a more efficient international examination process. In the context of the PCT, it will allow Offices the opportunity to view search and examination reports from other Offices' national phases in addition to the international search report and international preliminary report on patentability. While it is intended that a limited version of this system will be made available through PATENTSCOPE (giving access to documents from those Offices which have indicated that their search and examination reports may be made public that way), joining CASE will allow Offices to gain access to the full range of search and examination reports available through the system. In addition, it will permit those Offices which are ready to do so to make their search and examination reports available to other participating Offices (IPAS can assist with this process if required). Further details on WIPO CASE and an encouragement to Offices of all PCT Member States and other intergovernmental organizations acting under the PCT to join the WIPO CASE platform are set out in document PCT/WG/9/4.

35. The Working Group is invited to note the developments in PCT online services, to comment on the proposed priorities and to identify other issues which should be given priority in PCT online services.

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