

# WIPO



PCT/WG/GPD/I/3  
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DATE: January 21, 1977

## WORLD INTELLECTUAL PROPERTY ORGANIZATION GENEVA

### PATENT COOPERATION TREATY

#### WORKING GROUP ON GUIDELINES FOR PUBLICATION AND FOR DRAWINGS

First Session

Geneva, February 21 to 25, 1977

#### COMMENTS AND CORRIGENDA RELATING TO THE DRAFT GUIDELINES ON PUBLICATION UNDER THE PATENT COOPERATION TREATY (PCT)

prepared by the International Bureau

1. At its seventh session (November 1 to 8, 1976), the PCT Interim Advisory Committee for Administrative Questions (hereinafter referred to as "the Interim Committee") held a general discussion of document PCT/AAQ/VII/4 prepared by the International Bureau and entitled "Draft Guidelines on Publication under the Patent Cooperation Treaty (PCT)" (hereinafter referred to as "the draft Guidelines").

2. The Interim Committee invited all member States of the Interim Committee as well as observer organizations to submit to the International Bureau their written comments on the draft Guidelines for submission to the present Working Group ("PCT Working Group on Guidelines for Publication and for Drawings," hereinafter referred to as "this Working Group") for consideration by this Working Group in connection with its task of assisting in the establishing of the Guidelines (see document PCT/AAQ/VII/19, paragraph 140).

3. In response to the invitation of the Interim Committee, the International Bureau has received written comments from France, Hungary and the United Kingdom as well as from the Secretariat of the Interim Committee of the European Patent Organisation (EPO). These comments are attached to the present document as follows:

Annex A: comments received from the National Institute of Industrial Property of France,

Annex B: comments received from the National Office of Inventions of Hungary,

Annex C: comments received from the Patent Office of the United Kingdom,

Annex D: comments received from the EPO.

4. Certain corrigenda to document PCT/AAQ/VII/4 are also attached to the present document as Annex E.

5. This Working Group is invited to consider the present document in conjunction with documents PCT/AAQ/VII/4 and 16 as well as with document PCT/WG/GPD/I/2.

[Annexes follow]

Translation

From: National Institute of Industrial Property (France)

Paris, January 11, 1977

P.J. : 1

Subject: PCT Publications

Dear Mr. Director General,

I have the honor to forward herewith the observations of France on document PCT/AAQ/VII/4. The French Delegation reserves the right to present other observations and proposals during the meeting of the Working Group which is going to consider this document.

With kind regards, etc.

The Director of the National  
Institute of Industrial Property

G. VIANES

Dr. A. Bogsch  
Director General  
WIPO  
32, chemin des Colombettes  
1211 Geneva

OBSERVATIONS ON THE DRAFT GUIDELINES  
FOR PUBLICATION UNDER THE PCT  
(PCT/AAQ/VII/4)

- 1.- The following observations can be made on document PCT/AAQ/VII/4. In general, they take account of the work of the Interim Committee of the European Patent Organisation (EPO) in relation to the publications of the EPO.

Standardized Front Page of the Pamphlet

- 2.- Paragraph 59--Footnote--The codes used could be:

A 1 - Publication of the international application with the international search report;

A 2 - Publication of the international application without the international search report;

A 3 - Subsequent publication of the international search report with the front page of the pamphlet.

As far as the amended claims are concerned, it would seem preferable, as suggested in the document, to provide merely for an indication stating that the amended claims appear or do not appear in the pamphlet.

Preparation of the Master Image of the Front Page for Offset Printing

- 3.- Paragraphs 65 to 69--The use of a computer depends essentially on the organization which the International Bureau intends to establish for the processing, as a whole, of PCT applications. The use of a computer for the European publications has been envisaged rather as a by-product of computerized information processing within the European Office.

In view of the lack of sufficient information with respect to the administrative methods which will be utilized by the International Bureau, it seems difficult to select, on the basis of all known information, one of the three proposed variants (see, however, paragraph 8). It should be noted, nevertheless, that it has been recognized that the transfer from the manual method to computerized information processing presents certain disadvantages.

International Search Report

- 4.- Paragraph 90--This situation has not been considered for the European publications since, contrary to the statement made in the document, the combination of two documents published at different times is difficult in practice.
- 5.- Paragraph 92--A reference should be made in this respect to the proposal formulated by the Secretariat of the EPO, as introduced by the Delegation of the Netherlands (PCT/AAQ/VII/19--paragraphs 151 to 153).

Microfilming

- 6.- Paragraph 94--This matter has been elaborated in Appendix A, the conclusions of which are the same as those of a study which the French Delegation had carried out for the European publications (CI/GT I/19/75, dated 15.1.75) and which set forth the disadvantages of the aperture card. The Interim Committee of the EPO, however, kept this last solution in view of the ICIREPAT recommendations.

Gazette

- 7.- Paragraphs 115 to 124--The solution envisaged in paragraphs 117 to 119 (reproduction of the front page) presents certain advantages. The studies previously carried out by the French Delegation on a similar subject (document CI/GT I/19/75 mentioned above), which are reflected in this document, showed that the reduction in A5 size should be kept for reasons of legibility.

- 8.- One would wonder, however, whether this presentation of the Gazette, which might have an adverse effect on the handling of it, is the best, particularly for users by whom this Gazette will be essentially used for reference purposes. While complying with the provisions of PCT Rule 86, it might be envisaged to publish, in a first part, the bibliographic data of each application and, in a second part, possibly detachable, the classified abstracts comprising the drawings (by reproduction), together with the necessary relevant bibliographic data. This solution would, however, permit the avoidance of a separate classification of the classified abstracts (see paragraphs 140 to 146). It involves, however, the use of photocomposition based on magnetic tape from a computer, which leads to the choice of the first variant (paragraph 65) for the printing of pamphlets. This solution also implies that the necessary translations are made before inputting the data.
- 9.- Paragraphs 126 to 128--It would seem advisable to set forth in one of these sections the references to the search reports published later.

Classified Abstracts

- 10.- Paragraphs 140 to 146--The publication of classified abstracts seems useful should a presentation similar to the one suggested in paragraph 8 not be maintained. One might wonder, however, whether the reproduction of the front pages in reduced size in the Gazette would not duplicate a separate publication of the abstract. Whatever solution is adopted, it should be strongly emphasized that the harmonization of this publication with the EPO publication (A5 cards) is of primary importance.

[Annex B follows]



ORSZÁGOS TALÁLMÁNYI HIVATAL  
ELNÖK

PRESIDENT  
OF THE NATIONAL OFFICE OF  
INVENTIONS OF THE HUNGARIAN  
PEOPLE'S REPUBLIC

ПРЕДСЕДАТЕЛЬ  
ГОСУДАРСТВЕННОГО БЕЛОМСТВА  
ПО ДЕЛАМ ИЗОБРЕТЕНИИ  
ВЕНГЕРСКОЙ НАРОДНОЙ РЕСПУБЛИКИ

Budapest, November 24th 1976

500-PCT/TCO-31

500-PCT/AAQ-39

Mr. K. P f a n n e r

Deputy Director General of WIPO,

G e n e v a

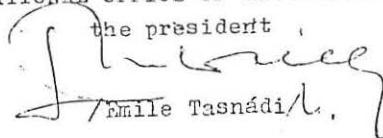
Dear Mr. Pfanner,

Please find enclosed herewith our comments to some of the documents discussed at the last session of the Interim Committees of the PCT.

In file of the decision taken by the Committees to form Working Groups we transmit to the International Bureau the following remarks relating to the documents on the prospective agenda of these Groups.

Yours faithfully,

NATIONAL OFFICE OF INVENTIONS  
the president



Mille Tasnádi

Annexe

PCT/AAQ/VII/4: Guidelines for Publication

Annex, page 2: in line 11 Article 19 and Rule 48.2 /f/ relate to amended claims /see in line 13/; in line 11 Art.21 may be cited.

Annex, page 12: instead of /23/ in line 6 /31/ ought to be written.

Annex, page 13, point 64: the last sentence is superfluous when looking at the title.

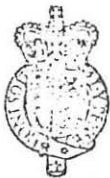
Annex, page 17, point 84: in the second line 4o6 /b/ is to be written instead of 4lo /b/.

Annex, page 23, point 126 /iii/: in line 4 after "justified" the word "refusal" should be added according to Rule 51.4, and as according to Rule 48.6 /b/ this information is possibly published in the pamphlet as well the content of the pamphlet is to be accordingly controlled.

Annex, page 24, point 133: this point and the relevant part of the Administrative Instructions should be brought into concordance. The information in connection with Article 45 /2/, Rules 35.1 and 35.2 /b/ should also be taken into consideration.

PCT/WG/GPD/I/3  
ANNEX B

[Annex C follows]



## THE PATENT OFFICE

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Telephone 01-405 8721 ext

Mr E M Haddrick  
Head of the Patent Cooperation Treaty Division  
WIPO  
32 Chemin des Colombettes  
1211 Geneva 20  
Switzerland

Your reference

Our reference IPCD 40118 40120

Date 17 December 1976

Dear Mr Haddrick,

I have pleasure in enclosing the observations and comments of the United Kingdom delegation on the following documents:-

- (1) Draft Guidelines for publication under the PCT (PCT/AAQ/VII/4).
- (2) Draft Guidelines for the presentation and execution of drawings under the PCT (PCT/AAQ/VII/11).
- (3) Draft Guidelines for the International Searches to be carried out under the PCT (PCT/TCO/VI/8).
- (4) Draft Guidelines for International Preliminary Examination to be carried out under the PCT (PCT/TCO/VI/9).

These are forwarded, as requested by the Secretariat, for consideration by the TCO and AAQ Working Groups which are to take place next February.

I wish you a very happy Christmas.

Yours sincerely,

M F VIVIAN  
(patents 2).

Observations of the United Kingdom on the draft guidelines on publication under the Patent Cooperation Treaty (PCT/AAR/VII/4).

General

Before a final decision can be taken on the general procedure for publications under the patent cooperation treaty, a preliminary matter will need to be settled. In particular is printing to be carried out "in house" or not. We strongly urge the use of outside printers for the following reasons:-

- (i) Outside printers can more easily cope with peaks and troughs in work.
- (ii) A commercial printer would have greater flexibility as he would not be held to a particular job and would not be so restricted in the printing techniques which he can employ.
- (iii) Competitive tendering would demonstrate whether or not the printing could be done more cheaply by taking advantage of the varying costs in different locations.

Part I - Introduction

General review of existing reproduction systems.

Page 7 para 27 - We see no reason to rule out typography for publications which is widely used for runs of only about 100 copies. If a printer can put in a competitive price for printing by this method it should be considered. It does have the advantage of a considerable reduction in the bulk of a publication and thus a considerable reduction in the cost of storage, copying and transport. Since PCT publications are to be distributed on a world-wide scale transport will be a not insignificant item in the cost of a publication.

Page 7 para 34 - One important advantage of computer-controlled photocomposition is that the data carrier can also be used to produce abstracts and the gazette entries .

Page 7 para 35 - We understand that commercial printers using photocomposition have contingency plans and do not rely on a single machine; that they do have the necessary technical infrastructure and that computer programmes for photocomposing are available and would not need to be specially written .

Part II - International publication of the International application.

Technical preparations for publication -

Page 10 paras 49-51 The time limits quoted in paragraphs 50 and 51 seem to be quite unrealistic. The technical preparations for publication will need to be completed before work is sent to the printer and the minimum time that a printer would take from receipt of documents to delivery of copy, even assuming he uses a photo-offset process would be 5 to 6 weeks. Thus termination of technical preparations for publication only 2 weeks before the 18 months date would mean that publication does not take place until 19 months after the priority date.

On the other hand 4 weeks seems to be an excessively long period for the technical preparations for publication. One week would seem to be sufficient, at least to start with. Para 49 seems to suggest tasks involved in the technical preparations which are quite unnecessary:

- (i) There would seem to be no necessity to verify bibliographic data etc. In so far as this involves formal checks this will have been done by the receiving office and it is not clear what else there is to do.
- (ii) If the forms are originally designed with numeric identifiers there will be no need to insert these.
- (iii) See observations on para 80.

Bibliographic data -

Page 11 para 59 - The EPO is to use codes of the nature A1, A2 to identify different types of publication, a degree of harmonisation should be aimed at if at all possible.

Page 12 para 59 - INID Code 23 should read 31.

- Presumably the relevant addresses, at least, to the extent of town and country (cf Appendix C) could be associated with the names identified by INID codes 71, 72 and 74.

#### Abstract -

Page 13 para 60 - Despite the provisions of Rule 48.2(c) it would seem to be essential from the users point of view for the front page to include an abstract and drawing. The EPO is to provide an abstract on all published applications.

#### Comparison of variants for offset printing -

Page 14 para 67 - There seems to be no need to Rule out photocomposition or typography at this stage if the printer has such facilities. It may be more expensive as a printing method, but it considerably reduces the cost of storage, paper and transport, which in the case of PCT will be on a world-wide basis. Moreover, it would enable the maximum amount of data to be included on the front page. This seems to be particularly necessary if one is to ensure that the maximum number of applications have the full text of the abstract on the front page. (see also observations on paras 115-124).

A completely preprinted front page is not desirable since it lacks flexibility. eg where there are a large number of inventors, priority dates etc. This should be left to the discretion of the printer.

#### Publication of claims Art 19 -

Page 16 para 80 - We do not consider that the Int. Bureau should prepare a full text of the claims. The amendments proposed by the applicant should be published as presented to the Int. Bureau subject to the requirements of Rules 11-14.

#### Drawings -

Page 17 para 84 - The EPO are considering forbidding the use of blue lines by Rule in order to improve reproduction.

#### Publication of search report -

Page 17 para 87 - See observations on paras 49-51 re - "2 weeks".

#### Reproduction and Publication of the International Search Report -

Page 18 para 92 - In view of the high cost of printing and distribution the EPO is considering using a single sheet form of the search report for publication purposes. We recommend that a similar procedure is used for PCT search reports. However, the particular proposals of the EPO will need to be modified to meet the needs of PCT procedures.

#### Microfilming -

Page 19 para 94 - The UK patent office would prefer to receive aperture cards. The EPO authorities are to use 8-up aperture cards and it would be desirable if PCT publications were produced in a similar fashion in microform.

#### Part III - The Gazette

#### Numbering of Successive Issues of Gazettes

Page 20 para 103 - Consideration could be given to using the range of numbers of the applications published in the Gazette  
eg 78/1001-12345  
78/12346-20002 etc



Assembly of pages -

Page 20 para 110 - glue binding breaks easily. We recommend flatwire stitching or sewing.

Organisation of contents -

Page 21 paras 112-114 - We are not clear what form of entry is to be made for supplementary classes. Presumably the complete bibliographic data will not be repeated under supplementary entries. If the abstract is repeated it could avoid the necessity to provide a separate weekly classified abstract service.

para 114 - If applications are ordered according to the IPC it is not clear how they can really be selected on the basis of their publication numbers (see observations on para 128).

Preparation of Master Images to be reproduced by offset -

Page 21 and 22 - It would seem that this matter needs considerable study. There would seem to be a number of problems.

(1) Reproduction of front pages at A6 size is quite unacceptable from the point of view of legibility - para 122. A5 could only be reproduced sideways on, again a disadvantage to the reader.

(2) Reproduction of front pages presents problems  
(i) if the abstract runs over to the back of the front page  
(ii) if the original abstract needs to be translated the front page is of no use (this problem only arises with edition in languages other than English) - para 124.

(3) Reproduction at A4 size would make the publication very voluminous.

(4) It does not seem possible to produce the document in a form suitable for making up card files as suggested in para 120.

(i) paper suitable for making cards would make the publication too thick.

(ii) To be of any use front pages would have to be reproduced on one side of a sheet only.

All this would seem to lead to the conclusion that photocomposition or typography should be employed. It may then be possible to print several applications on one page without loss of clarity and in an upright position and to keep the size of the publication within reasonable bounds. The preparation of indexes (see para 132) also argues for photocomposition. Moreover, photocomposition offers the facility of printing abstracts in similar typeface, under the control of the data carrier, thus increasing the number of applications per page as is desired.

Section 2 of Gazette

Page 23 para 126 (v) - We do not see the need for this.

Section 3 of Gazette

Page 24 para 128 (i) - We do not see the need for this index. It appears to be an application number/publication number cross-reference grouped under receiving offices. The EPO certainly doesn't intend to produce such a list for national filing offices or even a cross reference application number/publication number index.

para 128 (ii) According to ICIREPAT standard S.T.11 if the main  
and in (iii) index is in classification order what is required is.

(a) number - classification

(b) name - classification

(This table will also require the number)

Moreover it would seem that the appropriate number to use is the publication number and not the application number (cf para. 128 (iii) and Appendix J).

Page 24 para 131 - Appendix J gives application numbers and not publication numbers.

Section 4 of Gazette

Page 25 para 135 - Note at foot of page - Once a month for the first six months would seem to be sufficient.

Part IV - Comulative Indexes

Page 26 para 138 - Annually would be in line with EPO proposals.

para 139 - Separate Volumes would be greater use to users.

Part V Abstract Services

Page 26 para 140 - We favour a classified abstract service but see comments on paras 112-114. Since abstracts are to be produced in the Gazette such a service could be based on the Gazette in so far as it is a weekly service. However, it would also be a great advantage if the system adopted by WIPO could be harmonised with that to be used by the EPO. In particular it would be desirable if any annual consolidated publication could be integrated with the EPO publication which is likely to be on 16 mm cassetted microfilm.

Page 26 para 142 - The question of whether or not any classified abstract service could be used to make up a card index should not be a primary objective. The main consideration is the production of a publication in classified form which can be used of itself for searching purposes. Thus in considering whether to print recto only consideration should also be given to the extra cost of such a publication.

Page 27 para 145 - This paragraph raises the question of collaboration with INPADOC in producing a classified abstract service. Since the EPO has decided to provide a classified abstract service, and since this will embrace similar types of application to PCT applications, collaboration with the EPO should be considered. Indeed since an annual classified abstract service is not a matter of great urgency it might be as well to wait and see what system is developed by EPO for its annual indexes.

Appendix D/E/F - Nothing seems to show that these documents are applications as opposed to patents.

Appendix F - There seems to be no necessity to repeat the abstract on page 9.

INTERIMSAUSSCHUSS  
der Europäischen Patentorganisation

- Sekretariat -

INTERIM COMMITTEE  
of the European Patent Organisation

- Secretariat -

COMITE INTERIMAIRE  
de l'Organisation européenne des brevets

- Secrétariat -

Brussels, 21 DEC. 1978

Dr. A. BOGSCH  
Director-General  
World Intellectual Property  
Organization  
32, Chemin des Colombettes  
1211 GENEVE 20  
Switzerland

Dear Dr. Bogsch,

Please find enclosed a note in English and French setting out the conclusions of the Interim Committee of the European Patent Organisation in respect of the publication of the abstract in cases where the search report is published separately from the application. This matter was discussed with reference to applications under the European Patent Convention, but an analogous situation may arise in relation to international applications under the Patent Cooperation Treaty. I should therefore be grateful if you would bring this note to the attention of the PCT Interim Advisory Committee for Administrative Questions and of the relevant Working Groups thereunder.

Yours sincerely,



van GREVENSTEIN  
Director-General

Copies: Dr. Haertel, Chairman of the Interim Committee  
Mr. Comte, Chairman of Working Party II  
Mr. Dekker, Chairman of the Guidelines Drafting Committee  
Dr. Singer, Head of the Planning Group

Subject: Publication of the abstract in cases where the search report is published separately from the application

At its seventh meeting, held from 30 November to 2 December 1976, the Interim Committee of the European Patent Organisation briefly discussed the publication of the abstract of the European patent application in cases where the search is carried out too late for the search report to be published together with the application. This situation may also occur in relation to international applications under the Patent Cooperation Treaty and is dealt with in paragraphs 88-91 on page 18 of the draft Guidelines on publication under the Patent Cooperation Treaty (document PCT/AAQ/VII/4, Annex).

The Interim Committee, taking into consideration that

- (a) publication of the application without an abstract is undesirable in view of the interests of the public,
- (b) for the search examiner to study the application well in advance of carrying out the search, merely for the purpose of determining the definitive text of the abstract, is equally undesirable in view of the additional time required,

decided, as regards European applications, that in cases where the publication is due before the search,

- (1) the publication of the application will include the abstract as filed (subject to a minimal check to ensure that it corresponds to the application, the title of the invention and the classification of the application);

- (2) when, during the search, the examiner finds it necessary to make changes in the abstract (and title and figure selected for publication therewith), the abstract will be republished in the modified definitive form together with the search report; it will be included at the usual place on the front page, which will in any case accompany the separate publication of the search report.

This decision has resulted in two modifications in Part B of the Guidelines for Examination in the European Patent Office, namely in Chapter IV, point 1.4 and Chapter XI, point 2, copies of which are annexed to this note. This decision is contrary to the position taken earlier by Working Party II in this respect in CI/GT II/101/76, paragraphs 12 and 13 on pages 10 and 11 (a copy of which was sent to the International Bureau of WIPO), but is not inconsistent with the relevant provisions of the European Patent Convention and the Patent Cooperation Treaty. This decision as regards the abstract does not affect the decisions as regards publication of the European search report contained in CI/GT II/101/76, nor the proposals as regards publication of the international search report contained in document PCT/AAQ/VII/16, which are therefore fully maintained.

PART B

CHAPTER XI

THE ABSTRACT

PART B

CHAPTER IV

Rule 47

Rule 33

Art. 93(2)

1.4 The examiner should then consider the abstract in relation to the requirements laid down in the Implementing Regulations (see Chapter XI). Since the abstract should relate to the application as filed, the examiner should consider it and determine its definitive content before carrying out the search, in order to avoid being inadvertently influenced by the results of the search. However, if there are initial obscurities, which are cleared away in the course of the search, he may have to return to the abstract after the search is completed. If publication of the application is due before search, the examiner will have to establish the classification of the application much earlier than he carries out the search (see V, 4.1); he will then at the same time briefly examine the abstract for the purpose of publication. This examination of the abstract will not go beyond ensuring that it relates to the application concerned and that no conflict exists with the title of the invention or with the classification of the application.

1.5 The examiner will then determine the definitive classification of the application in accordance with the guidance given in V,4.

Rule 47

Rule 49

Art. 85

Rule 33(5)

1. The application must contain an abstract. The purpose of the abstract is to give brief technical information about the disclosure as contained in the description, claims and any drawings.

2. The abstract is initially supplied by the applicant. The search examiner has the task of determining its definitive content, which will normally be published with the application. In doing this he should consider the abstract in relation to the application as filed (see IV, 1.4) (PCT Rule 38.2(b); Rule 48.2(b)(iii)). If the search report is published later than the application, the abstract published with the application will be as filed; subject to the results of the examination referred to in IV, 1.4, last sentence, and the definitive abstract will be published together with the search report.

3. In determining the definitive content the search examiner should take into consideration that the abstract is merely for use as technical information, and in particular must not be used for the purpose of interpreting the scope of the protection sought. The abstract should be so drafted that it constitutes an efficient instrument for purposes of searching in the particular technical field, and should in particular make it possible to assess whether there is need for consulting the European patent application itself (PCT Rule 8.3).

CORRIGENDA TO DOCUMENT PCT/AAQ/VII/4

The following corrigenda are made to the English version of the Draft Guidelines on Publication under the Patent Cooperation Treaty (PCT) (document PCT/AAQ/VII/4):

- (1) Annex, page 23, paragraph 125. This paragraph should read as follows:

"125. It is proposed to provide for three other separate sections of the Gazette, following the first section treated above, which will deal respectively with:

  - (i) the notices related to given published international applications (Section 2);
  - (ii) information facilitating access to the Gazette entries as contained in Section 1, which will be presented in the form of weekly indexes consisting of lists of bibliographic data arranged according to relevant criteria (section 3);
  - (iii) the notices of a general character, not specially related to given published international applications (Section 4).
- (2) Appendix F. Pages 9 and 11 of the sample published international application should be omitted (with respect to page 11, the International Bureau interprets the reference made in PCT Rule 48.2(a)(v) to the international search report as not including the text of the abstract which accompanies the international search report by virtue of Rule 44.2(a), but which is already published on the front page of the pamphlet in accordance with PCT Rule 48.2(b)(iii)).
- (3) Appendices H, I and J: "Section 4" should read "Section 3".

[End of document]