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WORLD INTELLECTUAL PROPERTY ORGANIZATION

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PATENT COOPERATION TREATY

WORKING GROUP ON GUIDELINES FOR PUBLICATION AND FOR DRAWINGS

First Session

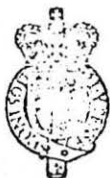
Geneva, February 21 to 25, 1977

OBSERVATIONS ON THE GUIDELINES ON THE PRESENTATION
AND EXECUTION OF DRAWINGS UNDER THE PATENT
COOPERATION TREATY (PCT)

1. The International Bureau has received the annexed observations of the Patent Office of the United Kingdom on the Guidelines on the Presentation and Execution of Drawings under the Patent Cooperation Treaty (PCT) contained in document PCT/AAQ/VII/11, which was submitted to the PCT Interim Advisory Committee for Administrative Questions at its seventh session (November 1 to 8, 1976) but referred by that Committee to the present Working Group (PCT Working Group on Guidelines for Publications and for Drawings) for further consideration (see document PCT/AAQ/VII/19, paragraph 157).

2. This Working Group is invited to consider document PCT/AAQ/VII/11 in the light of these observations.

[Annex follows]



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Head of the Patent Cooperation Treaty Division
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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 guidelines on the presentation and execution of drawings under the EPC (PCT/AAC/VII/11)

General

page 1 para 3

This paragraph refers to the fact that the present guidelines are in a large measure based on the draft EPO guidelines CI/GT III/112/76. In fact the EPO guidelines have been very substantially revised (cf CI/198/76) so that the present EPO guidelines are only about half the length of the original draft.

A primary question which was considered in re-drafting the EPO guidelines was to whom they were directed. This needs to be done for the PCT guidelines. If they are directed to applicants unaccustomed to preparing drawings (draftsmen would know what to do anyway), they should be short and concise giving a few illustrations of suitable drawings. If they are directed to formalities officers in Receiving Offices they should not contain information on the preparation of drawings. The EPO decided that they should be directed to formalities officers. We suggest that WIPO does likewise and incorporates these guidelines as a separate section in the Receiving Office guidelines. The EPO also took a number of other decisions which shortened the guidelines and could well be adopted

page 3 para 6

for the PCT guidelines. In particular:-

- (i) Photographs are not regarded as drawings and should not be referred to (cf page 4 para 7 and page 6 para 15).
- (ii) The EPO guidelines to a large extent only deal with the requirements of the convention. Advice to persons who prepare drawings and recommendations have been kept to a minimum (cf page 3 para 2 of the present guidelines). The wording of paragraphs 3 and 4 page 3 of the present guidelines is not considered sufficient to distinguish between recommendations and mandatory requirements. The distinction should be clear from the text. In many cases the use of brackets in the text is confusing.
- (iii) Repetition of Rules set out in the European Patent Convention has been kept to a minimum.

We recommend that the PCT Working Group adopts a similar approach.

The requirements for chemical and mathematical formulae and tables should not be included in this document as they are not drawings (see also page 4 para 9 third sentence and page 6 para 15 second sentence). If desired formulae and tables could be dealt with in a separate section but they should not be referred to as drawings. Of course

a chemical formulae which satisfies all the requirements for drawings can be presented as a drawing.

Introduction

Page 4 para 8 and the first sentence of para 9 are superfluous.

para 9 - Second sentence (see observations on page 3 para 6).

para 10 line 7 - should refer to the "abstract" as well eg "and possibly the abstract".

page 5 para 11 - "preparation" in line 1 should read "formulation".

para 12 - The last four lines of this paragraph are not understood.

para 13 - This needs clarification eg "It is further to be noted that Rule 11.13(c) requires that should and the general principle enunciated above must also be interpreted in the light of these requirements".

para 14 - The last two lines of this paragraph are not consistent with para 63.3 otherwise figures 1-3 would be crossed through.

PART A

page 6 para 16 We suggest that para 16.1 and the first two sentences of paragraph 16.2 are superfluous. It is well known what flow sheets and diagrams are. N.B. Figure 8 is not a flow diagram as suggested in para 16.2.

para 16.3 This cannot always be true eg for something like a TV colour decoder.

page 7 para 17 (see observation on page 3 para 6)

para 18.2 The marginal reference should be to Rule 10 (1)(d) the last two sentences of this paragraph are appropriate to drawings (cf observations on para 17).

page 7 para 19.2 Deals to a large extent with matter not required and by the PCT. Under the PCT these guidelines can only point out that the description containing such tables should be sufficiently clear to a skilled reader.

page 8 para 19.2 The last sentence of this paragraph does not seem to be correct (cf Rule 11.10(c)).

The use of brackets within brackets in this paragraph causes confusion. Moreover, it is not clear who is to apply the guideline in this and the previous paragraph. Is this not a matter for national offices.

page 8 paras 20-20.3 The guidelines should not deal with photographs at all.

PART B

page 9 The heading "Documents Making up the International Application which contain drawing" is not clear. It could be deleted.

page 10 para 26 It is not clear why this is underlined it is not a quotation from the Rules. The last sentence of this paragraph should read "The selected figure(s) is (are) published with the abstract."

para 26.1 This seems to suggest special figures are required for the abstract. This is not correct, the applicant (or ISA) merely selects one or more of the drawings accompanying the description. (cf para 26.2). We suggest deletion of para 26.1.

para 28 It is not clear why quotation marks are provided. This is not a direct quotation from Rules 11.3 or 11.5.

para 28.1 - are largely superfluous and have been deleted
28.5 from the EPO guidelines.

page 11 para 30.1 This paragraph should begin at "Correction must be durable". The earlier part of the paragraph is largely superfluous.

page 12 para 31.1 We do not agree that tagged holes are unallowable. The second sentence of this paragraph is not understood. The last sentence is unnecessary.

page 12 para 33.1 It would be preferable not to include a frame in sheet I/8 at all.

page 13 para 35.2 The Appendices are not consistent with the numbering proposed in the second half of this paragraph. However, since drawings or description could be cancelled during examination procedure, it might be simpler to start each with a separate series of numbers.

page 14 para 38.3 The words "the two" in line 4 should be deleted.
para 38.4 This paragraph should also make it clear that constructional details of parts of the devices not concerned with the invention need only be indicated in outline or diagrammatic fashion.

Page 15 para 39.1 The first two sentences of this paragraph are unnecessary.

para 39.2 The recommendation in the last sentence of this paragraph is not clear but, in so far as it is understood, could be terribly wasteful in some cases and certainly should not be a requirement.

para 39.5 The whole of this paragraph should be in brackets.

page 16 para 40.2 This should read " .. neither figure may contain parts of the other".

para 40.5 The use of a smaller scale figure showing how the parts are joined could cause problems. Presumably this will be schematic otherwise on photocopying it could be come obscure. Figure 20 does not carry out this proposal.

page 17 para 40.6 Delete "for instance".

para 42 This is not a direct quote therefore it is not clear why it is underlined.

para 42.1 This all seems unnecessary and, if anything, should go in the RO Guidelines.

PART C

page 18 para 43 This para is unnecessary.

para 44.3 This para is somewhat confusing and unnecessary

para 44.4 It is not understood what is meant by "process copier".

page 19 para 44.5 This is a matter of technique for the person who prepares the drawings and should not be included in the guidelines.

para 44.6 44.8 and 44.9, 44.10	These paragraphs could be dispensed with they are not included in the EPO guidelines.	page 27 para 63.3	Since figures 1-3 are incorrectly drawn they should be struck out (cf para 14).
	The reference to lines drawn free hand in para 44.8 is contrary to Rule 11.13(f) (cf Figure 11).	page 29 para 68.2	The first half of para 68.2 is not really consistent with para 67.1.
page 20 para 46- 46.1	All except the first sentence have been deleted from the EPO guidelines.	page 31 paras 69-71	These paragraphs are not really appropriate to ECT guidelines and are not peculiar to drawings alone.
page 21 paras 49 49.1 and 50 and 50.1	The separation into identification and indication of cross-sections is confusing. These paragraphs need clarification and should be integrated with para 48. Para 50.1 is superfluous in view of para 48. This whole passage has now been considerably curtailed in the EPO guidelines. The reference to "section on A" in para 50 offends Rule 11.13(e). Para 49.1 is dealing with something different from Rule 11.13(b).		
	The problem referred to in the latter half of para 50 re-text on drawings is avoided if Rule 5.1(a)(iv) is fully carried out.		
page 22 para 52.1	Rule 11.13(c) has nothing to do with cutting up drawings.		
page 24 para 56.2	Reference should be made to Rule 11.13(c) and not 11.13(e).		
page 25 para 60.1	These paragraphs are not relevant to drawings and should be deleted.		
page 26 para 62.1			
page 27 para 63.1	The use of primes probably offends Rule 11.13(e)		
Page 27 para 63.2	This paragraph is not of relevance to drawings guidelines.		