

AGREEMENT REGARDING PFR ST.36/2009/002

Agreement regarding PFR ST.36/2009/002 was reached by the ST.36 Task Force on May 12, 2009 as proposed in PFR ST.36/2009/002 **Rev.2** on May 4, 2009.

PFR ST.36/2009/002 **Rev.2**, Rev.1 and the initial proposal submitted by the WO/IB Office on February 2, 2009 are reproduced as Annexes to this Agreement.

[Annex follows]

ANNEX 1

PROPOSAL FOR REVISION (PFR) FOR WIPO STANDARD ST.36

Identifier: <i>(to be completed by the IB)</i>		PFR ST.36/2009/002 Rev.2	
Procedure for handling this proposal: <i>(to be completed by the IB)</i>		Fast-Track Procedure by the ST.36 Task Force	
Submitted by: <i>(Office)</i>	EPO/JPO/USPTO	Date Submitted	February 2, 2009 Rev.2, May 4, 2009
Subject			
<i>(i.e., brief indication of the changes to be considered)</i>	Multiple corrections and enhancements regarding Search Report		
WIPO Standard & Items impacted			
<i>(e.g., main body of the Standard, Appendices / Annexes to the Standard, DTD/Schema, Element/Type Name, etc)</i>	WIPO Standard ST.36 Items impacted: - Annex A : Model DTD (xx-patent-document.dtd) - Annex C : ICEs Note: also effects Annex F DTDs (PCT Administrative Instructions): search-report.dtd		
Detailed description <i>(i.e., proposed solution)</i>			
<i>(If necessary, please attach further explanation sheet, e.g., a part of ICE table to be changed if a proposal impacts ST.36 ICEs, comments to be added to DTD/Schema if a proposal is related to elements/type, etc.)</i>	This PFR includes nine proposals as follows: Proposal 1: Modify the element <code>srep-figure-to-publish</code> to clarify the values of its attribute <code>figinfo</code> ; Proposal 2: Modify the element <code>search-fee-protest</code> to clarify the values of its attribute <code>protest</code> Rename the element <code>search-fee-protest</code> to <code>srep-protest-remark</code> and of its attribute from <code>protest</code> to <code>protest-remark</code> and clarify the values of the attribute; Proposal 3: Modify the element <code>srep-claims-info</code> to clarify the names of its sub-elements and to add its new sub-elements and their attributes required for the EPO; Proposal 4: Modify the element <code>limitation-of-search</code> to add attributes; Proposal 5: Modify the element <code>reason-limited-search</code> to add the		

Detailed description (i.e., proposed solution)	
	<p style="text-align: center;">sub-element “heading”;</p> <p>Proposal 6: Modify the element <code>srep-search-opinion</code> to correct syntax;</p> <p>Proposal 7: Modify the element <code>translation-of-appl</code> to add the attribute <code>translation</code>;</p> <p>Proposal 8: Change the name of the element <code>incomplete-search</code> to <code>srep-incomplete-search</code>; and</p> <p>Proposal 9: Modify the element <code>srep-for-pub</code> to add the sub-element <code>srep-declaration</code> and its sub-elements and attributes</p> <p>Further detailed description of each proposal is available in Appendix 1 to this PFR.</p> <p>These proposals were briefly discussed at the ST.36 Task Force informal meeting which was held in Geneva in November 2008. The results of the meeting are available on the ST.36 Task Force website at: http://www.wipo.int/scit/en/taskfrce/st36/background.htm.</p>
Reasons	
<p><i>(e.g., clear indication of the problem, how the need was determined, objectives of the revision, expected benefits, etc.)</i></p>	<p>The proposed modifications aim at clarifying some aspects of the search report, at correcting some error and at adding support for the declaration of no-search or other procedural matters.</p> <p>The detailed reason of each proposal is explained in Appendix 1, if necessary.</p>

Appendix 1: List of Detailed Proposals

Appendix 2: Detailed Information on the Proposal 9 for `srep-declaration`

Appendix 3: Proposal For Revision of ICEs

[Appendix 1 follows]

Note: The newly added texts are in blue, and removed text in red and struck. In general, the strikethrough texts propose to be deleted from WIPO Standard ST.36 and/or this PFR.

Appendix 1

List of Detailed Proposals

	Proposal	Detailed Description
1	<p>Modify the element <code>srep-figure-to-publish</code> to clarify the values of its attribute <code>figinfo</code></p>	<pre><!ELEMENT srep-figure-to-publish (figure-to-publish?)> Change the attribute values from: <!ATTLIST srep-figure-to-publish figinfo (1 2 3 4) #REQUIRED > To: <!-- Abstract Drawing The figure of the drawings to be published with the abstract is: Figure No. followed by text of attribute value: <u>by-applicant</u> (1) = as suggested by the applicant. <u>none-suggested</u> (2) = selected by the examiner because the applicant failed to suggest a figure. <u>by-examiner</u> (3) = selected by the examiner because this figure better characterizes the invention. <u>none</u> (4) = None of the figures is to be published with the abstract (Old PCT/ISA/210 - 6 a and b) --> <!ATTLIST srep-figure-to-publish figinfo (<u>by-</u> <u>applicant</u> <u>none-suggested</u> <u>by-examiner</u> <u>none</u>) #REQUIRED ></pre>

	Proposal	Detailed Description
2	<p>Modify the element search-fee-protest to clarify the values of its attribute "protest"</p> <p>Rename the element search-fee-protest to srep-protest-remark and of its attribute from protest to protest-remark and clarify the values of the attribute</p> <p>Deprecate the element search-fee-protest</p>	<p>Change from:</p> <pre><!-- Remark on protest Attribute values: no = No protest accompanied the payment of additional search fees yes = The additional search fees were accompanied by the applicant's protest. --> <!ELEMENT search-fee-protest EMPTY> Change the attribute values from: <!ATTLIST search-fee-protest protest (1 2 3) #REQUIRED ></pre> <p>To:</p> <pre><!-- Remark on protest Attribute values: none no-protest = No protest accompanied the payment of additional search fees protest-fee-paid = The additional search fees were accompanied by the applicant's protest and, where applicable, the payment of a protest fee. protest-fee-not-paid = The additional search fees were accompanied by the applicant's protest but the applicable protest fee was not paid within the time limit specified by the invitation. --> <!ELEMENT search-fee-protest srep-protest-remark EMPTY> <!ATTLIST search-fee-protest srep-protest-remark protest-remark (none no-protest protest-fee-paid protest-fee-not-paid) #REQUIRED ></pre> <pre><!-- Remark on protest Attribute values: no = No protest accompanied the payment of additional search fees yes = The additional search fees were accompanied by the applicant's protest. --> <!ELEMENT search fee protest EMPTY> <!ATTLIST search fee protest protest (1 2 3) #REQUIRED --></pre>

	Proposal	Detailed Description
3	<p>Modify the element <code>srep-claims-info</code> to clarify the names of its sub-elements and to add new sub-elements and their attributes required for the EPO</p>	<p>Change from: <code><!ELEMENT srep-claims-info (clms-reason-1? , clms-reason-2? , clms-reason-3?)></code></p> <p>To: <code><!ELEMENT srep-claims-info (<u>srep-claims-not-searched*</u>) ></code></p> <p>Add: <code><!ELEMENT <u>srep-claims-not-searched</u> (<u>claim-num*</u>,<u>claim-remark?</u>) ></code> <code><!ATTLIST <u>srep-claims-not-searched</u> <u>reason</u> (<u>subject-matter-not-searched-by-isa</u> <u>no-meaningful-search</u> <u>dependent-claims-incorrectly-drafted</u> <u>limited-to-claim-fees-paid</u> <u>limited-to-first-claims</u>) #REQUIRED</code> <code>></code></p> <p>Remove elements: <code>clms-reason-1,</code> <code>clms-reason-2,</code> <code>clms-reason-3</code></p> <p>Detailed Reason: to clarify the sub-element names of the element <code>srep-claims-info</code>, the sub-elements are need to be changed and three attribute values <code>subject-matter-not-searched-by-isa</code>, <code>no-meaningful-search</code> and <code>dependent-claims-incorrectly-drafted</code> correspond to previous sub-elements <code>clms-reason-1</code>, <code>clms-reason-2</code> and <code>clms-reason-3</code>, respectively. The last two values are required for the EPO.</p>
4	<p>Modify the element <code>limitation-of-search</code> to add attributes</p>	<p>Change from: <code><!ELEMENT limitation-of-search (text? , claims-searched* , claims-searched-incompletely* , claims-not-searched* , reason-limited-search*)></code></p> <p>To: <code><!ELEMENT limitation-of-search (text? , claims-searched* , claims-searched-incompletely* , claims-not-searched* , reason-limited-search*)></code> <code><!ATTLIST <u>limitation-of-search</u> <u>sequence</u> CDATA #IMPLIED</code> <code><u>reason-type</u> CDATA #IMPLIED ></code></p> <p>Detailed Reason: to require a sequence indicator and the type of limitation (<code>reason-type="reasonpatentability"</code> or <code>"reasonobscurity"</code> or <code>"remark"</code>)</p>

	Proposal	Detailed Description
5	<p>Modify the element <i>reason-limited-search</i> to add the sub-element heading.</p> <p>Modify the description of the element heading to give better guideline (see the proposed description of the element heading in Appendix 3)</p>	<p>Change from: <!ELEMENT reason-limited-search (p+)></p> <p>To: <!ELEMENT reason-limited-search (heading?, p+)></p> <p>Detailed Reason: do not rely on style sheet for heading text.</p>
6	<p>Modify the element <i>srep-search-opinion</i> to correct syntax</p>	<p>Change from: <!ELEMENT srep-search-opinion (doc-page+ , (heading* , p+)>></p> <p>To: <!ELEMENT srep-search-opinion (<u>(doc-page+)</u> (heading*,p+)> ></p> <p>Detailed Reason: to correct wrong syntax in Model DTD (xx-patent-document.dtd)</p>
7	<p>Modify the element <i>translation-of-appl</i> to add the attribute translation</p>	<p>Change the element <!ELEMENT translation-of-appl EMPTY></p> <p>From: <!ATTLIST translation-of-appl lang CDATA #IMPLIED ></p> <p>To: <!ATTLIST translation-of-appl <u>translation (yes no) 'no'</u> <u>translation-purpose (international-search international-publication supplementary-international-search international-type-search international-preliminary-examination entry-regional-phase priority-document national-search national-examination opposition) #IMPLIED</u> lang CDATA #IMPLIED ></p> <p>Detailed Reason: to better handle Form PCT/ISA/237(Written opinion of ISA)</p>
8	<p>Change the name of the element <i>incomplete-search</i> to <i>srep-incomplete-search</i></p> <p>This name change should also apply to the element <i>srep-for-pub</i> which uses the element <i>incomplete-search</i>. See the proposal 9 for the element <i>srep-for-pub</i>, below.</p>	<p>Change from: <!ELEMENT incomplete-search (text limitation-of-search+)></p> <p>To: <!ELEMENT <u>srep</u>-incomplete-search (text limitation-of-search+)></p> <p>Detailed Reason: to keep consistency of element names regarding Search Report. This proposal influences the results of discussion on PFR ST.36/2008/005.</p>

	Proposal	Detailed Description
9	<p>Modify the element <i>srep-for-pub</i> to add the sub-element <i>srep-declaration</i> and its sub-elements and attributes</p> <p>See Appendix 2 for more details</p> <p>This proposal is related to the proposal 8 for the element <i>incomplete-search</i>, above.</p>	<p>Change from:</p> <pre><!ELEMENT srep-for-pub (doc-page+ (classification-ipc?, classifications-ipcr?, classification-national?, srep-fields-searched, srep-citations, incomplete-search?, srep-admin?, srep-patent-family?)) ></pre> <p>To:</p> <pre><!ELEMENT srep-for-pub (doc-page+ (classification-ipc?, classifications-ipcr?, classification-national?, srep-fields-searched, srep-citations, <u>srep-incomplete-search?</u>, <u>srep- declaration?</u>, srep-admin?, srep-patent-family?)) ></pre> <p>Add:</p> <pre><!ELEMENT <u>srep-declaration</u> ((<u>srep-declaration- subject-matter?</u>, <u>srep-declaration- partcompliance?</u>, <u>srep-declaration-sequence-listing?</u>, <u>additional-info?</u>) (heading?, p+)) ></pre> <pre><!ATTLIST <u>srep-declaration</u> phase CDATA "PCT"></pre> <pre><!ELEMENT <u>srep-declaration-subject-matter</u> EMPTY></pre> <pre><!ATTLIST <u>srep-declaration-subject-matter</u> <u>scientific-theories</u> (yes no) #IMPLIED <u>mathematic-theories</u> (yes no) #IMPLIED <u>plant-varieties</u> (yes no) #IMPLIED <u>animal-varieties</u> (yes no) #IMPLIED <u>bio-processes</u> (yes no) #IMPLIED <u>business</u> (yes no) #IMPLIED <u>mental-act</u> (yes no) #IMPLIED <u>games</u> (yes no) #IMPLIED <u>treatment-human</u> (yes no) #IMPLIED <u>treatment-animal</u> (yes no) #IMPLIED <u>diagnostic-methods</u> (yes no) #IMPLIED <u>presentation-information</u> (yes no) #IMPLIED <u>computer-program</u> (yes no) #IMPLIED></pre> <pre><!ELEMENT <u>srep-declaration-partcompliance</u> EMPTY></pre> <pre><!ATTLIST <u>srep-declaration-partcompliance</u> <u>description</u> (yes no) #IMPLIED <u>claims</u> (yes no) #IMPLIED <u>drawings</u> (yes no) #IMPLIED ></pre> <pre><!ELEMENT <u>srep-declaration-sequence-listing</u> EMPTY></pre> <pre><!ATTLIST <u>srep-declaration-sequence-listing</u> <u>paper</u> (yes no) #IMPLIED <u>electronic</u> (yes no) #IMPLIED <u>late-furnishing-fee</u> (yes no) #IMPLIED <u>table</u> (yes no) #IMPLIED</pre> <p>Detailed Reason: to add elements missing from search report - used/required by PCT and EPO (Form PCT/ISA/203: Declaration of non-establishment of ISR)</p>

[Appendix 2 follows]

APPENDIX 2

Detailed Information on the Proposal 9 for srep-declaration

Integration of the reasons of non-establishment of International Search Report (Article 17(2)(a) PCT),
Form PCT/ISA/2003 (April 2005)

The element <srep-for-pub> captures the data of the actual International Search Report. The proposed solution therefore consists in adding the necessary elements to the element <srep-for-pub> (see Appendix 1 for the details).

The advantage of the proposed solution is the enhanced flexibility of the specific implementation of the PCT phase while providing open implementation (alternative elements <heading> and <p>) to cover the specific aspects of a search-report in a regional/national phase.

PROPOSAL FOR THE CHANGE OF THE DTD

```
<!ELEMENT srep-for-pub (doc-page+ | (classification-ipc? , classifications-ipc? , classification-national? , srep-fields-searched , srep-citations , srep-incomplete-search? , srep-declaration? , srep-admin? , srep-patent-family? , earlier-search*))>
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```
<!--srep-declaration
```

```
Form PCT/ISA/2003 (April 2005)
```

```
If no search is to be carried out the search examiner will complete Form PCT/ISA/203 (Declaration of Non-Establishment of International Search Report), see PCT INTERNATIONAL SEARCH AND PRELIMINARY EXAMINATION GUIDELINES, 9.03.
```

```
Where the subject matter of all claims constitutes a subject excluded from the search where no meaningful search is possible for all of the claimed subject matter, a declaration of non-establishment of the international search report is issued pursuant to Article 17(2)(a) on Form PCT/ISA/203, see PCT INTERNATIONAL SEARCH AND PRELIMINARY EXAMINATION GUIDELINES, paragraph 9.40.
```

```
When the information in the declaration cannot be formatted or additional information is needed, the information will formatted as text using the <additional-info> element.
```

```
The phase attribute contains the code of the procedure, e.g. PCT, EP, US, and permits the reuse of the present DTD in national phases. Its values has been defaulted to PCT.
```

```
For regional/national phases, the elements srep-declaration-subject-matter, srep-declaration-partcompliance, srep-declaration-sequence-listing, additional-info will probably be irrelevant. Therefore the alternative use of elements <heading>
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and <p> enable the entry of text specific to the regional/national phases.
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Form Layout:
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This International Searching Authority hereby declares, according to Article 17(2)(a), that no international search report will be established on the international application for the reasons indicated below.
```

1. () The subject matter of the international application relates to:
 - a. () scientific theories
 - b. () mathematical theories
 - c. () plant varieties
 - d. () animal varieties
 - e. () essentially biological processes for the production of plants and animals, other than microbiological processes and the products of such processes
 - f. () schemes, rules or methods of doing business
 - g. () schemes, rules or methods of performing purely mental acts
 - h. () schemes, rules or methods of playing games
 - i. () methods for treatment of the human body by surgery or therapy
 - j. () methods for treatment of the animal body by surgery or therapy
 - k. () diagnostic methods practised on the human or animal body
 - l. () mere presentations of information
 - m. () computer programs for which this International Searching Authority is not equipped to search prior art

2. () The failure of the following parts of the international application to comply with prescribed requirements prevents a meaningful search from being carried out:

() the description () the claims () the drawings

3. () A meaningful search could not be carried out without the sequence listing; the applicant did not, within the prescribed time limit:
 - () furnish a sequence listing on paper complying with the standard provided for in Annex C of the Administrative Instructions, and such listing was not available to the International Searching Authority in a form and manner acceptable to it.
 - () furnish a sequence listing in electronic form complying with the standard provided for in Annex C of the Administrative Instructions, and such listing was not available to the International Searching Authority in a form and manner acceptable to it.
 - () pay the required late furnishing fee for the furnishing of a sequence listing in response to an invitation under Rule 13ter.1(a) or (b).

4. () A meaningful search could not be carried out without the tables related to the sequence listings; the applicant did not, within the prescribed time limit, furnish such tables in electronic form complying with the technical requirements provided for in Annex C-bis of the Administrative Instructions, and such tables were not available to the International Searching Authority in a form and manner acceptable to it.

5. Further comments:

+++++

-->

```
<!ELEMENT srep-declaration ((srep-declaration-subject-matter?, srep-declaration-partcompliance?, srep-declaration-sequence-listing?, additional-info?) | (heading?, p+)) >
```

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<!ATTLIST srep-declaration phase CDATA "PCT">
```

<!--

Form PCT/ISA/203 (April 2005)

When it has been established that the subject-matter of the international application falls into one of the exceptions set out in Rule 39, point 1. of Form PCT/ISA/203 (April 2005) is completed by selecting the exception.

+++++

Form Layout

(see comment of srep-declaration for detailed description of the form)

Whenever the tag <srep-declaration-subject-matter> is present box 1 is crossed.

Whenever the value of the following attribute is 'yes', the associated box should be crossed.

| attribute | box |
|--------------------------|-----|
| scientific-theories | 1.a |
| mathematic-theories | 1.b |
| plant-varieties | 1.c |
| animal-varieties | 1.d |
| bio-processes | 1.e |
| business | 1.f |
| mental-act | 1.g |
| games | 1.h |
| treatment-human | 1.i |
| treatment-animal | 1.j |
| diagnostic-methods | 1.k |
| presentation-information | 1.l |
| computer-program | 1.m |

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-->

<!ELEMENT srep-declaration-subject-matter EMPTY>

<!ATTLIST srep-declaration-subject-matter

```

scientific-theories ( yes | no ) #IMPLIED
mathematic-theories ( yes | no ) #IMPLIED
plant-varieties ( yes | no ) #IMPLIED
animal-varieties ( yes | no ) #IMPLIED
bio-processes ( yes | no ) #IMPLIED
business ( yes | no ) #IMPLIED
mental-act ( yes | no ) #IMPLIED
games ( yes | no ) #IMPLIED
treatment-human ( yes | no ) #IMPLIED
treatment-animal ( yes | no ) #IMPLIED
diagnostic-methods ( yes | no ) #IMPLIED
presentation-information ( yes | no ) #IMPLIED
computer-program ( yes | no ) #IMPLIED>

```

<!--

Form PCT/ISA/203 (April 2005)

Point 2. of Form PCT/ISA/203 (April 2005) indicates which part(s) of the international application are subject to the issuance of the declaration under Article 17(2)(a).

+++++

Form Layout
(see comment of srep-declaration for detailed description of the form)

Whenever the tag <srep-declaration-~~part~~compliance> is present box 2 is crossed. The corresponding box of each attribute should be crossed when its value is 'yes'.

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-->

<!ELEMENT srep-declaration-~~part~~compliance EMPTY>

<!ATTLIST srep-declaration-~~part~~compliance description (yes | no) #IMPLIED
claims (yes | no) #IMPLIED
drawings (yes | no) #IMPLIED >

<!--

Form PCT/ISA/203 (April 2005)

Points 3. and 4. of Form PCT/ISA/203 (April 2005) indicate deficiencies of the international application related to sequence listings which are subject to the issuance of the declaration under Article 17(2)(a) for non compliance with Rules 13ter.1(c) and (d).

+++++

Form Layout
(see comment of srep-declaration for detailed description of the form)

Whenever an attribute is set to 'yes' the following boxes should be crossed:

| attribute | box(es) |
|---------------------|--|
| paper | 3 and
"furnish a sequence listing on paper ..." |
| electronic | 3 and
"furnish a sequence listing in electronic form ..." |
| late-furnishing-fee | 3 and
"pay the required late furnishing fee ..." |
| table | 4 |

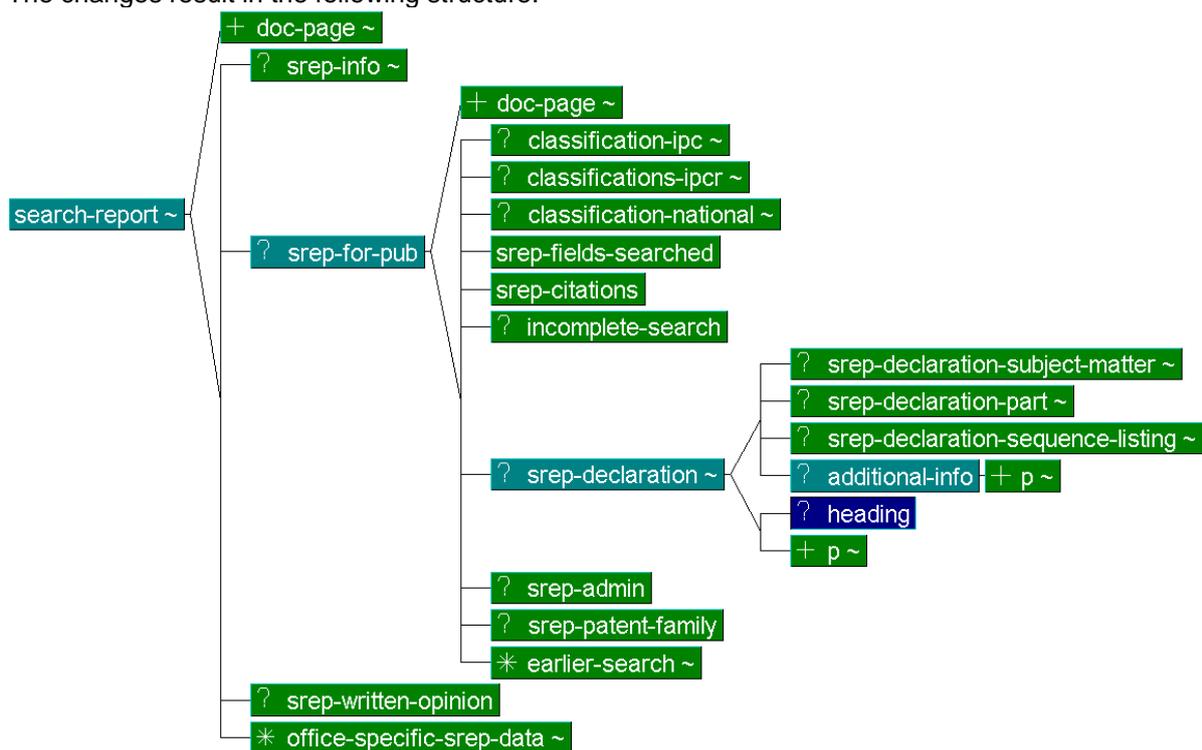
+++++

-->

<!ELEMENT srep-declaration-sequence-listing EMPTY>

<!ATTLIST srep-declaration-sequence-listing
paper (yes | no) #IMPLIED
electronic (yes | no) #IMPLIED
table (yes | no) #IMPLIED
late-furnishing-fee (yes | no) #IMPLIED >

The changes result in the following structure:



[Appendix 3 follows]

APPENDIX 3

Proposal For Revision of ICEs

| Element Name | Description | Uses | Used By | In DTD | INID Code (ST9) | ST32 | Category | Entry(E) / Revision Date | Remarks (Deprecated Date, PFR no., etc.) |
|------------------------|---|-------------------|-------------------------|-----------------------------------|-----------------|------|---------------------------|--------------------------|--|
| srep-figure-to-publish | <p>Abstract Drawing The figure of the drawings to be published with the abstract is: Figure No. followed by text of attribute value: 4by-applicant = as suggested by the applicant. 2none-suggested = selected by the examiner because the applicant failed to suggest a figure. 3by-examiner = selected by the examiner because this figure better characterizes the invention. or: 4none = None of the figures is to be published with the abstract (Old PCT/ISA/210 - 6 a and b)</p> <p><IELEMENT srep-figure-to-publish (figure-to-publish?)>
<!ATTLIST srep-figure-to-publish figinfo (by-applicant none-suggested by-examiner none) #REQUIRED ></p> | figure-to-publish | srep-info | search-report, xx-patent-document | | | International Conventions | 2004-11-11 (E) | |
| srep-protest-remark | <p>Remark on protest Attribute values: no-protest = No protest accompanied the payment of additional search fees; protest-fee-paid = The additional search fees were accompanied by the applicant's protest and, where applicable, the payment of a protest fee. protest-fee-not-paid = The additional search fees were accompanied by the applicant's protest but the applicable protest fee was not paid within the time limit specified by the invitation.</p> <p><IELEMENT srep-protest-remark EMPTY>
<!ATTLIST srep-protest-remark protest-remark (no-protest protest-fee-paid protest-fee-not-paid) #REQUIRED ></p> | | srep-unity-of-invention | search-report, xx-patent-document | | | Fees | | |

| Element Name | Description | Uses | Used By | In DTD | INID Code (ST9) | ST32 | Category | Entry(E) / Revision Date | Remarks (Deprecated Date, PFR no., etc.) |
|-------------------------------------|--|--|-----------------------------|--|-----------------|------|---------------------------|--------------------------|--|
| search-fee-protest | Remark on protest - Attribute values: -no = No protest accompanied the payment of additional search fees; yes = The additional search fees were accompanied by the applicant's protest | | srep-unity-of-invention | search-report, xx-patent-document | | | Fees | 2004-11-11(E) | deprecated |
| clms-reason-1 | | claim-num, claim-remark | srep-claims-info | search-report, xx-patent-document | | | | | deprecated |
| clms-reason-2 | | claim-num, claim-remark | srep-claims-info | search-report, xx-patent-document | | | | | deprecated |
| clms-reason-3 | | claim-num | srep-claims-info | search-report, xx-patent-document | | | | | deprecated |
| srep-unity-of-invention | (Old PCT/ISA/210 - Box No. III)
Observations where unity of invention is lacking This ISA found multiple inventions in this international application, as follows: (use text data)

<IELEMENT srep-unity-of-invention (p* , srep-search-fees , srep-protest-remark?)> | p, srep-search-fees, search-fee-protest srep-protest-remark | srep-info | search-report, xx-patent-document | | | International Conventions | 2004-11-11 (E) | |
| srep-claims-info | (Old PCT/ISA/210 - Box No. II)
Observations where certain claims were found unsearchable This ISR has not been established in respect of certain claims under Article 17(2)(a) for the following reasons: (followed by one of the following three reasons:). The reasons for which sets of claims where not searched will be provided with an element srep-claims-not-searched for each set.

<IELEMENT srep-claims-info (srep-claims-not-searched*) > | clms-reason-1, clms-reason-2, clms-reason-3, srep-claims-not-searched | srep-info | search-report, xx-patent-document | | | International Conventions | 2004-11-11 (E) | |
| srep-claims-not-searched | The attribute "reason" defines the reason for which certain claims have not been searched.

<IELEMENT srep-claims-not-searched (claim-num*, claim-remark) >
≧
<IATTLIST srep-claims-not-searched reason (subject-matter-not-searched-by-isa no-meaningful-search dependent-claims-incorrectly-drafted limited-to-claim-fees-paid limited-to-first-claims) #REQUIRED > | claim-num, claim-remark | srep-claims-info | search-report, xx-patent-document | | | | | |

| Element Name | Description | Uses | Used By | In DTD | INID Code (ST9) | ST32 | Category | Entry(E) / Revision Date | Remarks (Deprecated Date, PFR no., etc.) |
|--------------------------------|--|---------------------------------|---|--|-----------------|------|---------------------------|------------------------------|--|
| claim-num | Claim numbers

<!ELEMENT claim-num (#PCDATA)> | | iprp-basis-claims, subject-examination, amend-claims, applicability-not-valid, applicability-valid, inventive-step-not-valid, inventive-step-valid, novelty-not-valid, novelty-valid, opinion-established-regarding, invention-not-examined, non-estab-reason-4, non-estab-reason-3, non-estab-reason-2, non-estab-reason-1, srep-fee-4, srep-fee-3, clms-reason-3, clms-reason-2, clms-reason-1, srep-claims-not-searched | search-report, iprp, xx-patent-document | | | General Text | 2004-11-11 (E) | |
| claim-remark | Remarks on these claims

<!ELEMENT claim-remark (p+)> | p | clms-reason-2, clms-reason-4, srep-claims-not-searched | search-report, xx-patent-document | | | General Text | 2004-11-11 (E) | |
| reason-limited-search | <!ELEMENT reason-limited-search (heading?, p+)> | heading , p | limitation-of-search | search-report, xx-patent-document | | | International Conventions | 2008-09-15
2004-11-11 (E) | |
| heading | Heading text identifying the parts of the description (see PCT Rule 5.1(c), PCT/AI section 204).
Recommended id = h0001, h0002, etc.
The attribute level defines a hierarchic level and may be associated with a style.
Otherwise the formatting tags may be used to highlight the heading text.

<!ELEMENT heading (#PCDATA b i u o sup sub smallcaps)*>
<!ATTLIST heading level (1 2 3) #IMPLIED
id ID #IMPLIED > | b, i, u, o, sup, sub, smallcaps | srep-search-opinion, description, sequence-list-text, industrial-applicability, mode-for-invention, best-mode, disclosure, advantageous-effects, tech-solution, tech-problem, description-of-drawings, background-art, technical-field, claims-statement, reason-limited-search , srep-declaration | application-body, amendment-request, search-report , wo-published-application, xx-patent-document | | | Document Structure | 2008-09-15
2004-11-11 (E) | |
| srep -incomplete-search | The element is to process EPO SR FORM 1503 – partial SR. e.g., EP 99305342. The present application, or one or more of the claims, does/do not comply with the PCT to such an extent that a meaningful search into the state of the art cannot be carried out, or can only be carried out partially for these claims.

<!ELEMENT srep-incomplete-search (text limitation-of-search+)> | text, limitation-of-search | srep-for-pub | search-report, xx-patent-document | | | International Conventions | 2008-09-15
2004-11-11 (E) | |

| Element Name | Description | Uses | Used By | In DTD | INID Code (ST9) | ST32 | Category | Entry(E) / Revision Date | Remarks (Deprecated Date, PFR no., etc.) |
|------------------|---|--|--|---|-----------------|------|----------------------------------|--------------------------|--|
| srep-for-pub | <p>SECTION III OF DTD The actual search report - start a new page</p> <p>The Heading is: INTERNATIONAL SEARCH REPORT (ISR) - PART 2<HR></HR> Repeat international application number (?) IPC, FIELDS and DATABASES SEARCHED CLASSIFICATION OF SUBJECT MATTER</p> <p><IELEMENT srep-for-pub (doc-page+ (classification-ipc?, classifications-ipcr?, classification-national?, srep-fields-searched, srep-citations, srep-incomplete-search?, srep-declaration?, srep-admin?, srep-patent-family?))></p> | <p>doc-page, classification-ipc, classifications-ipcr, classification-national, srep-fields-searched, srep-citations, <u>srep-incomplete-search</u>, <u>srep-declaration</u>, srep-admin, srep-patent-family</p> | <p>search-report-data, search-report</p> | <p>search-report, xx-patent-document</p> | | | International Conventions | 2004-11-11 (E) | |
| srep-declaration | <p>Form PCT/ISA/2003 (April 2005)</p> <p><u>If no search is to be carried out the search examiner will complete Form PCT/ISA/203 (Declaration of Non-Establishment of International Search Report), see PCT INTERNATIONAL SEARCH AND PRELIMINARY EXAMINATION GUIDELINES, 9.03.</u></p> <p><u>Where the subject matter of all claims constitutes a subject excluded from the search where no meaningful search is possible for all of the claimed subject matter, a declaration of non-establishment of the international search report is issued pursuant to Article 17(2)(a) on Form PCT/ISA/203, see PCT INTERNATIONAL SEARCH AND PRELIMINARY EXAMINATION GUIDELINES, paragraph 9.40.</u></p> <p><u>The phase attribute contains the code of the procedure, e.g. PCT, EP, US, ... and permits the reuse of the present DTD in national phases. Its values has been defaulted to PCT.</u></p> <p><IELEMENT srep-declaration ((srep-declaration-subject-matter?, srep-declaration-compliance?, srep-declaration-sequence-listing?, additional-info?) (heading?, p+)) ><ATTLIST srep-declaration phase CDATA "PCT"></p> | <p><u>srep-declaration-subject-matter, srep-declaration-partcompliance, srep-declaration-sequence-listing, additional-info, heading, p</u></p> | <p>srep-for-pub</p> | <p><u>search-report, xx-patent-document</u></p> | | | <u>International Conventions</u> | | |

| Element Name | Description | Uses | Used By | In DTD | INID Code (ST9) | ST32 | Category | Entry(E) / Revision Date | Remarks (Deprecated Date, PFR no., etc.) |
|--|---|------|-------------------------|--|-----------------|------|----------------------------------|--------------------------|--|
| <u>srep-declaration-subject-matter</u> | <p>Form PCT/ISA/203 (April 2005)
 When it has been established that the subject-matter of the international application falls into one of the exceptions set out in Rule 39, point 1. of Form PCT/ISA/203 (April 2005) is completed by selecting the exception.
 Each attribute refers to a specific type of subject-matter excluded in Rule 39 (PCT International Search and Preliminary Examination Guidelines, chapter 9).</p> <p><!ELEMENT srep-declaration-subject-matter EMPTY>
 <!ATTLIST srep-declaration-subject-matter
 scientific-theories (yes no)
 #IMPLIED
 mathematic-theories (yes no)
 #IMPLIED
 plant-varieties (yes no) #IMPLIED
 animal-varieties (yes no) #IMPLIED
 bio-processes (yes no) #IMPLIED
 business (yes no) #IMPLIED
 mental-act (yes no) #IMPLIED
 games (yes no) #IMPLIED
 treatment-human (yes no)
 #IMPLIED
 treatment-animal (yes no)
 #IMPLIED
 diagnostic-methods (yes no)
 #IMPLIED
 presentation-information (yes no)
 #IMPLIED
 computer-program (yes no)
 #IMPLIED></p> | | <u>srep-declaration</u> | <u>search-report, xx-patent-document</u> | | | <u>International Conventions</u> | | |

| Element Name | Description | Uses | Used By | In DTD | INID Code (ST9) | ST32 | Category | Entry(E) / Revision Date | Remarks (Deprecated Date, PFR no., etc.) |
|---|--|------|----------------------------------|---|-----------------|------|---|--------------------------|--|
| srep-declaration-partcompliance | <p>Form PCT/ISA/203 (April 2005)
 Point 2. of Form PCT/ISA/203 (April 2005) indicates which part(s) of the international application are subject to the issuance of the declaration under Article 17(2)(a).</p> <p><!ELEMENT srep-declaration-compliance EMPTY>
 <IATTLIST srep-declaration-compliance description (yes no) #IMPLIED claims (yes no) #IMPLIED drawings (yes no) #IMPLIED ></p> | | srep-declaration | search-report, xx-patent-document | | | International Conventions | | |
| srep-declaration-sequence-listing | <p>Form PCT/ISA/203 (April 2005)
 Points 3. and 4. of Form PCT/ISA/203 (April 2005) indicate deficiencies of the international application related to sequence listings which are subject to the issuance of the declaration under Article 17(2)(a) for non compliance with Rules 13ter.1(c) and (d), namely:</p> <p>* The late furnishing or the non compliance with Annex C of the Administrative Instruction of a paper or an electronic sequence-listing is indicated by the paper and electronic attribute respectively;</p> <p>* The late furnishing or the non compliance with Annex C-bis of the Administrative Instruction of tables related to a sequence-listing is indicated by the table attribute;</p> <p>* The late payment of the furnishing fees is indicated with the late-furnishing-fee attribute.</p> <p><!ELEMENT srep-declaration-sequence-listing EMPTY>
 <IATTLIST srep-declaration-sequence-listing paper (yes no) #IMPLIED electronic (yes no) #IMPLIED late-furnishing-fee (yes no) #IMPLIED table (yes no) #IMPLIED</p> | | srep-declaration | search-report, xx-patent-document | | | International Conventions | | |

| Element Name | Description | Uses | Used By | In DTD | INID Code (ST9) | ST32 | Category | Entry(E) / Revision Date | Remarks (Deprecated Date, PFR no., etc.) |
|----------------------|---|--|--|--|-----------------|-------------|---------------------------|-------------------------------------|--|
| additional-info | Additional information.
(ST.32:B513)

<IELEMENT additional-info (p+)> | p | priority-opinion, classification-national, classification-ipc, iprp-priority, not-annex-c-compliant, sequence-list-basis, <u>srep-declaration</u> | search-report, iprp, wo-bibliographic-data, wo-published-application, xx-patent-document- | | B513 | International Conventions | <u>2004-11-11 (E)</u> | |
| p | Paragraph Recommended id = p0001, p0002, etc. num = 0001, 0002, etc. Note: paragraphs may occur in sections other than the description and at different times eg. for the abstract, in this case use for example "p0001a"; amended claims: "p0001ac", etc.

<IELEMENT p (#PCDATA b i u o sup sub smallcaps br pre dl ul ol crossref figref patcit nplcit bio-deposit img chemistry maths tables table-external-doc)*>
<!ATTLIST p id ID #IMPLIED num CDATA #REQUIRED > | b, i, u, o, sup, sub, smallcaps, br, pre, dl, ul, ol, crossref, figref, patcit, nplcit, bio-deposit, img, chemistry, maths, tables, table-external-doc | srep-search-opinion, compliance-unity-invention, abstract, abst-solution, abst-problem, description, sequence-list-text, industrial-applicability, mode-for-invention, best-mode, disclosure, advantageous-effects, tech-solution, tech-problem, description-of-drawings, background-art, technical-field, claims-statement, subject-examination, observation-on-application, defect-in-application, citations-explanations, non-estab-reason-3, non-estab-reason-2, non-estab-reason-1, reason-limited-search, srep-unity-of-invention, claim-remark, remarks, additional-info, <u>srep-declaration</u> | application-body, search-report, iprp, amendment-request, wo-published-application, xx-patent-document | | | Paragraph | 2008-09-15
<u>2004-11-11 (E)</u> | |
| limitation-of-search | <IELEMENT limitation-of-search (text? , claims-searched* , claims-searched-incompletely* , claims-not-searched* , reason-limited-search*)> | text, claims-searched, claims-searched-incompletely, claims-not-searched, reason-limited-search | <u>srep-incomplete-search</u> | search-report, xx-patent-document | | | | <u>2008-09-15 (E)</u> | |

| Element Name | Description | Uses | Used By | In DTD | INID Code (ST9) | ST32 | Category | Entry(E) / Revision Date | Remarks (Deprecated Date, PFR no., etc.) |
|--------------|--|------|---|---|-----------------|------|--------------|--------------------------------------|--|
| text | <p>If no structure is possible, enter text (without markup)</p> <p><IELEMENT text (#PCDATA)></p> | | <p>B561, B562, bibliographic-data, gazette-reference, classification-locarno, iprp-written-opinion, iprp-info, iprp-basis-drawings, iprp-basis-claims, iprp-basis-description, patent-family, classification-national, srep-info, classification-ipcr, classification-ipc, dispatch-info, nplcit, patcit, addressbook, dnum, correction, references-cited, printed-as-amended, invalidation-of-patent, term-of-grant, lapse-of-patent, disclaimer, not-printed-with-grant, claims-only-available, examined-printed-without-grant, unexamined-printed-without-grant, examined-not-printed-without-grant, unexamined-not-printed-without-grant, iprp-citations, amend-sequence-listing-table, amend-sequence-listing, amend-drawings, amend-claims, amend-description, srep-written-opinion, certain-published-documents, srep-patent-family, srep-incomplete-search, limitation-of-search, srep-citations, database-searched, online, history, article, book, location, series, conference, imprint, rel-passage, reason-for-rejection-info</p> | <p>package-data, request, application-body, declarations, power-of-attorney, fee-sheet, bio-deposit, ro-request-receiving-info, table-external, pkgheader, xmit-receipt, dispatch-list, demand, ipea-demand-receiving-info, fee-sheet-chapter2, priority-doc, search-report, iprp, amendment-request, wo-bibliographic-data, wo-published-application, xx-patent-document</p> | | | General Text | <p>2008-09-15
2004-11-11 (E)</p> | |

[Annex 2 follows]

ANNEX 2

PFR Rev.1

| | | | |
|--|---------------|--|---|
| Identifier: <i>(to be completed by the IB)</i> | | PFR ST.36/2009/002 Rev.1 | |
| Procedure for handling this proposal:
<i>(to be completed by the IB)</i> | | Fast-Track Procedure by the ST.36 Task Force | |
| Submitted by: <i>(Office)</i> | EPO/JPO/USPTO | Date Submitted | 2009-02-02
Rev.1, April 06, 2009 |
| Subject | | | |
| <i>(i.e., brief indication of the changes to be considered)</i> | | Multiple corrections and enhancements regarding Search Report | |
| WIPO Standard & Items impacted | | | |
| <i>(e.g., main body of the Standard, Appendices / Annexes to the Standard, DTD/Schema, Element/Type Name, etc)</i> | | WIPO Standard ST.36
Items impacted:
- Annex A : Model DTD (xx-patent-document.dtd)
- Annex C : ICEs

Note: also effects Annex F DTDs (PCT Administrative Instructions): search-report.dtd | |
| Detailed description <i>(i.e., proposed solution)</i> | | | |
| <i>(If necessary, please attach further explanation sheet, e.g., a part of ICE table to be changed if a proposal impacts ST.36 ICEs, comments to be added to DTD/Schema if a proposal is related to elements/type, etc.)</i> | | This PFR includes nine proposals as follows:

Proposal 1: Modify the element <code>srep-figure-to-publish</code> to clarify the values of its attribute <code>figinfo</code> ;

Proposal 2: Modify the element <code>search-fee-protest</code> to clarify the values of its attribute <code>protest</code> Rename the element <code>search-fee-protest</code> to <code>srep-protest-remark</code> and of its attribute from <code>protest</code> to <code>protest-remark</code> and clarify the values of the attribute;

Proposal 3: Modify the element <code>srep-claims-info</code> to clarify the names of its sub-elements and to add its new sub-elements and their attributes required for the EPO;

Proposal 4: Modify the element <code>limitation-of-search</code> to add attributes;

Proposal 5: Modify the element <code>reason-limited-search</code> to add the sub-element "heading"; | |

| Detailed description (i.e., proposed solution) | |
|---|--|
| | <p>Proposal 6: Modify the element <code>srep-search-opinion</code> to correct syntax;</p> <p>Proposal 7: Modify the element <code>translation-of-appl</code> to add the attribute <code>translation</code>;</p> <p>Proposal 8: Change the name of the element <code>incomplete-search</code> to <code>srep-incomplete-search</code>; and</p> <p>Proposal 9: Modify the element <code>srep-for-pub</code> to add the sub-element <code>srep-declaration</code> and its sub-elements and attributes</p> <p>Further detailed description of each proposal is available in Appendix 1 to this PFR.</p> <p>These proposals were briefly discussed at the ST.36 Task Force informal meeting which was held in Geneva in November 2008. The results of the meeting are available on the ST.36 Task Force website at:
http://www.wipo.int/scit/en/taskfrce/st36/background.htm.</p> |
| Reasons | |
| <p><i>(e.g., clear indication of the problem, how the need was determined, objectives of the revision, expected benefits, etc.)</i></p> | <p>The proposed modifications aim at clarifying some aspects of the search report, at correcting some error and at adding support for the declaration of no-search or other procedural matters.</p> <p>The detailed reason of each proposal is explained in Appendix 1, if necessary.</p> |

Appendix 1: List of Detailed Proposals

Appendix 2: Detailed Information on the Proposal 9 for `srep-declaration`

Appendix 3: Proposal For Revision of ICEs

[Appendix 1 follows]

Note: The newly added texts are in blue, and removed text in red and struck. In general, the strikethrough texts propose to be deleted from WIPO Standard ST.36 and/or this PFR.

Appendix 1

List of Detailed Proposals

| | Proposal | Detailed Description |
|---|---|---|
| 1 | <p>Modify the element <code>srep-figure-to-publish</code> to clarify the values of its attribute <code>figinfo</code></p> | <pre><!ELEMENT srep-figure-to-publish (figure-to-publish?)> Change the attribute values from: <!ATTLIST srep-figure-to-publish figinfo (1 2 3 4) #REQUIRED > To: <!-- Abstract Drawing The figure of the drawings to be published with the abstract is: Figure No. followed by text of attribute value: by-applicant (1) = as suggested by the applicant. none-suggested (2) = selected by the examiner because the applicant failed to suggest a figure. by-examiner (3) = selected by the examiner because this figure better characterizes the invention. none (4) = None of the figures is to be published with the abstract (Old PCT/ISA/210 - 6 a and b) --> <!ATTLIST srep-figure-to-publish figinfo (by-applicant none-suggested by-examiner none) #REQUIRED ></pre> |

| | Proposal | Detailed Description |
|---|--|--|
| 2 | <p>Modify the element search-fee-protest to clarify the values of its attribute "protest"</p> <p>Rename the element search-fee-protest to srep-protest-remark and of its attribute from protest to protest-remark and clarify the values of the attribute</p> <p>Deprecate the element search-fee-protest</p> | <p>Change from:</p> <pre><!-- Remark on protest Attribute values: no = No protest accompanied the payment of additional search fees yes = The additional search fees were accompanied by the applicant's protest. --></pre> <p><!ELEMENT search-fee-protest EMPTY>
 Change the attribute values from:
 <!ATTLIST search-fee-protest protest (1 2 3)
 #REQUIRED ></p> <p>To:</p> <pre><!-- Remark on protest Attribute values: none no-protest = No protest accompanied the payment of additional search fees protest-fee-paid = The additional search fees were accompanied by the applicant's protest and, where applicable, the payment of a protest fee. protest-fee-not-paid = The additional search fees were accompanied by the applicant's protest but the applicable protest fee was not paid within the time limit specified by the invitation. --></pre> <p><!ELEMENT search-fee-protest srep-protest-remark EMPTY></p> <p><!ATTLIST search-fee-protest srep-protest-remark protest-remark (none
 no-protest protest-fee-paid protest-fee-not-paid) #REQUIRED ></p> <pre><!-- Remark on protest Attribute values: no = No protest accompanied the payment of additional search fees yes = The additional search fees were accompanied by the applicant's protest. --></pre> <p><!ELEMENT search fee protest EMPTY></p> <pre><!ATTLIST search fee protest protest (1 2 3) #REQUIRED ></pre> |

| | Proposal | Detailed Description |
|---|---|--|
| 3 | Modify the element <code>srep-claims-info</code> to clarify the names of its sub-elements and to add new sub-elements and their attributes required for the EPO | <p>Change from:
 <!ELEMENT srep-claims-info (clms-reason-1? , clms-reason-2? , clms-reason-3?)></p> <p>To:
 <!ELEMENT srep-claims-info (<u>srep-claims-not-searched*</u>) ></p> <p>Add:
 <!ELEMENT <u>srep-claims-not-searched</u> (claim-num*,claim-remark) >
 <!ATTLIST <u>srep-claims-not-searched</u>
 <u>reason</u> (<u>subject-matter-not-searched-by-isa</u> <u>no-meaningful-search</u> <u>dependent-claims-incorrectly-drafted</u> <u>limited-to-claim-fees-paid</u> <u>limited-to-first-claims</u>) #REQUIRED</p> <p>≥</p> <p>Remove elements:
 clms-reason-1,
 clms-reason-2,
 clms-reason-3</p> <p>Detailed Reason: to clarify the sub-element names of the element <code>srep-claims-info</code>, the sub-elements are need to be changed and three attribute values <code>subject-matter-not-searched-by-isa</code>, <code>no-meaningful-search</code> and <code>dependent-claims-incorrectly-drafted</code> correspond to previous sub-elements <code>clms-reason-1</code>, <code>clms-reason-2</code> and <code>clms-reason-3</code>, respectively. The last two values are required for the EPO.</p> |
| 4 | Modify the element <code>limitation-of-search</code> to add attributes | <p>Change from:
 <!ELEMENT limitation-of-search (text? , claims-searched* , claims-searched-incompletely* , claims-not-searched* , reason-limited-search*)></p> <p>To:
 <!ELEMENT limitation-of-search (text? , claims-searched* , claims-searched-incompletely* , claims-not-searched* , reason-limited-search*)>
 <!ATTLIST <u>limitation-of-search</u>
 <u>sequence</u> CDATA #IMPLIED
 <u>reason-type</u> CDATA #IMPLIED ></p> <p>Detailed Reason: to require a sequence indicator and the type of limitation (<code>reason-type="reasonpatentability"</code> or <code>reasonobscurity"</code> or <code>remark"</code>)</p> |

| | Proposal | Detailed Description |
|---|--|---|
| 5 | <p>Modify the element <i>reason-limited-search</i> to add the sub-element heading.</p> <p>Modify the description of the element heading to give better guideline (see the proposed description of the element heading in Appendix 3)</p> | <p>Change from:
<!ELEMENT reason-limited-search (p+)></p> <p>To:
<!ELEMENT reason-limited-search (heading?, p+)></p> <p>Detailed Reason: do not rely on style sheet for heading text.</p> |
| 6 | <p>Modify the element <i>srep-search-opinion</i> to correct syntax</p> | <p>Change from:
<!ELEMENT srep-search-opinion (doc-page+ , (heading* , p+)>></p> <p>To:
<!ELEMENT srep-search-opinion (<u>(doc-page+)</u> (heading*,p+)> ></p> <p>Detailed Reason: to correct wrong syntax in Model DTD (xx-patent-document.dtd)</p> |
| 7 | <p>Modify the element <i>translation-of-appl</i> to add the attribute translation</p> | <p>Change the element
<!ELEMENT translation-of-appl EMPTY></p> <p>From:
<!ATTLIST translation-of-appl lang CDATA #IMPLIED ></p> <p>To:
<!ATTLIST translation-of-appl <u>translation</u> (<u>yes</u> <u>no</u>) '<u>no</u>' <u>translation-purpose</u> (<u>international-search</u> <u>international-publication</u> <u>supplementary-international-search</u> <u>international-type-search</u> <u>international-preliminary-examination</u> <u>entry-regional-phase</u> <u>priority-document</u> <u>national-search</u> <u>national-examination</u> <u>opposition</u>) #IMPLIED lang CDATA #IMPLIED ></p> <p>Detailed Reason: to better handle Form PCT/ISA/237(Written opinion of ISA)</p> |
| 8 | <p>Change the name of the element <i>incomplete-search</i> to <i>srep-incomplete-search</i></p> <p>This name change should also apply to the element <i>srep-for-pub</i> which uses the element <i>incomplete-search</i>. See the proposal 9 for the element <i>srep-for-pub</i>, below.</p> | <p>Change from:
<!ELEMENT incomplete-search (text limitation-of-search+)></p> <p>To:
<!ELEMENT <u>srep</u>-incomplete-search (text limitation-of-search+)></p> <p>Detailed Reason: to keep consistency of element names regarding Search Report. This proposal influences the results of discussion on PFR ST.36/2008/005.</p> |

| | Proposal | Detailed Description |
|---|--|--|
| 9 | <p>Modify the element <i>srep-for-pub</i> to add the sub-element <i>srep-declaration</i> and its sub-elements and attributes</p> <p>See Appendix 2 for more details</p> <p>This proposal is related to the proposal 8 for the element <i>incomplete-search</i>, above.</p> | <p>Change from:</p> <pre><!ELEMENT srep-for-pub (doc-page+ (classification-ipc?, classifications-ipcr?, classification-national?, srep-fields-searched, srep-citations, incomplete-search?, srep-admin?, srep-patent-family?)) ></pre> <p>To:</p> <pre><!ELEMENT srep-for-pub (doc-page+ (classification-ipc?, classifications-ipcr?, classification-national?, srep-fields-searched, srep-citations, <u>srep-incomplete-search?</u>, <u>srep-declaration?</u>, srep-admin?, srep-patent-family?)) ></pre> <p>Add:</p> <pre><!ELEMENT <u>srep-declaration</u> ((<u>srep-declaration- subject-matter?</u>, <u>srep-declaration- partcompliance?</u>, <u>srep-declaration-sequence-listing?</u>, <u>additional-info?</u>) (heading?, p+)) ></pre> <pre><!ATTLIST <u>srep-declaration</u> phase CDATA "PCT"></pre> <pre><!ELEMENT <u>srep-declaration-subject-matter</u> EMPTY></pre> <pre><!ATTLIST <u>srep-declaration-subject-matter</u> <u>scientific-theories</u> (yes no) #IMPLIED <u>mathematic-theories</u> (yes no) #IMPLIED <u>plant-varieties</u> (yes no) #IMPLIED <u>animal-varieties</u> (yes no) #IMPLIED <u>bio-processes</u> (yes no) #IMPLIED <u>business</u> (yes no) #IMPLIED <u>mental-act</u> (yes no) #IMPLIED <u>games</u> (yes no) #IMPLIED <u>treatment-human</u> (yes no) #IMPLIED <u>treatment-animal</u> (yes no) #IMPLIED <u>diagnostic-methods</u> (yes no) #IMPLIED <u>presentation-information</u> (yes no) #IMPLIED <u>computer-program</u> (yes no) #IMPLIED></pre> <pre><!ELEMENT <u>srep-declaration-partcompliance</u> EMPTY></pre> <pre><!ATTLIST <u>srep-declaration-partcompliance</u> <u>description</u> (yes no) #IMPLIED <u>claims</u> (yes no) #IMPLIED <u>drawings</u> (yes no) #IMPLIED ></pre> <pre><!ELEMENT <u>srep-declaration-sequence-listing</u> EMPTY></pre> <pre><!ATTLIST <u>srep-declaration-sequence-listing</u> <u>paper</u> (yes no) #IMPLIED <u>electronic</u> (yes no) #IMPLIED <u>late-furnishing-fee</u> (yes no) #IMPLIED <u>table</u> (yes no) #IMPLIED</pre> <p>Detailed Reason: to add elements missing from search report - used/required by PCT and EPO (Form PCT/ISA/203: Declaration of non-establishment of ISR)</p> |

[Appendix 2 follows]

Appendix 2

Detailed Information on the Proposal 9 for srep-declaration

Integration of the reasons of non-establishment of International Search Report (Article 17(2)(a) PCT),
Form PCT/ISA/2003 (April 2005)

The element <srep-for-pub> captures the data of the actual International Search Report. The proposed solution therefore consists in adding the necessary elements to the element <srep-for-pub> (see Appendix 1 for the details).

The advantage of the proposed solution is the enhanced flexibility of the specific implementation of the PCT phase while providing open implementation (alternative elements <heading> and <p>) to cover the specific aspects of a search-report in a regional/national phase.

PROPOSAL FOR THE CHANGE OF THE DTD

```
<!ELEMENT srep-for-pub (doc-page+ | (classification-ipc? , classifications-ipc? , classification-national? , srep-fields-searched , srep-citations , srep-incomplete-search? , srep-declaration? , srep-admin? , srep-patent-family? , earlier-search*))>
```

```
<!--srep-declaration
```

```
Form PCT/ISA/2003 (April 2005)
```

```
If no search is to be carried out the search examiner will complete Form PCT/ISA/203 (Declaration of Non-Establishment of International Search Report), see PCT INTERNATIONAL SEARCH AND PRELIMINARY EXAMINATION GUIDELINES, 9.03.
```

```
Where the subject matter of all claims constitutes a subject excluded from the search where no meaningful search is possible for all of the claimed subject matter, a declaration of non-establishment of the international search report is issued pursuant to Article 17(2)(a) on Form PCT/ISA/203, see PCT INTERNATIONAL SEARCH AND PRELIMINARY EXAMINATION GUIDELINES, paragraph 9.40.
```

```
When the information in the declaration cannot be formatted or additional information is needed, the information will formatted as text using the <additional-info> element.
```

```
The phase attribute contains the code of the procedure, e.g. PCT, EP, US, and permits the reuse of the present DTD in national phases. Its values has been defaulted to PCT.
```

```
For regional/national phases, the elements srep-declaration-subject-matter, srep-declaration-partcompliance, srep-declaration-sequence-listing, additional-info will probably be irrelevant. Therefore the alternative use of elements <heading>
```

```
and <p> enable the entry of text specific to the regional/national phases.
```

```
+++++
```

```
Form Layout:
```

```
This International Searching Authority hereby declares, according to Article 17(2)(a), that no international search report will be established on the international application for the reasons indicated below.
```

1. () The subject matter of the international application relates to:
 - a. () scientific theories
 - b. () mathematical theories
 - c. () plant varieties
 - d. () animal varieties
 - e. () essentially biological processes for the production of plants and animals, other than microbiological processes and the products of such processes
 - f. () schemes, rules or methods of doing business
 - g. () schemes, rules or methods of performing purely mental acts
 - h. () schemes, rules or methods of playing games
 - i. () methods for treatment of the human body by surgery or therapy
 - j. () methods for treatment of the animal body by surgery or therapy
 - k. () diagnostic methods practised on the human or animal body
 - l. () mere presentations of information
 - m. () computer programs for which this International Searching Authority is not equipped to search prior art

2. () The failure of the following parts of the international application to comply with prescribed requirements prevents a meaningful search from being carried out:

() the description () the claims () the drawings

3. () A meaningful search could not be carried out without the sequence listing; the applicant did not, within the prescribed time limit:
 - () furnish a sequence listing on paper complying with the standard provided for in Annex C of the Administrative Instructions, and such listing was not available to the International Searching Authority in a form and manner acceptable to it.
 - () furnish a sequence listing in electronic form complying with the standard provided for in Annex C of the Administrative Instructions, and such listing was not available to the International Searching Authority in a form and manner acceptable to it.
 - () pay the required late furnishing fee for the furnishing of a sequence listing in response to an invitation under Rule 13ter.1(a) or (b).

4. () A meaningful search could not be carried out without the tables related to the sequence listings; the applicant did not, within the prescribed time limit, furnish such tables in electronic form complying with the technical requirements provided for in Annex C-bis of the Administrative Instructions, and such tables were not available to the International Searching Authority in a form and manner acceptable to it.

5. Further comments:

+++++

-->

```
<!ELEMENT srep-declaration ((srep-declaration-subject-matter?, srep-declaration-partcompliance?, srep-declaration-sequence-listing?, additional-info?) | (heading?, p+)) >
```

```
<!ATTLIST srep-declaration phase CDATA "PCT">
```

<!--

Form PCT/ISA/203 (April 2005)

When it has been established that the subject-matter of the international application falls into one of the exceptions set out in Rule 39, point 1. of Form PCT/ISA/203 (April 2005) is completed by selecting the exception.

+++++

Form Layout

(see comment of srep-declaration for detailed description of the form)

Whenever the tag <srep-declaration-subject-matter> is present box 1 is crossed.

Whenever the value of the following attribute is 'yes', the associated box should be crossed.

| attribute | box |
|--------------------------|-----|
| scientific-theories | 1.a |
| mathematic-theories | 1.b |
| plant-varieties | 1.c |
| animal-varieties | 1.d |
| bio-processes | 1.e |
| business | 1.f |
| mental-act | 1.g |
| games | 1.h |
| treatment-human | 1.i |
| treatment-animal | 1.j |
| diagnostic-methods | 1.k |
| presentation-information | 1.l |
| computer-program | 1.m |

+++++

-->

<!ELEMENT srep-declaration-subject-matter EMPTY>

<!ATTLIST srep-declaration-subject-matter

```

scientific-theories ( yes | no ) #IMPLIED
mathematic-theories ( yes | no ) #IMPLIED
plant-varieties ( yes | no ) #IMPLIED
animal-varieties ( yes | no ) #IMPLIED
bio-processes ( yes | no ) #IMPLIED
business ( yes | no ) #IMPLIED
mental-act ( yes | no ) #IMPLIED
games ( yes | no ) #IMPLIED
treatment-human ( yes | no ) #IMPLIED
treatment-animal ( yes | no ) #IMPLIED
diagnostic-methods ( yes | no ) #IMPLIED
presentation-information ( yes | no ) #IMPLIED
computer-program ( yes | no ) #IMPLIED>

```

<!--

Form PCT/ISA/203 (April 2005)

Point 2. of Form PCT/ISA/203 (April 2005) indicates which part(s) of the international application are subject to the issuance of the declaration under Article 17(2)(a).

+++++

Form Layout
(see comment of srep-declaration for detailed description of the form)

Whenever the tag <srep-declaration-~~part~~compliance> is present box 2 is crossed. The corresponding box of each attribute should be crossed when its value is 'yes'.

+++++

-->

<!ELEMENT srep-declaration-~~part~~compliance EMPTY>

<!ATTLIST srep-declaration-~~part~~compliance description (yes | no) #IMPLIED
claims (yes | no) #IMPLIED
drawings (yes | no) #IMPLIED >

<!--

Form PCT/ISA/203 (April 2005)

Points 3. and 4. of Form PCT/ISA/203 (April 2005) indicate deficiencies of the international application related to sequence listings which are subject to the issuance of the declaration under Article 17(2)(a) for non compliance with Rules 13ter.1(c) and (d).

+++++

Form Layout
(see comment of srep-declaration for detailed description of the form)

Whenever an attribute is set to 'yes' the following boxes should be crossed:

| attribute | box(es) |
|---------------------|--|
| paper | 3 and
"furnish a sequence listing on paper ..." |
| electronic | 3 and
"furnish a sequence listing in electronic form ..." |
| late-furnishing-fee | 3 and
"pay the required late furnishing fee ..." |
| table | 4 |

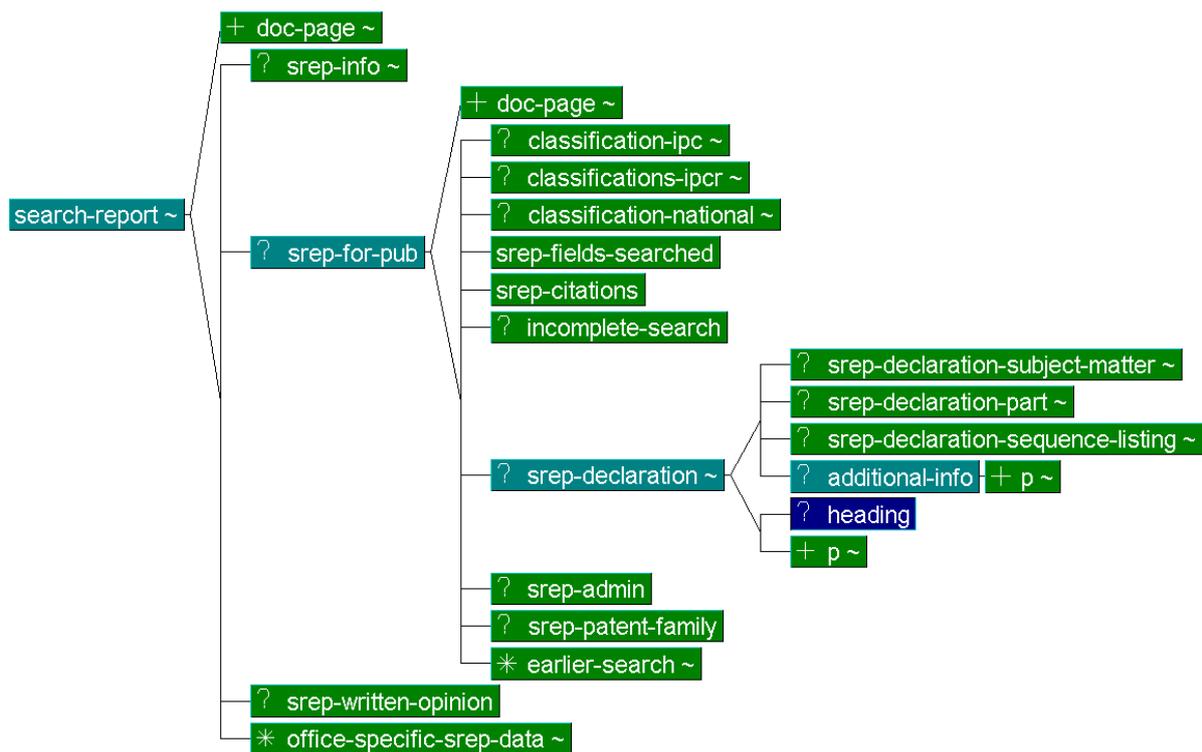
+++++

-->

<!ELEMENT srep-declaration-sequence-listing EMPTY>

<!ATTLIST srep-declaration-sequence-listing
paper (yes | no) #IMPLIED
electronic (yes | no) #IMPLIED
table (yes | no) #IMPLIED
late-furnishing-fee (yes | no) #IMPLIED >

The changes result in the following structure:



[Appendix 3 follows]

Appendix 3

Proposal For Revision of ICEs

| Element Name | Description | Uses | Used By | In DTD | INID Code (ST9) | ST32 | Category | Entry(E) / Revision Date | Remarks (Deprecated Date, PFR no., etc.) |
|------------------------|---|-------------------|-------------------------|-----------------------------------|-----------------|------|---------------------------|--------------------------|--|
| srep-figure-to-publish | <p>Abstract Drawing The figure of the drawings to be published with the abstract is: Figure No. followed by text of attribute value: 1by-applicant = as suggested by the applicant. 2none-suggested = selected by the examiner because the applicant failed to suggest a figure. 3by-examiner = selected by the examiner because this figure better characterizes the invention. or: 4none = None of the figures is to be published with the abstract (Old PCT/ISA/210 - 6 a and b)</p> <p><IELEMENT srep-figure-to-publish (figure-to-publish?)>
<!ATTLIST srep-figure-to-publish figinfo (by-applicant none-suggested by-examiner none) #REQUIRED ></p> | figure-to-publish | srep-info | search-report, xx-patent-document | | | International Conventions | 2004-11-11 (E) | |
| srep-protest-remark | <p>Remark on protest Attribute values: no-protest = No protest accompanied the payment of additional search fees; protest-fee-paid = The additional search fees were accompanied by the applicant's protest and, where applicable, the payment of a protest fee. protest-fee-not-paid = The additional search fees were accompanied by the applicant's protest but the applicable protest fee was not paid within the time limit specified by the invitation.</p> <p><IELEMENT srep-protest-remark EMPTY>
<!ATTLIST srep-protest-remark protest-remark (no-protest protest-fee-paid protest-fee-not-paid) #REQUIRED ></p> | | srep-unity-of-invention | search-report, xx-patent-document | | | Fees | | |

| Element Name | Description | Uses | Used By | In DTD | INID Code (ST9) | ST32 | Category | Entry(E) / Revision Date | Remarks (Deprecated Date, PFR no., etc.) |
|-------------------------|--|--|-------------------------|-----------------------------------|-----------------|------|---------------------------|--------------------------|--|
| search-fee-protest | Remark on protest. Attribute values: no = No protest accompanied the payment of additional search fees; yes = The additional search fees were accompanied by the applicant's protest | | srep-unity-of-invention | search-report, xx-patent-document | | | Fees | 2004-11-11(E) | deprecated |
| clms-reason-1 | | claim-num, claim-remark | srep-claims-info | search-report, xx-patent-document | | | | | deprecated |
| clms-reason-2 | | claim-num, claim-remark | srep-claims-info | search-report, xx-patent-document | | | | | deprecated |
| clms-reason-3 | | claim-num | srep-claims-info | search-report, xx-patent-document | | | | | deprecated |
| srep-unity-of-invention | (Old PCT/ISA/210 - Box No. III)
Observations where unity of invention is lacking This ISA found multiple inventions in this international application, as follows: (use text data)

<IELEMENT srep-unity-of-invention (p* , srep-search-fees , srep-protest-remark?)> | p, srep-search-fees, search-fee-protest srep-protest-remark | srep-info | search-report, xx-patent-document | | | International Conventions | 2004-11-11 (E) | |
| srep-claims-info | (Old PCT/ISA/210 - Box No. II)
Observations where certain claims were found unsearchable This ISR has not been established in respect of certain claims under Article 17(2)(a) for the following reasons: (followed by one of the following three reasons:). The reasons for which sets of claims where not searched will be provided with an element srep-claims-not-searched for each set.

<IELEMENT srep-claims-info (srep-claims-not-searched*) > | clms-reason-1, clms-reason-2, clms-reason-3, srep-claims-not-searched | srep-info | search-report, xx-patent-document | | | International Conventions | 2004-11-11 (E) | |

| Element Name | Description | Uses | Used By | In DTD | INID Code (ST9) | ST32 | Category | Entry(E) / Revision Date | Remarks (Deprecated Date, PFR no., etc.) |
|---------------------------------|---|--------------------------------|---|--|-----------------|------|---------------------------|------------------------------|--|
| <u>srep-claims-not-searched</u> | <p>The attribute "reason" defines the reason for which certain claims have not been searched.</p> <p><IELEMENT srep-claims-not-searched (claim-num*,claim-remark) >
>
<!ATTLIST srep-claims-not-searched reason (subject-matter-not-searched-by-isa no-meaningful-search dependent-claims-incorrectly-drafted limited-to-claim-fees-paid limited-to-first-claims) #REQUIRED ></p> | <u>claim-num, claim-remark</u> | <u>srep-claims-info</u> | <u>search-report, xx-patent-document</u> | | | | | |
| claim-num | <p>Claim numbers</p> <p><IELEMENT claim-num (#PCDATA)></p> | | iprp-basis-claims, subject-examination, amend-claims, applicability-not-valid, applicability-valid, inventive-step-not-valid, inventive-step-valid, novelty-not-valid, novelty-valid, opinion-established-regarding, invention-not-examined, non-estab-reason-4, non-estab-reason-3, non-estab-reason-2, non-estab-reason-1, srep-fee-4, srep-fee-3, elms-reason-3, elms-reason-2, elms-reason-1, <u>srep-claims-not-searched</u> | search-report, iprp, xx-patent-document | | | General Text | 2004-11-11 (E) | |
| claim-remark | <p>Remarks on these claims</p> <p><IELEMENT claim-remark (p+)></p> | p | elms-reason-2, elms-reason-1, <u>srep-claims-not-searched</u> | search-report, xx-patent-document | | | General Text | 2004-11-11 (E) | |
| reason-limited-search | <p><IELEMENT reason-limited-search (heading?, p+)></p> | <u>heading</u> , p | limitation-of-search | search-report, xx-patent-document | | | International Conventions | 2008-09-15
2004-11-11 (E) | |

| Element Name | Description | Uses | Used By | In DTD | INID Code (ST9) | ST32 | Category | Entry(E) / Revision Date | Remarks (Deprecated Date, PFR no., etc.) |
|------------------------|---|---|--|--|-----------------|------|---------------------------|------------------------------|--|
| heading | <p>Heading text identifying the parts of the description (see PCT Rule 5.1(c), PCT/AI section 204).</p> <p>Recommended id = h0001, h0002, etc.</p> <p>The attribute level defines a hierarchic level and may be associated with a style.</p> <p>Otherwise the formatting tags may be used to highlight the heading text.</p> <p><ELEMENT heading (#PCDATA b i u o sup sub smallcaps)*>
<!ATTLIST heading level (1 2 3) #IMPLIED
id ID #IMPLIED ></p> | b, i, u, o, sup, sub, smallcaps | srep-search-opinion, description, sequence-list-text, industrial-applicability, mode-for-invention, best-mode, disclosure, advantageous-effects, tech-solution, tech-problem, description-of-drawings, background-art, technical-field, claims-statement, reason-limited-search , srep-declaration | application-body, amendment-request, search-report , wo-published-application, xx-patent-document | | | Document Structure | 2008-09-15
2004-11-11 (E) | |
| srep-incomplete-search | <p>The element is to process EPO SR FORM 1503 — partial SR. e.g., EP 99305342. The present application, or one or more of the claims, does/do not comply with the PCT to such an extent that a meaningful search into the state of the art cannot be carried out, or can only be carried out partially for these claims.</p> <p><ELEMENT srep-incomplete-search (text limitation-of-search+)></p> | text, limitation-of-search | srep-for-pub | search-report, xx-patent-document | | | International Conventions | 2008-09-15
2004-11-11 (E) | |
| srep-for-pub | <p>SECTION III OF DTD The actual search report - start a new page</p> <p>The Heading is: INTERNATIONAL SEARCH REPORT (ISR) - PART 2
<HR></HR> Repeat international application number (?) IPC, FIELDS and DATABASES SEARCHED
CLASSIFICATION OF SUBJECT MATTER</p> <p><ELEMENT srep-for-pub (doc-page+ (classification-ipc?, classifications-ipcr?, classification-national?, srep-fields-searched, srep-citations, srep-incomplete-search?, srep-declaration?, srep-admin?, srep-patent-family?))></p> | doc-page, classification-ipc, classifications-ipcr, classification-national, srep-fields-searched, srep-citations, srep-incomplete-search , srep-declaration , srep-admin, srep-patent-family | search-report-data, search-report | search-report, xx-patent-document | | | International Conventions | 2004-11-11 (E) | |

| Element Name | Description | Uses | Used By | In DTD | INID Code (ST9) | ST32 | Category | Entry(E) / Revision Date | Remarks (Deprecated Date, PFR no., etc.) |
|-------------------------|---|--|----------------------------|---|-----------------|------|---|--------------------------|--|
| <u>srep-declaration</u> | <p>Form PCT/ISA/2003 (April 2005)
 If no search is to be carried out the search examiner will complete Form PCT/ISA/203 (Declaration of Non-Establishment of International Search Report), see PCT INTERNATIONAL SEARCH AND PRELIMINARY EXAMINATION GUIDELINES, 9.03.
 Where the subject matter of all claims constitutes a subject excluded from the search where no meaningful search is possible for all of the claimed subject matter, a declaration of non-establishment of the international search report is issued pursuant to Article 17(2)(a) on Form PCT/ISA/203, see PCT INTERNATIONAL SEARCH AND PRELIMINARY EXAMINATION GUIDELINES, paragraph 9.40.
 The phase attribute contains the code of the procedure, e.g. PCT, EP, US, ... and permits the reuse of the present DTD in national phases. Its values has been defaulted to PCT.</p> <p><!ELEMENT srep-declaration ((srep-declaration-subject-matter?, srep-declaration-compliance?,srep-declaration-sequence-listing?, additional-info?) (heading?, p+)) >
 <!ATTLIST srep-declaration phase CDATA "PCT"></p> | <p><u>srep-declaration-subject-matter, srep-declaration-partcompliance, srep-declaration-sequence-listing, additional-info, heading, p</u></p> | <p><u>srep-for-pub</u></p> | <p><u>search-report, xx-patent-document</u></p> | | | <p>International Conventions</p> | | |

| Element Name | Description | Uses | Used By | In DTD | INID Code (ST9) | ST32 | Category | Entry(E) / Revision Date | Remarks (Deprecated Date, PFR no., etc.) |
|--|---|------|-------------------------|--|-----------------|------|----------------------------------|--------------------------|--|
| <u>srep-declaration-subject-matter</u> | <p>Form PCT/ISA/203 (April 2005)
 When it has been established that the subject-matter of the international application falls into one of the exceptions set out in Rule 39, point 1. of Form PCT/ISA/203 (April 2005) is completed by selecting the exception.
 Each attribute refers to a specific type of subject-matter excluded in Rule 39 (PCT International Search and Preliminary Examination Guidelines, chapter 9).</p> <p><!ELEMENT srep-declaration-subject-matter EMPTY>
 <!ATTLIST srep-declaration-subject-matter
 scientific-theories (yes no)
 #IMPLIED
 mathematic-theories (yes no)
 #IMPLIED
 plant-varieties (yes no) #IMPLIED
 animal-varieties (yes no) #IMPLIED
 bio-processes (yes no) #IMPLIED
 business (yes no) #IMPLIED
 mental-act (yes no) #IMPLIED
 games (yes no) #IMPLIED
 treatment-human (yes no)
 #IMPLIED
 treatment-animal (yes no)
 #IMPLIED
 diagnostic-methods (yes no)
 #IMPLIED
 presentation-information (yes no)
 #IMPLIED
 computer-program (yes no)
 #IMPLIED></p> | | <u>srep-declaration</u> | <u>search-report, xx-patent-document</u> | | | <u>International Conventions</u> | | |

| Element Name | Description | Uses | Used By | In DTD | INID Code (ST9) | ST32 | Category | Entry(E) / Revision Date | Remarks (Deprecated Date, PFR no., etc.) |
|---|---|------|----------------------------------|---|-----------------|------|---|--------------------------|--|
| srep-declaration-partcompliance | <p>Form PCT/ISA/203 (April 2005) Point 2. of Form PCT/ISA/203 (April 2005) indicates which part(s) of the international application are subject to the issuance of the declaration under Article 17(2)(a).</p> <p><!ELEMENT srep-declaration-compliance EMPTY>
 <!ATTLIST srep-declaration-compliance description (yes no) #IMPLIED claims (yes no) #IMPLIED drawings (yes no) #IMPLIED ></p> | | srep-declaration | search-report, xx-patent-document | | | International Conventions | | |
| srep-declaration-sequence-listing | <p>Form PCT/ISA/203 (April 2005) Points 3. and 4. of Form PCT/ISA/203 (April 2005) indicate deficiencies of the international application related to sequence listings which are subject to the issuance of the declaration under Article 17(2)(a) for non compliance with Rules 13ter.1(c) and (d), namely:</p> <ul style="list-style-type: none"> * The late furnishing or the non compliance with Annex C of the Administrative Instruction of a paper or an electronic sequence-listing is indicated by the paper and electronic attribute respectively; * The late furnishing or the non compliance with Annex C-bis of the Administrative Instruction of tables related to a sequence-listing is indicated by the table attribute; * The late payment of the furnishing fees is indicated with the late-furnishing-fee attribute. <p><!ELEMENT srep-declaration-sequence-listing EMPTY>
 <!ATTLIST srep-declaration-sequence-listing paper (yes no) #IMPLIED electronic (yes no) #IMPLIED late-furnishing-fee (yes no) #IMPLIED table (yes no) #IMPLIED</p> | | srep-declaration | search-report, xx-patent-document | | | International Conventions | | |

| Element Name | Description | Uses | Used By | In DTD | INID Code (ST9) | ST32 | Category | Entry(E) / Revision Date | Remarks (Deprecated Date, PFR no., etc.) |
|----------------------|---|--|--|--|-----------------|-------------|---------------------------|------------------------------|--|
| additional-info | Additional information.
(ST.32:B513)

<IELEMENT additional-info (p+)> | p | priority-opinion, classification-national, classification-ipc, iprp-priority, not-annex-c-compliant, sequence-list-basis, srep-declaration | search-report, iprp, wo-bibliographic-data, wo-published-application, xx-patent-document- | | B513 | International Conventions | <u>2004-11-11 (E)</u> | |
| p | Paragraph Recommended id = p0001, p0002, etc. num = 0001, 0002, etc. Note: paragraphs may occur in sections other than the description and at different times eg. for the abstract, in this case use for example "p0001a"; amended claims: "p0001ac", etc.

<IELEMENT p (#PCDATA b i u o sup sub smallcaps br pre dl ul ol crossref figref patcit nplcit bio-deposit img chemistry maths tables table-external-doc)*>
<!ATTLIST p id ID #IMPLIED num CDATA #REQUIRED > | b, i, u, o, sup, sub, smallcaps, br, pre, dl, ul, ol, crossref, figref, patcit, nplcit, bio-deposit, img, chemistry, maths, tables, table-external-doc | srep-search-opinion, compliance-unity-invention, abstract, abst-solution, abst-problem, description, sequence-list-text, industrial-applicability, mode-for-invention, best-mode, disclosure, advantageous-effects, tech-solution, tech-problem, description-of-drawings, background-art, technical-field, claims-statement, subject-examination, observation-on-application, defect-in-application, citations-explanations, non-estab-reason-3, non-estab-reason-2, non-estab-reason-1, reason-limited-search, srep-unity-of-invention, claim-remark, remarks, additional-info, srep-declaration | application-body, search-report, iprp, amendment-request, wo-published-application, xx-patent-document | | | Paragraph | 2008-09-15
2004-11-11 (E) | |
| limitation-of-search | <IELEMENT limitation-of-search (text? , claims-searched* , claims-searched-incompletely* , claims-not-searched* , reason-limited-search*)> | text, claims-searched, claims-searched-incompletely, claims-not-searched, reason-limited-search | srep-incomplete-search | search-report, xx-patent-document | | | | <u>2008-09-15 (E)</u> | |

| Element Name | Description | Uses | Used By | In DTD | INID Code (ST9) | ST32 | Category | Entry(E) / Revision Date | Remarks (Deprecated Date, PFR no., etc.) |
|--------------|---|------|---|--|-----------------|------|--------------|------------------------------|--|
| text | If no structure is possible, enter text (without markup)

<IELEMENT text (#PCDATA)> | | B561, B562, bibliographic-data, gazette-reference, classification-locarno, iprp-written-opinion, iprp-info, iprp-basis-drawings, iprp-basis-claims, iprp-basis-description, patent-family, classification-national, srep-info, classification-ipcr, classification-ipc, dispatch-info, nplcit, patcit, addressbook, dnum, correction, references-cited, printed-as-amended, invalidation-of-patent, term-of-grant, lapse-of-patent, disclaimer, not-printed-with-grant, claims-only-available, examined-printed-without-grant, unexamined-printed-without-grant, examined-not-printed-without-grant, unexamined-not-printed-without-grant, iprp-citations, amend-sequence-listing-table, amend-sequence-listing, amend-drawings, amend-claims, amend-description, srep-written-opinion, certain-published-documents, srep-patent-family, srep-incomplete-search , limitation-of-search, srep-citations, database-searched, online, history, article, book, location, series, conference, imprint, rel-passage, reason-for-rejection-info | package-data, request, application-body, declarations, power-of-attorney, fee-sheet, bio-deposit, ro-request-receiving-info, table-external, pkgheader, xmit-receipt, dispatch-list, demand, ipea-demand-receiving-info, fee-sheet-chapter2, priority-doc, search-report, iprp, amendment-request, wo-bibliographic-data, wo-published-application, xx-patent-document | | | General Text | 2008-09-15
2004-11-11 (E) | |

[Annex 3 follows]

ANNEX 3

INITIAL PFR

| | |
|--|--|
| Identifier: <i>(to be completed by the IB)</i> | PFR ST.36/2009/002 |
| Procedure for handling this proposal:
<i>(to be completed by the IB)</i> | Fast-Track Procedure by the ST.36 Task Force |

| | | | |
|--------------------------------------|---------------|-----------------------|------------|
| Submitted by: <i>(Office)</i> | EPO/JPO/USPTO | Date Submitted | 2009-02-02 |
|--------------------------------------|---------------|-----------------------|------------|

| | |
|---|---|
| Subject | |
| <i>(i.e., brief indication of the changes to be considered)</i> | Multiple corrections and enhancements regarding Search Report |

| | |
|--|--|
| WIPO Standard & Items impacted | |
| <i>(e.g., main body of the Standard, Appendices / Annexes to the Standard, DTD/Schema, Element/Type Name, etc)</i> | <p>WIPO Standard ST.36</p> <p>Items impacted:</p> <ul style="list-style-type: none"> - Annex A : Model DTD (xx-patent-document.dtd) - Annex C : ICEs <p>Note: also effects Annex F DTDs (PCT Administrative Instructions): search-report.dtd</p> |

| | |
|--|--|
| Detailed description <i>(i.e., proposed solution)</i> | |
| <i>(If necessary, please attach further explanation sheet, e.g., a part of ICE table to be changed if a proposal impacts ST.36 ICEs, comments to be added to DTD/Schema if a proposal is related to elements/type, etc.)</i> | <p>This PFR includes nine proposals as follows:</p> <p>Proposal 1: Modify the element <code>srep-figure-to-publish</code> to clarify the values of its attribute <code>figinfo</code>;</p> <p>Proposal 2: Modify the element <code>search-fee-protest</code> to clarify the values of its attribute <code>protest</code>;</p> <p>Proposal 3: Modify the element <code>srep-claims-info</code> to clarify the names of its sub-elements and to add its new sub-elements and their attributes required for the EPO;</p> <p>Proposal 4: Modify the element <code>limitation-of-search</code> to add attributes;</p> <p>Proposal 5: Modify the element <code>reason-limited-search</code> to add the sub-element “heading”;</p> <p>Proposal 6: Modify the element <code>srep-search-opinion</code> to correct syntax;</p> |

| | |
|---|--|
| Detailed description (i.e., proposed solution) | |
| <p><i>(e.g., clear indication of the problem, how the need was determined, objectives of the revision, expected benefits, etc.)</i></p> | <p>Proposal 7: Modify the element <code>translation-of-appl</code> to add the attribute <code>translation</code>;</p> <p>Proposal 8: Change the name of the element <code>incomplete-search</code> to <code>srep-incomplete-search</code>; and</p> <p>Proposal 9: Modify the element <code>srep-for-pub</code> to add the sub-element <code>srep-declaration</code> and its sub-elements and attributes</p> <p>Further detailed description of each proposal is available in Appendix 1 to this PFR.</p> <p>These proposals were briefly discussed at the ST.36 Task Force informal meeting which was held in Geneva in November 2008. The results of the meeting are available on the ST.36 Task Force website at:
http://www.wipo.int/scit/en/taskfrce/st36/background.htm.</p> |
| Reasons | |
| <p><i>(e.g., clear indication of the problem, how the need was determined, objectives of the revision, expected benefits, etc.)</i></p> | <p>The proposed modifications aim at clarifying some aspects of the search report, at correcting some error and at adding support for the declaration of no-search or other procedural matters.</p> <p>The detailed reason of each proposal is explained in Appendix 1, if necessary.</p> |

Appendix 1: List of Detailed Proposals

Appendix 2: Detailed Information on the Proposal 9 for `srep-declaration`

Appendix 3: Proposal For Revision of ICEs

[Appendix 1 follows]

Appendix 1

List of Detailed Proposals

| | Proposal | Detailed Description |
|---|---|--|
| 1 | <p>Modify the element <code>srep-figure-to-publish</code> to clarify the values of its attribute <code>figinfo</code></p> | <pre><!ELEMENT srep-figure-to-publish (figure-to-publish?)></pre> <p>Change the attribute values from:</p> <pre><!ATTLIST srep-figure-to-publish figinfo (1 2 3 4) #REQUIRED ></pre> <p>To:</p> <pre><!-- Abstract Drawing</pre> <p>The figure of the drawings to be published with the abstract is:
Figure No.
followed by text of attribute value:
by-applicant (1) = as suggested by the applicant.
none-suggested (2) = because the applicant failed to suggest a figure.
by-examiner (3) = because this figure better characterizes the invention.
none (4) = None of the figures is to be published with the abstract
(Old PCT/ISA/210 - 6 a and b)</p> <pre>--></pre> <pre><!ATTLIST srep-figure-to-publish figinfo (<u>by-applicant</u> <u>none-suggested</u> <u>by-examiner</u> <u>none</u>) #REQUIRED ></pre> |
| 2 | <p>Modify the element <code>search-fee-protest</code> to clarify the values of its attribute "protest"</p> | <pre><!ELEMENT search-fee-protest EMPTY></pre> <p>Change the attribute values from:</p> <pre><!ATTLIST search-fee-protest protest (1 2 3) #REQUIRED ></pre> <p>To:</p> <pre><!-- Remark on protest</pre> <p>Attribute values:
none = No protest accompanied the payment of additional search fees
fee-paid = The additional search fees were accompanied by the applicant's protest and, where applicable, the payment of a protest fee.
fee-not-paid = The additional search fees were accompanied by the applicant's protest but the applicable protest fee was not paid within the time limit specified by the invitation.</p> <pre>--></pre> <pre><!ELEMENT search-fee-protest EMPTY></pre> <pre><!ATTLIST search-fee-protest protest (<u>none</u> <u>fee-paid</u> <u>fee-not-paid</u>) #REQUIRED ></pre> |

| | Proposal | Detailed Description |
|---|--|--|
| 3 | <p>Modify the element <i>srep-claims-info</i> to clarify the names of its sub-elements and to add new sub-elements and their attributes required for the EPO</p> | <p>Change from:
<!ELEMENT srep-claims-info (clms-reason-1? , clms-reason-2? , clms-reason-3?)></p> <p>To:
<!ELEMENT srep-claims-info (<u>srep-claims-not-searched*</u>) ></p> <p>Add:
<!ELEMENT <u>srep-claims-not-searched</u> (claim-num*,claim-remark) >
<!ATTLIST <u>srep-claims-not-searched</u>
<u>reason</u> (<u>subject-matter-not-searched-by-isa</u> <u>no-meaningful-search</u> <u>dependent-claims-incorrectly-drafted</u> <u>limited-to-claim-fees-paid</u> <u>limited-to-first-claims</u>) #REQUIRED</p> <p>≥</p> <p>Remove elements:
clms-reason-1,
clms-reason-2,
clms-reason-3</p> <p>Detailed Reason: to clarify the sub-element names of the element <i>srep-claims-info</i>, the sub-elements are need to be changed and three attribute values <i>subject-matter-not-searched-by-isa</i>, <i>no-meaningful-search</i> and <i>dependent-claims-incorrectly-drafted</i> correspond to previous sub-elements <i>clms-reason-1</i>, <i>clms-reason-2</i> and <i>clms-reason-3</i>, respectively. The last two values are required for the EPO.</p> |
| 4 | <p>Modify the element <i>limitation-of-search</i> to add attributes</p> | <p>Change from:
<!ELEMENT limitation-of-search (text? , claims-searched* , claims-searched-incompletely* , claims-not-searched* , reason-limited-search*)></p> <p>To:
<!ELEMENT limitation-of-search (text? , claims-searched* , claims-searched-incompletely* , claims-not-searched* , reason-limited-search*)>
<!ATTLIST <u>limitation-of-search</u>
<u>sequence</u> CDATA #IMPLIED
<u>reason-type</u> CDATA #IMPLIED ></p> <p>Detailed Reason: to require a sequence indicator and the type of limitation</p> |
| 5 | <p>Modify the element <i>reason-limited-search</i> to add the sub-element heading.</p> <p>Modify the description of the element heading to give better guideline (see the proposed description of the element heading in Appendix 3)</p> | <p>Change from:
<!ELEMENT reason-limited-search (p+)></p> <p>To:
<!ELEMENT reason-limited-search (heading?, p+)></p> <p>Detailed Reason: do not rely on style sheet for heading text.</p> |

| | Proposal | Detailed Description |
|---|---|--|
| 6 | Modify the element <i>srep-search-opinion</i> to correct syntax | <p>Change from:
 <!ELEMENT srep-search-opinion (doc-page+ , (heading* , p+) +)></p> <p>To:
 <!ELEMENT srep-search-opinion ((<u>doc-page+</u>) (heading* , p+) +) ></p> <p>Detailed Reason: to correct wrong syntax in Model DTD (xx-patent-document.dtd)</p> |
| 7 | Modify the element <i>translation-of-appl</i> to add the attribute translation | <p>Change the element
 <!ELEMENT translation-of-appl EMPTY></p> <p>From:
 <!ATTLIST translation-of-appl lang CDATA #IMPLIED ></p> <p>To:
 <!ATTLIST translation-of-appl <u>translation (yes no) 'no'</u> lang CDATA #IMPLIED ></p> <p>Detailed Reason: to better handle Form PCT/ISA/237(Written opinion of ISA)</p> |
| 8 | Change the name of the element <i>incomplete-search</i> to <i>srep-incomplete-search</i>

This name change should also apply to the element <i>srep-for-pub</i> which uses the element <i>incomplete-search</i> . See the proposal 9 for the element <i>srep-for-pub</i> , below. | <p>Change from:
 <!ELEMENT incomplete-search (text limitation-of-search+)></p> <p>To:
 <!ELEMENT <u>srep</u>-incomplete-search (text limitation-of-search+)></p> <p>Detailed Reason: to keep consistency of element names regarding Search Report. This proposal influences the results of discussion on PFR ST.36/2008/005.</p> |

| | Proposal | Detailed Description |
|---|--|---|
| 9 | <p>Modify the element <i>srep-for-pub</i> to add the sub-element <i>srep-declaration</i> and its sub-elements and attributes</p> <p>See Appendix 2 for more details</p> <p>This proposal is related to the proposal 8 for the element <i>incomplete-search</i>, above.</p> | <p>Change from:</p> <pre><!ELEMENT srep-for-pub (doc-page+ (classification-ipc?, classifications-ipcr?, classification-national?, srep-fields-searched, srep-citations, incomplete-search?, srep-admin?, srep-patent-family?)) ></pre> <p>To:</p> <pre><!ELEMENT srep-for-pub (doc-page+ (classification-ipc?, classifications-ipcr?, classification-national?, srep-fields-searched, srep-citations, <u>srep-incomplete-search?</u>, <u>srep-declaration?</u>, srep-admin?, srep-patent-family?)) ></pre> <p>Add:</p> <pre><u><!ELEMENT srep-declaration ((srep-declaration- subject-matter?, srep-declaration-part?,srep- declaration-sequence-listing?, additional-info?) (heading?, p+)) ></u> <u><!ATTLIST srep-declaration phase CDATA "PCT"></u> <u><!ELEMENT srep-declaration-subject-matter EMPTY></u> <u><!ATTLIST srep-declaration-subject-matter</u> <u>scientific-theories (yes no) #IMPLIED</u> <u>mathematic-theories (yes no) #IMPLIED</u> <u>plant-varieties (yes no) #IMPLIED</u> <u>animal-varieties (yes no) #IMPLIED</u> <u>bio-processes (yes no) #IMPLIED</u> <u>business (yes no) #IMPLIED</u> <u>mental-act (yes no) #IMPLIED</u> <u>games (yes no) #IMPLIED</u> <u>treatment-human (yes no) #IMPLIED</u> <u>treatment-animal (yes no) #IMPLIED</u> <u>diagnostic-methods (yes no) #IMPLIED</u> <u>presentation-information (yes no) #IMPLIED</u> <u>computer-program (yes no) #IMPLIED></u> <u><!ELEMENT srep-declaration-part EMPTY></u> <u><!ATTLIST srep-declaration-part</u> <u>description (yes no) #IMPLIED</u> <u>claims (yes no) #IMPLIED</u> <u>drawings (yes no) #IMPLIED ></u> <u><!ELEMENT srep-declaration-sequence-listing EMPTY></u> <u><!ATTLIST srep-declaration-sequence-listing</u> <u>paper (yes no) #IMPLIED</u> <u>electronic (yes no) #IMPLIED</u> <u>late-furnishing-fee (yes no) #IMPLIED</u> <u>table (yes no) #IMPLIED</u> </pre> <p>Detailed Reason: to add elements missing from search report - used/required by PCT and EPO (Form PCT/ISA/203: Declaration of non-establishment of ISR)</p> |

[Appendix 2 follows]

Appendix 2

Detailed Information on the Proposal 9 for srep-declaration

Integration of the reasons of non-establishment of International Search Report (Article 17(2)(a) PCT),
Form PCT/ISA/2003 (April 2005)

The element <srep-for-pub> captures the data of the actual International Search Report. The proposed solution therefore consists in adding the necessary elements to the element <srep-for-pub> (see Appendix 1 for the details).

The advantage of the proposed solution is the enhanced flexibility of the specific implementation of the PCT phase while providing open implementation (alternative elements <heading> and <p>) to cover the specific aspects of a search-report in a regional/national phase.

PROPOSAL FOR THE CHANGE OF THE DTD

```
<!ELEMENT srep-for-pub (doc-page+ | (classification-ipc? , classifications-ipc? , classification-national? , srep-fields-searched , srep-citations , srep-incomplete-search? , srep-declaration? , srep-admin? , srep-patent-family? , earlier-search*))>
```

```
<!--srep-declaration
```

```
Form PCT/ISA/2003 (April 2005)
```

```
If no search is to be carried out the search examiner will complete Form PCT/ISA/203 (Declaration of Non-Establishment of International Search Report), see PCT INTERNATIONAL SEARCH AND PRELIMINARY EXAMINATION GUIDELINES, 9.03.
```

```
Where the subject matter of all claims constitutes a subject excluded from the search where no meaningful search is possible for all of the claimed subject matter, a declaration of non-establishment of the international search report is issued pursuant to Article 17(2)(a) on Form PCT/ISA/203, see PCT INTERNATIONAL SEARCH AND PRELIMINARY EXAMINATION GUIDELINES, paragraph 9.40.
```

```
When the information in the declaration cannot be formatted or additional information is needed, the information will formatted as text using the <additional-info> element.
```

```
The phase attribute contains the code of the procedure, e.g. PCT, EP, US, and permits the reuse of the present DTD in national phases. Its values has been defaulted to PCT.
```

```
For regional/national phases, the elements srep-declaration-subject-matter, srep-declaration-part, srep-declaration-sequence-listing, additional-info will probably be irrelevant. Therefore the alternative use of elements <heading>
```

```
and <p> enable the entry of text specific to the regional/national phases.
```

```
+++++
```

```
Form Layout:
```

```
This International Searching Authority hereby declares, according to Article 17(2)(a), that no international search report will be established on the international application for the reasons indicated below.
```

1. () The subject matter of the international application relates to:
 - a. () scientific theories
 - b. () mathematical theories
 - c. () plant varieties
 - d. () animal varieties
 - e. () essentially biological processes for the production of plants and animals, other than microbiological processes and the products of such processes
 - f. () schemes, rules or methods of doing business
 - g. () schemes, rules or methods of performing purely mental acts
 - h. () schemes, rules or methods of playing games
 - i. () methods for treatment of the human body by surgery or therapy
 - j. () methods for treatment of the animal body by surgery or therapy
 - k. () diagnostic methods practised on the human or animal body
 - l. () mere presentations of information
 - m. () computer programs for which this International Searching Authority is not equipped to search prior art

2. () The failure of the following parts of the international application to comply with prescribed requirements prevents a meaningful search from being carried out:

() the description () the claims () the drawings

3. () A meaningful search could not be carried out without the sequence listing; the applicant did not, within the prescribed time limit:
 - () furnish a sequence listing on paper complying with the standard provided for in Annex C of the Administrative Instructions, and such listing was not available to the International Searching Authority in a form and manner acceptable to it.
 - () furnish a sequence listing in electronic form complying with the standard provided for in Annex C of the Administrative Instructions, and such listing was not available to the International Searching Authority in a form and manner acceptable to it.
 - () pay the required late furnishing fee for the furnishing of a sequence listing in response to an invitation under Rule 13ter.1(a) or (b).

4. () A meaningful search could not be carried out without the tables related to the sequence listings; the applicant did not, within the prescribed time limit, furnish such tables in electronic form complying with the technical requirements provided for in Annex C-bis of the Administrative Instructions, and such tables were not available to the International Searching Authority in a form and manner acceptable to it.

5. Further comments:

+++++

-->

```
<!ELEMENT srep-declaration ((srep-declaration-subject-matter?, srep-declaration-part?, srep-declaration-sequence-listing?, additional-info?) | (heading?, p+)) >
```

```
<!ATTLIST srep-declaration phase CDATA "PCT">
```

<!--

Form PCT/ISA/203 (April 2005)

When it has been established that the subject-matter of the international application falls into one of the exceptions set out in Rule 39, point 1. of Form PCT/ISA/203 (April 2005) is completed by selecting the exception.

+++++

Form Layout

(see comment of srep-declaration for detailed description of the form)

Whenever the tag <srep-declaration-subject-matter> is present box 1 is crossed.

Whenever the value of the following attribute is 'yes', the associated box should be crossed.

| attribute | box |
|--------------------------|-----|
| scientific-theories | 1.a |
| mathematic-theories | 1.b |
| plant-varieties | 1.c |
| animal-varieties | 1.d |
| bio-processes | 1.e |
| business | 1.f |
| mental-act | 1.g |
| games | 1.h |
| treatment-human | 1.i |
| treatment-animal | 1.j |
| diagnostic-methods | 1.k |
| presentation-information | 1.l |
| computer-program | 1.m |

+++++

-->

<!ELEMENT srep-declaration-subject-matter EMPTY>

<!ATTLIST srep-declaration-subject-matter

```

scientific-theories ( yes | no ) #IMPLIED
mathematic-theories ( yes | no ) #IMPLIED
plant-varieties ( yes | no ) #IMPLIED
animal-varieties ( yes | no ) #IMPLIED
bio-processes ( yes | no ) #IMPLIED
business ( yes | no ) #IMPLIED
mental-act ( yes | no ) #IMPLIED
games ( yes | no ) #IMPLIED
treatment-human ( yes | no ) #IMPLIED
treatment-animal ( yes | no ) #IMPLIED
diagnostic-methods ( yes | no ) #IMPLIED
presentation-information ( yes | no ) #IMPLIED
computer-program ( yes | no ) #IMPLIED>

```

<!--

Form PCT/ISA/203 (April 2005)

Point 2. of Form PCT/ISA/203 (April 2005) indicates which part(s) of the international application are subject to the issuance of the declaration under Article 17(2)(a).

+++++

Form Layout
(see comment of srep-declaration for detailed description of the form)

Whenever the tag <srep-declaration-part> is present box 2 is crossed. The corresponding box of each attribute should be crossed when its value is 'yes'.

+++++

-->

<!ELEMENT srep-declaration-part EMPTY>

<!ATTLIST srep-declaration-part description (yes | no) #IMPLIED
claims (yes | no) #IMPLIED
drawings (yes | no) #IMPLIED >

<!--

Form PCT/ISA/203 (April 2005)

Points 3. and 4. of Form PCT/ISA/203 (April 2005) indicate deficiencies of the international application related to sequence listings which are subject to the issuance of the declaration under Article 17(2)(a) for non compliance with Rules 13ter.1(c) and (d).

+++++

Form Layout
(see comment of srep-declaration for detailed description of the form)

Whenever an attribute is set to 'yes' the following boxes should be crossed:

| attribute | box(es) |
|---------------------|--|
| paper | 3 and
"furnish a sequence listing on paper ..." |
| electronic | 3 and
"furnish a sequence listing in electronic form ..." |
| late-furnishing-fee | 3 and
"pay the required late furnishing fee ..." |
| table | 4 |

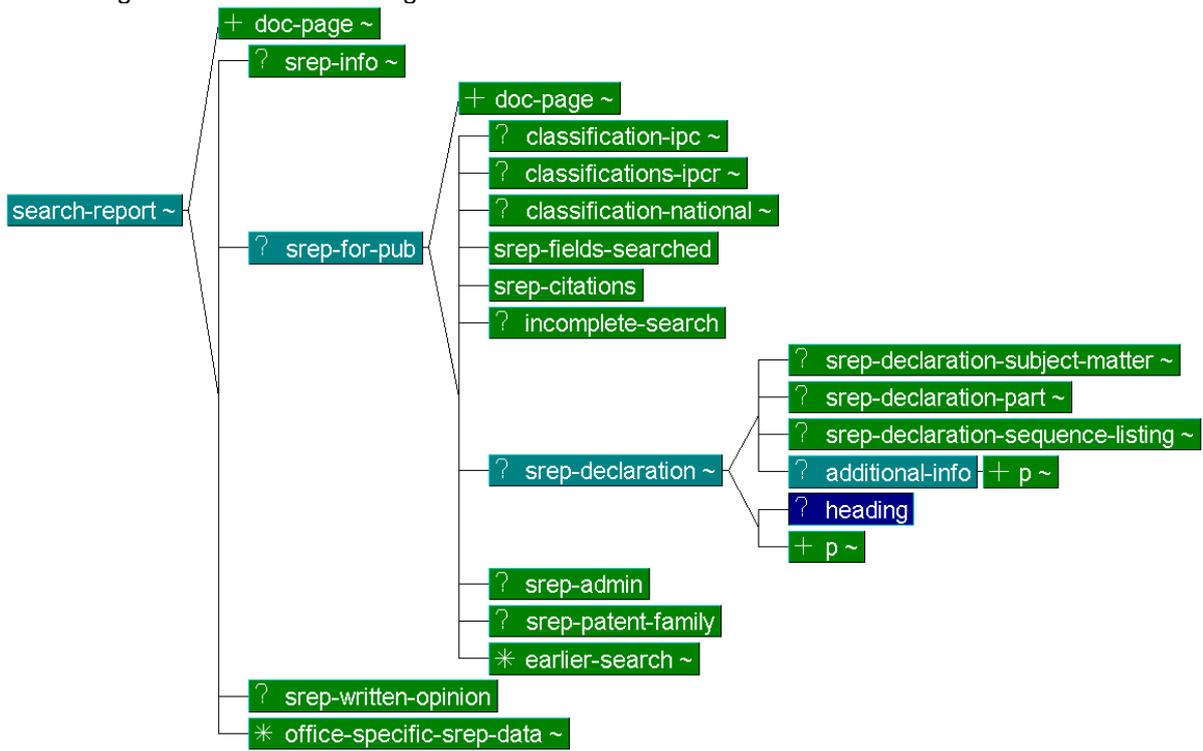
+++++

-->

<!ELEMENT srep-declaration-sequence-listing EMPTY>

<!ATTLIST srep-declaration-sequence-listing
paper (yes | no) #IMPLIED
electronic (yes | no) #IMPLIED
table (yes | no) #IMPLIED
late-furnishing-fee (yes | no) #IMPLIED >

The changes result in the following structure:



[Appendix 3 follows]

| Element Name | Description | Uses | Used By | In DTD | INID Code (ST9) | ST32 | Category | Entry(E) / Revision Date | Remarks (Deprecated Date, PFR no., etc.) |
|--|--|---|---|---|-----------------|------|---------------------------|------------------------------|--|
| srep-claims-info | (Old PCT/ISA/210 - Box No. II)
Observations where certain claims were found unsearchable This ISR has not been established in respect of certain claims under Article 17(2)(a) for the following reasons: (followed by one of the following three reasons:) . The reasons for which sets of claims where not searched will be provided with an element srep-claims-not-searched for each set. | clms-reason-1, clms-reason-2, clms-reason-3,
<u>srep-claims-not-searched</u> | srep-info | search-report, xx-patent-document | | | International Conventions | 2004-11-11 (E) | |
| <u>srep-claims-not-searched</u> | The attribute "reason" defines the reason for which certain claims have not been searched. | <u>claim-num, claim-remark</u> | <u>srep-claims-info</u> | <u>search-report, xx-patent-document</u> | | | | | |
| claim-num | Claim numbers | | iprp-basis-claims, subject-examination, amend-claims, applicability-not-valid, applicability-valid, inventive-step-not-valid, inventive-step-valid, novelty-not-valid, novelty-valid, opinion-established-regarding, invention-not-examined, non-estab-reason-4, non-estab-reason-3, non-estab-reason-2, non-estab-reason-1, srep-fee-4, srep-fee-3, clms-reason-3, clms-reason-2,
clms-reason-1, <u>srep-claims-not-searched</u> | search-report, iprp, xx-patent-document | | | General Text | 2004-11-11 (E) | |
| claim-remark | Remarks on these claims | p | clms-reason-2, clms-reason-1, <u>srep-claims-not-searched</u> | search-report, xx-patent-document | | | General Text | 2004-11-11 (E) | |
| reason-limited-search | | <u>heading, p</u> | limitation-of-search | search-report, xx-patent-document | | | International Conventions | 2008-09-15
2004-11-11 (E) | |
| heading | Heading text <u>identifying the parts of the description</u> (see <u>PCT Rule 5.1(c), PCT/AI section 204</u>).
Recommended id = h0001, h0002, etc.
The attribute level defines a hierarchic level and may be associated with a style.
Otherwise the formatting tags may be used to highlight the heading text. | b, i, u, o, sup, sub, smallcaps | srep-search-opinion, description, sequence-list-text, industrial-applicability, mode-for-invention, best-mode, disclosure, advantageous-effects, tech-solution, tech-problem, description-of-drawings, background-art, technical-field, claims-statement, <u>reason-limited-search, srep-declaration</u> | application-body, amendment-request, <u>search-report</u> , wo-published-application, xx-patent-document | | | Document Structure | 2008-09-15
2004-11-11 (E) | |

| Element Name | Description | Uses | Used By | In DTD | INID Code (ST9) | ST32 | Category | Entry(E) / Revision Date | Remarks (Deprecated Date, PFR no., etc.) |
|-------------------------|--|--|-----------------------------------|--|-----------------|------|----------------------------------|------------------------------|--|
| srep-incomplete-search | <u>The element is to process EPO SR FORM 1503 – partial SR, e.g., EP 99305342. The present application, or one or more of the claims, does/do not comply with the PCT to such an extent that a meaningful search into the state of the art cannot be carried out, or can only be carried out partially for these claims.</u> | text, limitation-of-search | srep-for-pub | search-report, xx-patent-document | | | International Conventions | 2008-09-15
2004-11-11 (E) | |
| srep-for-pub | SECTION III OF DTD The actual search report - start a new page
The Heading is: INTERNATIONAL SEARCH REPORT (ISR) - PART 2<HR></HR> Repeat international application number (?) IPC, FIELDS and DATABASES SEARCHED
CLASSIFICATION OF SUBJECT MATTER | doc-page, classification-ipc, classifications-ipc, classification-national, srep-fields-searched, srep-citations, <u>srep-incomplete-search</u> , <u>srep-declaration</u> , srep-admin, srep-patent-family | search-report-data, search-report | search-report, xx-patent-document | | | International Conventions | 2004-11-11 (E) | |
| <u>srep-declaration</u> | <u>Form PCT/ISA/2003 (April 2005)</u>
<u>If no search is to be carried out the search examiner will complete Form PCT/ISA/203 (Declaration of Non-Establishment of International Search Report), see PCT INTERNATIONAL SEARCH AND PRELIMINARY EXAMINATION GUIDELINES, 9.03.</u>
<u>Where the subject matter of all claims constitutes a subject excluded from the search where no meaningful search is possible for all of the claimed subject matter, a declaration of non-establishment of the international search report is issued pursuant to Article 17(2)(a) on Form PCT/ISA/203, see PCT INTERNATIONAL SEARCH AND PRELIMINARY EXAMINATION GUIDELINES, paragraph 9.40.</u>
<u>The phase attribute contains the code of the procedure, e.g. PCT, EP, US, ... and permits the reuse of the present DTD in national phases. Its values has been defaulted to PCT.</u> | <u>srep-declaration-subject-matter, srep-declaration-part, srep-declaration-sequence-listing, additional-info, heading, p</u> | <u>srep-for-pub</u> | <u>search-report, xx-patent-document</u> | | | <u>International Conventions</u> | | |

| Element Name | Description | Uses | Used By | In DTD | INID Code (ST9) | ST32 | Category | Entry(E) / Revision Date | Remarks (Deprecated Date, PFR no., etc.) |
|--|---|------|-------------------------|--|-----------------|------|----------------------------------|--------------------------|--|
| <u>srep-declaration-subject-matter</u> | <p>Form PCT/ISA/203 (April 2005)
 When it has been established that the subject-matter of the international application falls into one of the exceptions set out in Rule 39, point 1. of Form PCT/ISA/203 (April 2005) is completed by selecting the exception.
 Each attribute refers to a specific type of subject-matter excluded in Rule 39 (PCT International Search and Preliminary Examination Guidelines, chapter 9).</p> | | <u>srep-declaration</u> | <u>search-report, xx-patent-document</u> | | | <u>International Conventions</u> | | |
| <u>srep-declaration-part</u> | <p>Form PCT/ISA/203 (April 2005)
 Point 2. of Form PCT/ISA/203 (April 2005) indicates which part(s) of the international application are subject to the issuance of the declaration under Article 17(2)(a).</p> | | <u>srep-declaration</u> | <u>search-report, xx-patent-document</u> | | | <u>International Conventions</u> | | |
| <u>srep-declaration-sequence-listing</u> | <p>Form PCT/ISA/203 (April 2005)
 Points 3. and 4. of Form PCT/ISA/203 (April 2005) indicate deficiencies of the international application related to sequence listings which are subject to the issuance of the declaration under Article 17(2)(a) for non compliance with Rules 13ter.1(c) and (d), namely:
 * The late furnishing or the non compliance with Annex C of the Administrative Instruction of a paper or an electronic sequence-listing is indicated by the paper and electronic attribute respectively;
 * The late furnishing or the non compliance with Annex C-bis of the Administrative Instruction of tables related to a sequence-listing is indicated by the table attribute;
 * The late payment of the furnishing fees is indicated with the late-furnishing-fee attribute.</p> | | <u>srep-declaration</u> | <u>search-report, xx-patent-document</u> | | | <u>International Conventions</u> | | |

| Element Name | Description | Uses | Used By | In DTD | INID Code (ST9) | ST32 | Category | Entry(E) / Revision Date | Remarks (Deprecated Date, PFR no., etc.) |
|----------------------|--|--|--|--|-----------------|-------------|---------------------------|-------------------------------------|--|
| additional-info | Additional information. (ST.32:B513) | p | priority-opinion, classification-national, classification-ipc, iprp-priority, not-annex-c-compliant, sequence-list-basis, srep-declaration | search-report, iprp, wo-bibliographic-data, wo-published-application, xx-patent-document- | | B513 | International Conventions | <u>2004-11-11 (E)</u> | |
| p | Paragraph Recommended id = p0001, p0002, etc. num = 0001, 0002, etc. Note: paragraphs may occur in sections other than the description and at different times eg. for the abstract, in this case use for example "p0001a"; amended claims: "p0001ac", etc. | b, i, u, o, sup, sub, smallcaps, br, pre, dl, ul, ol, crossref, figref, patcit, nplcit, bio-deposit, img, chemistry, maths, tables, table-external-doc | srep-search-opinion, compliance-unity-invention, abstract, abst-solution, abst-problem, description, sequence-list-text, industrial-applicability, mode-for-invention, best-mode, disclosure, advantageous-effects, tech-solution, tech-problem, description-of-drawings, background-art, technical-field, claims-statement, subject-examination, observation-on-application, defect-in-application, citations-explanations, non-estab-reason-3, non-estab-reason-2, non-estab-reason-1, reason-limited-search, srep-unity-of-invention, claim-remark, remarks, additional-info, srep-declaration | application-body, search-report, iprp, amendment-request, wo-published-application, xx-patent-document | | | Paragraph | 2008-09-15
<u>2004-11-11 (E)</u> | |
| limitation-of-search | | text, claims-searched, claims-searched-incompletely, claims-not-searched, reason-limited-search | srep-incomplete-search | search-report, xx-patent-document | | | | <u>2008-09-15 (E)</u> | |

| Element Name | Description | Uses | Used By | In DTD | INID Code (ST9) | ST32 | Category | Entry(E) / Revision Date | Remarks (Deprecated Date, PFR no., etc.) |
|--------------|--|------|---|--|-----------------|------|---------------------|------------------------------|--|
| text | If no structure is possible, enter text (without markup) | | B561, B562, bibliographic-data, gazette-reference, classification-locarno, iprp-written-opinion, iprp-info, iprp-basis-drawings, iprp-basis-claims, iprp-basis-description, patent-family, classification-national, srep-info, classification-ipcr, classification-ipc, dispatch-info, nplcit, patcit, addressbook, dnum, correction, references-cited, printed-as-amended, invalidation-of-patent, term-of-grant, lapse-of-patent, disclaimer, not-printed-with-grant, claims-only-available, examined-printed-without-grant, unexamined-printed-without-grant, examined-not-printed-without-grant, unexamined-not-printed-without-grant, iprp-citations, amend-sequence-listing-table, amend-sequence-listing, amend-drawings, amend-claims, amend-description, srep-written-opinion, certain-published-documents, srep-patent-family, srep-incomplete-search , limitation-of-search, srep-citations, database-searched, online, history, article, book, location, series, conference, imprint, rel-passage, reason-for-rejection-info | package-data, request, application-body, declarations, power-of-attorney, fee-sheet, bio-deposit, ro-request-receiving-info, table-external, pkgheader, xmit-receipt, dispatch-list, demand, ipea-demand-receiving-info, fee-sheet-chapter2, priority-doc, search-report, iprp, amendment-request, wo-bibliographic-data, wo-published-application, xx-patent-document | | | <u>General Text</u> | 2008-09-15
2004-11-11 (E) | |

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