

**Administrative Instructions Under the  
Patent Cooperation Treaty (PCT)  
Standard for the Electronic Filing and Processing of International Applications**

**Instructions administratives du  
Traité de coopération en matière de brevets (PCT)  
Norme concernant le dépôt et le traitement électroniques**

PROPOSAL FOR CHANGE FILE/  
DOSSIER RELATIF A LA PROPOSITION DE MODIFICATION

<b>SUBJECT: Changes to Annex F, Appendix I, section 3.6 (modifications of the DTDs for the request and declarations)</b>		PROPOSED BY: IB	
<b>SUJET : Modifications de la section 3.6 de l'appendice I de l'annexe F (modifications des DTD de la requête et des déclarations)</b>		PROPOSÉES PAR : IB	
HANDLING: Expedited cycle TRAITEMENT : Cycle accéléré		PROPOSED DATE OF ENTRY INTO FORCE: 01.07.2017 DATE PROPOSÉE D'ENTRÉE EN VIGUEUR :	
<b>Annex/ Annexe</b>	<b>Content/Contenu</b>	<b>Origin/ Origine</b>	<b>Date</b>
1	Modifications of the DTDs for the request and declarations to simplify the correlation of parties in editing declarations and the PCT request  Modification des DTD de la requête et des déclarations pour simplifier la coordination entre les parties en ce qui concerne l'établissement des déclarations et de la requête PCT	IB	13.3.2017
2	Comments	DE	11.4.2017
3	Comments	CH	19.4.2017
4	Comments	CN	24.4.2017
5	Comments	CL	24.4.2017
6	Comments	SK	25.4.2017
7	Comments	CR	25.4.2017

8	Comments	AU	27.4.2017
9	Comments	CO	3.5.2017
10	Comments	EP	12.5.2017
11	Comments	JP	24.5.2017
12	Comments	IB	30.5.2017

Next action:	Entry into force	By:	1.7.2017
Prochaine action :	Entrée en vigueur	Pour le :	

[Annex I follows/  
L'annexe I suit]

Item 1	
Location:	Annex F, Appendix I, section 3.6, lack-of-novelty element (declaration DTD, wo-published-application DTD)
Change:	<p><b>FROM:</b></p> <pre>&lt;!--   Declaration as to non-prejudicial disclosures or exceptions   to lack of novelty   (PCT Rules 4.17(v) and 51bis.1(a)(v))  --&gt; &lt;!ELEMENT lack-of-novelty (doc-page+   (application- reference? , %name_group; , ((date   address   title-of- disclosure   method-of-disclosure   dtext)+ , (all- designations   designated-states)?)))&gt;  &lt;!ATTLIST lack-of-novelty sequence CDATA #REQUIRED lang      CDATA #IMPLIED &gt;</pre> <p><b>TO:</b></p> <pre>&lt;!--   Declaration as to non-prejudicial disclosures or exceptions   to lack of novelty   (PCT Rules 4.17(v) and 51bis.1(a)(v))  --&gt; &lt;!ELEMENT lack-of-novelty (doc-page+   (application- reference? , %name_group; , ((date   address   title-of- disclosure   method-of-disclosure   dtext)+ , (all- designations   designated-states)?)))&gt;  &lt;!ATTLIST lack-of-novelty id ID #IMPLIED sequence CDATA #REQUIRED lang      CDATA #IMPLIED &gt;</pre>
Reason:	The optional “id” attribute has been added to allow improvement in applicant mapping in online editing of declarations, particularly in the saving of drafts in XML.

Item 2	
Location:	Annex F, Appendix I, section 3.6, entitlement-to-claim-priority (declaration DTD)
Change:	<p><b>FROM:</b></p> <pre>&lt;!--   Declaration as applicant's entitlement, as at the   international filing date, to   claim the priority of the earlier application, where the   applicant is not the   applicant who filed the earlier application or where the   applicant's name has   changed since the filing of the earlier application.   (Rules 4.17(iii) and 51bis.1(a)(iii))  --&gt; &lt;!ELEMENT entitlement-to-claim-priority (doc-page+   (application-reference? , %name_group; , earlier-app- reference , matter+))&gt; &lt;!ATTLIST entitlement-to-claim-priority sequence CDATA #REQUIRED lang      CDATA #IMPLIED &gt;</pre> <p><b>TO:</b></p> <pre>&lt;!--   Declaration as applicant's entitlement, as at the   international filing date, to   claim the priority of the earlier application, where the   applicant is not the   applicant who filed the earlier application or where the   applicant's name has   changed since the filing of the earlier application.   (Rules 4.17(iii) and 51bis.1(a)(iii))  --&gt; &lt;!ELEMENT entitlement-to-claim-priority (doc-page+   (application-reference? , %name_group; , earlier-app- reference , matter+))&gt;  &lt;!ATTLIST entitlement-to-claim-priority <b>id ID #IMPLIED</b> sequence CDATA #REQUIRED lang      CDATA #IMPLIED &gt;</pre>
Reason:	The optional "id" attribute has been added to allow improvement in applicant mapping in online editing of declarations, particularly in the saving of drafts in XML.

Item 3	
Location:	Annex F, Appendix I, section 3.6, entitlement-to-be-granted-patent (declaration DTD)
Change:	<p><b>FROM:</b></p> <pre>&lt;!--   Declaration as applicant's entitlement, as at the   international filing date, to   apply for and be granted a patent (Rules 4.17(ii) and   51bis.1(a)(ii)), in a case   where the declaration under Rule 4.17(iv) is not   appropriate  --&gt; &lt;!ELEMENT entitlement-to-be-granted-patent (doc-page+   (application-reference? , %name_group; , matter+))&gt;  &lt;!ATTLIST entitlement-to-be-granted-patent sequence CDATA #REQUIRED lang      CDATA #IMPLIED combined          (yes   no ) #IMPLIED &gt;</pre> <p><b>TO:</b></p> <pre>&lt;!--   Declaration as applicant's entitlement, as at the   international filing date, to   apply for and be granted a patent (Rules 4.17(ii) and   51bis.1(a)(ii)), in a case   where the declaration under Rule 4.17(iv) is not   appropriate  --&gt; &lt;!ELEMENT entitlement-to-be-granted-patent (doc-page+   (application-reference? , %name_group; , matter+))&gt;  &lt;!ATTLIST entitlement-to-be-granted-patent id ID #IMPLIED sequence CDATA #REQUIRED lang      CDATA #IMPLIED combined          (yes   no ) #IMPLIED &gt;</pre>
Reason:	The optional "id" attribute has been added to allow improvement in applicant mapping in online editing of declarations, particularly in the saving of drafts in XML.

Item 4	
Location:	Annex F, Appendix I, section 3.6, signatory (declaration, demand, fee-sheet-chapter2, fee-sheet, ipea-demand-receiving-info, package-data, power-of-attorney, priority-doc, request, ro-request-receiving-info, wo-bibliographic-data, wo-notification, wo-published-application DTDs)
Change:	<p><b>FROM:</b></p> <pre>&lt;!--   PCT/RO/101 Box No. X:   The signature must be that of the applicant (if there are   several applicants, all   must sign); however, the signature may be that of the   agent, or the common   representative, where a separate power of attorney   appointing the agent or the   common representative, respectively, or a copy of a general   power of attorney is   already in possession of the receiving Office, is   furnished...   (PCT Rules 4.1(d), 4.15, and 90)   Indicate the capacity of the signer with 'signatory-   capacity' --&gt; &lt;!ELEMENT signatory (%name_group; , address? , electronic- signature , signatory-capacity?)&gt;</pre> <p><b>TO:</b></p> <pre>&lt;!--   PCT/RO/101 Box No. X:   The signature must be that of the applicant (if there are   several applicants, all   must sign); however, the signature may be that of the   agent, or the common   representative, where a separate power of attorney   appointing the agent or the   common representative, respectively, or a copy of a general   power of attorney is   already in possession of the receiving Office, is   furnished...   (PCT Rules 4.1(d), 4.15, and 90)   Indicate the capacity of the signer with 'signatory-   capacity' --&gt; &lt;!ELEMENT signatory (%name_group; , address? , electronic- signature , signatory-capacity?)&gt;</pre> <p><b>&lt;!ATTLIST signatory id ID #IMPLIED&gt;</b></p>
Reason:	<p>The optional “id” attribute has been added to allow improvement in applicant mapping in online editing of declarations, particularly in the saving of drafts in XML.</p> <p>The signatory element is more widely used than in the Request and demand DTDs and the update of this element will affect all the DTDs listed above in location.</p>

Location:	Annex F, Appendix I, section 3.6, matter-name (declaration DTD)
Change:	<p><b>FROM:</b></p> <pre>&lt;!ELEMENT matter-name (%name_group;)&gt;</pre> <p><b>TO:</b></p> <pre>&lt;!ELEMENT matter-name (%name_group;)&gt;</pre> <pre>&lt;!ATTLIST matter-name   id ID #IMPLIED&gt;</pre>
Reason:	The optional "id" attribute has been added to allow improvement in applicant mapping in online editing of declarations, particularly in the saving of drafts in XML.

Item 5	
Location:	Annex F, Appendix I, section 3.6, us-rights (demand, request, wo-bibliographic-data, wo-notification, wo-published-application, xx-patent-document-v2-3.dtd DTDs)
Change:	<p><b>FROM:</b></p> <pre>&lt;!ELEMENT us-rights (#PCDATA)&gt; &lt;!ATTLIST us-rights to-dead-inventor CDATA #REQUIRED kind (heir         heiress         executor         executrix         estate         legal-representative         administrator         administratrix         legal-representatives         heirs         executors         legal-heirs ) #REQUIRED &gt;</pre> <p><b>TO:</b></p> <pre>&lt;!ELEMENT us-rights (#PCDATA)&gt; &lt;!ATTLIST us-rights   id ID #IMPLIED to-dead-inventor CDATA #REQUIRED kind (heir         heiress         executor         executrix         estate         legal-representative         administrator         administratrix         legal-representatives         heirs         executors  </pre>

	<code>legal-heirs ) #REQUIRED &gt;</code>
Reason:	The optional "id" attribute has been added to allow improvement in applicant mapping in online editing of declarations, particularly in the saving of drafts in XML.

[Annex II follows /  
L'annexe II suit]

**Comments by the German Patent and Trade Mark Office**

Comments made with respect to PCT/EF/PFC 17/001 only.

[Annex III follows /  
L'annexe III suit]

**Comments from the Swiss Federal Institute of Intellectual Property**

L'Institut Fédéral de la Propriété Intellectuelle a consenti à cette façon de procéder concernant la circulaire C.PCT 1505.

The Swiss Federal Institute of Intellectual Property has consented to proceed with circular C.PCT 1505.

[Annex IV follows /  
L'annexe IV suit]

**Comments from the State Intellectual Property Office of the P.R.C (SIPO)**

1. Only considering the system, even if our CEPCT system is not updated and continues to use the old form, it can still exchange documents with the International Bureau in a normal way; however, if the use of the new form is required, we need to update the CEPCT system accordingly.

2. If the International Bureau updates SAFE to a new version and the applicant submits an application using the new version of SAFE, the CEPCT system of the SIPO must be modified, otherwise it will not be able to process the application submitted through the new version of SAFE. Unfortunately this modification would involve many procedures and modules, and would take some time.

[Annex V follows /  
L'annexe V suit]

**Comments from the National Institute of Industrial Property of Chile**

Please find below the comments of INAPI to Circular C. PCT 1505 dated 03/22/2017 on a series of proposals for changes to the standard for the electronic filing and processing of (Annex F of the Administrative Instructions of the PCT) concerning the PCT request form (PCT / RO / 101), the declarations, the search report and the written opinion.

In this regard, having reviewed all proposals made by the International Bureau, and taking into consideration that INAPI uses the ePCT system for the electronic filing of PCT international applications, we have no comments on them and we agree on their content.

[Annex VI follows /  
L'annexe VI suit]

**Comments from the Industrial Property Office of the Slovak Republic**

The Industrial Property Office of the Slovak Republic (hereafter "the IPO SR") in its capacity as a receiving Office, International Search Authority, International Examining Preliminary Authority and designated or elected Office under the Patent Cooperation Treaty would like to inform you, that the proposals prepared by International Bureau were discussed with internal IT experts and the IPO SR has no comments on changes concerning the Standard for the Filing and Processing in Electronic Form of International Applications, declarations, search report and written opinion mentioned in the Circular C.PCT 1505.

We would like to thank the International Bureau for the prepared documents.

[Annex VII follows /  
L'annexe VII suit]

**Comments by the Register of Industrial Property of Costa Rica**

For the moment, Costa Rica does not allow electronic filing of international applications.

However, by communication dated February 10, 2017, we reiterated to WIPO our interest in obtaining access to the e-PCT system for the reception, sending and consultation of international applications, which is in the process of authorization.

In accordance with the above, we currently have no comments or queries regarding the requirements of Circular C. PCT 1505 of March 22, 2017.

[Annex VIII follows /  
L'annexe VIII suit]

**Comments by IP Australia**

Comments made with respect to PCT/EF/PFC 17/001 and PCT/EF/PFC 17/003 only.

[Annex IX follows /  
L'annexe IX suit]

**Comments from the Superintendencia de Industria y Comercio**  
**Ministerio de Industria, Comercio y Turismo of Colombia**

The SIC agrees with the simplification proposed by the amendment to the petition and the declarations. The idea is that when one of these two fields is edited, the information that is indicated by the applicant, is reflected in that field and also in the other; That is, when completing the request with the information of the applicant, that same information is reflected simultaneously in the field of statements.

[Annex X follows /  
L'annexe X suit]

**Comments from the European Patent Office**

In reply to Circular C. PCT 1505, and particular in view of the PFC-17-003, for the EPO it is not totally clear what would be the exact workflow of a color filing at the RO/EP in terms of publication.

Further, the EPO suggest not encouraging a systematic use of color in filings but clearly indicating that those filings shall be made in color where necessary for a better understanding of the application.

At present the EPO could receive electronic filings including color but not process the color. However, it is a future goal to be able also to process color.

[Annex XI follows /  
L'annexe XI suit]

**Comments from the Japan Patent Office**

As to the changes to the Annex F, we do not have any comments on any of the suggested modifications. However, as our internal IT system needs some adjustments, please note that the complete implementation by our Office of the modified DTDs is expected to be within 2019, at the earliest.

[Annex XII follows /  
L'annexe XII suit]

**Comments from The International Bureau**

The International Bureau would like to express its thanks to the Offices that have reviewed the proposal and provided comments.

Considering the comments received from PCT member states and with no controversial comments outstanding the International Bureau will adopt the proposal for entry into force on July 1, 2017.

[End of Annex XII and of document/  
Fin de l'annexe XII et du document]