



WORLD INTELLECTUAL PROPERTY ORGANIZATION
ORGANISATION MONDIALE DE LA PROPRIÉTÉ INTELLECTUELLE
GENEVA/GENÈVE

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
DES DEMANDES INTERNATIONALES

PROPOSAL FOR CHANGE FILE
DOSSIER RELATIF À LA PROPOSITION DE MODIFICATION

SUBJECT: IA Documents Packaging (Annex F, section 4)		PROPOSED BY: JP	
SUJET : Empaquetage des documents constitutifs de demandes internationales (Annexe F, section 4)		PROPOSÉE PAR :	
HANDLING: Annual cycle		PROPOSED DATE OF ENTRY INTO FORCE:	
TRAITEMENT : Cycle annuel		DATE PROPOSÉE D'ENTRÉE EN VIGUEUR : 03.03	
ANNEX/ ANNEXE	CONTENT/CONTENU	ORIGIN/ ORIGINE	DATE
1	Proposal/Proposition	JP	28.02.02
2	Circular C. PCT 830/Circulaire C. PCT 830	IB	04.04.02
3	Comments/Commentaires	AU	09.05.02
4	Comments/Commentaires	US	15.05.02
5	Comments/Commentaires	KR	17.05.02
6	Revised proposal/Proposition révisée	JP	31.05.02
7	Comments/Commentaires	EP, JP, US	01.07.02

[Annex 1 follows/
L'annexe 1 suit]

NEXT ACTION:	Promulgation	BY:	March 2003
PROCHAINE ACTION :	Promulgation	POUR LE :	Mars 2003

PROPOSAL BY THE JAPAN PATENT OFFICE

4.2.1 Wrapped and signed package (WASP)

The digital signature for the WASP may be produced either by the applicant or the applicant's representative. If an enhanced electronic signature is chosen by the applicant (or the applicant's representative), it is the signature in the WASP that is used for this purpose. A low-level or high-level digital certificate (see definitions in section 9 below) accompanies the digital signature.

Figure 3 is a simplified anatomy of the WASP. The diagram has been intentionally simplified to obscure technical detail that may distract the reader from the key issues of the package design. For example, the PKZIP wrapping has been left out of the diagram.

Also, if WAD is to be sent by electronic means of transmittal, the receiving Office shall give the digital signature to the WAD. The generated WASP(s) shall be in wrapped form by applying ZIP encoding in the same manner described in Section 4.1.1.

[Annex 2 follows/
L'annexe 2 suit]

April 4, 2002

Madam,
Sir,

*Standard for the electronic filing and processing of
international applications: Proposals for change*

Proposed modifications of the Administrative Instructions under the PCT

1. This circular concerns proposals for change to the standard for the electronic filing and processing of international applications under the Patent Cooperation Treaty (PCT) which will, if adopted, result in modifications of Part 7 and Annex F of the Administrative Instructions under the PCT. It is being sent, for the purposes of consultation pursuant to Rule 89.2(b) of the Regulations under the PCT, to the national and regional patent Offices of, or acting for, all PCT Contracting States, including all receiving Offices, International Searching Authorities, International Preliminary Examining Authorities, and designated and elected Offices, and to interested intergovernmental organizations, as well as to certain non-governmental organizations representing users of the PCT system.

2. The International Bureau has received a number of proposals for change to the standard for the electronic filing and processing of international applications which, if adopted, would result in modifications of Annex F of the Administrative Instructions under the PCT, together with related proposals for amendment to certain provisions of Part 7 of the Administrative Instructions.

3. The proposals are available on WIPO's Web site (see http://www.wipo.int/pct/efiling_standard/en) as annexes to the following "Proposal for Change" (PFC) files:

- PCT/EF/PFC 02/001 relating to Part 7, Section 709 "Means of Communication" (proposal by the Japan Patent Office);
- PCT/EF/PFC 02/002 relating to Annex F, section 4 "IA Documents Packaging" (proposal by the Japan Patent Office);
- PCT/EF/PFC 02/003 relating to Annex F, section 5 "Transmission" (proposal by the Japan Patent Office);
- PCT/EF/PFC 02/004 relating to Annex F, Appendix I, section 4.1 "Package header" (proposal by the Japan Patent Office);

- PCT/EF/PFC 02/005 relating to Annex F, Appendix I, section 3 “DTDs for new PCT applications (E-PCT)” (proposal by the United States Patent and Trademark Office);
- PCT/EF/PFC 02/006 relating to Annex F would add a recommendation on a file naming convention (proposal by the United States Patent and Trademark Office);
- PCT/EF/PFC 02/007 relating to Annex F, Appendix I, section 4.1 “Package header” (proposal by the United States Patent and Trademark Office);
- PCT/EF/PFC 02/008 relating to Part 7, Section 703 “Filing Requirements; Basic Common Standard” (proposal by the United States Patent and Trademark Office).

4. The International Bureau would appreciate receiving any comments on the proposed modifications by May 15, 2002. Comments should preferably be made by e-mail via the “Submit comments” facility on the Web site, but may alternatively be made in writing by letter or by fax to +41 (22) 338 8040. Comments will be included as Annexes to the relevant PFCs. Copies of the proposals on paper are available from the International Bureau on request. Inquiries concerning the proposals should be directed to Mr. Thiam Ming Song (e-mail: song@wipo.int; phone: 41 (22) 338 9640; fax: 41 (22) 338 8040).

5. In Circular C. PCT 827, which is also dated April 4, 2002, the International Bureau proposes other modifications of the Administrative Instructions which would add to Annex F a new section 2.5 “Change procedure” dealing with special procedures for the proposal, consideration and implementation of future modifications of the standard for electronic filing and processing of international applications. It is intended that consideration of the proposals referred to in the present Circular will proceed independently of those other proposals.

6. The International Bureau intends to promulgate by June 30, 2002, the modifications proposed in the present Circular, revised if necessary in the light of comments received. It is envisaged that the modifications would enter into force on January 1, 2003.

Sincerely yours,

Francis Gurry
Assistant Director General

OMPI CIRCULAIRE C. PCT 830

Le 4 avril, 2002

Madame,
Monsieur,

*Norme concernant le dépôt et le traitement électroniques
des demandes internationales : propositions de modification*

Propositions de modification des instructions administratives selon le PCT

1. La présente circulaire concerne des propositions de modification de la norme concernant le dépôt et le traitement des demandes internationales selon le Traité de coopération en matière de brevets (PCT) qui, si elles étaient adoptées, aboutiraient à la modification de la septième partie et de l'annexe F des instructions administratives du PCT. Elle est adressée, aux fins de la consultation prévue à la règle 89.2.b) du règlement d'exécution du PCT, aux offices de brevets nationaux et régionaux de tous les États contractants du PCT ou agissant pour eux, notamment l'ensemble des offices récepteurs, des administrations chargées de la recherche internationale, des administrations chargées de l'examen préliminaire international et des offices désignés et élus, ainsi qu'aux organisations intergouvernementales intéressées et à certaines organisations non gouvernementales représentant les utilisateurs du système du PCT.

2. Le Bureau international a reçu un certain nombre de propositions de modification de la norme concernant le dépôt et le traitement électroniques des demandes internationales qui, si elles étaient adoptées, entraîneraient des modifications de l'annexe F des instructions administratives du PCT, ainsi qu'un certain nombre de propositions concernant les changements correspondants à apporter à certaines dispositions de la septième partie des instructions administratives.

3. Ces propositions peuvent être consultées sur le site Web de l'OMPI (voir http://www.wipo.int/pct/efiling_standard/fr) en tant qu'annexes des dossiers de propositions de modification suivants :

- PCT/EF/PFC 02/001 concernant l'instruction 709 de la septième partie, intitulée "Moyens de communication" (proposition de l'Office des brevets du Japon);
- PCT/EF/PFC 02/002 concernant la section 4 de l'annexe F, intitulée "Empaquetage des documents constitutifs de demandes internationales" (proposition de l'Office des brevets du Japon);
- PCT/EF/PFC 02/003 concernant la section 5 de l'annexe F, intitulée "Transmission" (proposition de l'Office des brevets du Japon);
- PCT/EF/PFC 02/004 concernant la section 4.1 de l'appendice I de l'annexe F, intitulée "En-tête du paquet" (proposition de l'Office des brevets du Japon);
- PCT/EF/PFC 02/005 concernant la section 3 de l'appendice I de l'annexe F, intitulée "DTD pour de nouvelles demandes PCT présentées sous forme

électronique” (proposition de l’Office des brevets et des marques des États-Unis d’Amérique);

- PCT/EF/PFC 02/006 concernant l’annexe F, visant à ajouter une recommandation relative à une convention de dénomination des fichiers (proposition de l’Office des brevets et des marques des États-Unis d’Amérique);
- PCT/EF/PFC 02/007 concernant la section 4.1 de l’appendice I de l’annexe F, intitulée “En-tête du paquet” (proposition de l’Office des brevets et des marques des États-Unis d’Amérique);
- PCT/EF/PFC 02/008 concernant l’instruction 703 de la septième partie, intitulée “Exigences de dépôt, norme commune de base” (proposition de l’Office des brevets et des marques des États-Unis d’Amérique).

4. Le Bureau international souhaiterait recevoir tout commentaire sur ces propositions de modification pour le 15 mai 2002 au plus tard. Les commentaires doivent de préférence être envoyés par courrier électronique grâce à la fonction “envoyer un commentaire” prévue sur le site Web, mais peuvent aussi être envoyés par courrier postal ou par télécopie (41-22-338 8040). Les commentaires éventuels seront inclus dans les annexes des différentes propositions de modification. Des copies de ces propositions sous forme imprimée sont disponibles auprès du Bureau international sur demande. Les demandes de renseignements concernant ces propositions sont à adresser à M. Thiam Ming Song (courrier électronique : song@wipo.int; téléphone : 41-22-338 9640; télécopie : 41-22-338 8040).

5. Dans la circulaire C. PCT 827, qui est aussi datée du 4 avril 2002, le Bureau international suggère d’autres modifications des instructions administratives visant à ajouter à l’annexe F une section 2.5 intitulée “Procédure de modification”, qui prévoit des procédures spéciales pour la proposition, l’examen et la mise en œuvre des futures modifications de la norme concernant le dépôt et le traitement électroniques des demandes internationales. L’examen des propositions faisant l’objet de la présente circulaire doit s’effectuer indépendamment de celui de ces autres propositions.

6. Le Bureau international a l’intention de promulguer les modifications proposées dans la présente circulaire le 30 juin 2002, après les avoir révisées si nécessaire en fonction des commentaires reçus. Ces modifications devraient entrer en vigueur le 1^{er} janvier 2003.

Veillez agréer, Madame, Monsieur, l’assurance de ma considération distinguée.

Francis Gurry
Sous-directeur général

[Annex 3 follows/
L’annexe 3 suit]

COMMENTS BY IP AUSTRALIA

PCT/EF/PFC 02/002

We seek clarification that the proposed change is limited to communications in the Office-to-IB sector and that the digital signature referred to is the RO's signature. Section 5.2 Package/transmission combinations (Annex F) clearly specifies that a WAD can only be transmitted electronically in the Designated Office sector, all other sectors are excluded.

Subject to further clarification, Section 5.2.3 (b) would also require modification for this change to be effected, as this allows for use of a WAD (without a digital signature) to be transmitted via an On-line/secure transmission method. This is in conflict with the proposed change to Section 4.2.1.

[Annex 4 follows/
L'annexe 4 suit]

COMMENTS BY THE UNITED STATES PATENT AND TRADEMARK OFFICE

Circular PCT/EF/PFC 02/002 (Annex F 4.2.1)

1. Since all WASPs are zipped, the application of ZIP encoding to a WASP is implied and need not be separately indicated.
2. It is unclear why the newly proposed additions are desired. If there are processing or policy issues that will be impacted by these proposed changes, they should be explained

[Annex 5 follows/
L'annexe 5 suit]

COMMENTS BY THE KOREAN INTELLECTUAL PROPERTY OFFICE

Comments on PCT/EF/PFC 02/002 relating to Annex F, Section 4 "IA Documents Packaging" (proposal by the JPO)

There are no clear grounds for adopting this proposal, and it is obscure whose digital signature is referred to.

We believe it is necessary to explain how the Receiving Office can give a digital signature to if it is an applicant's digital signature, and why it is given if it is the Receiving Office's digital signature. We would like to comment on JPO's proposal for this after this proposal is more clear.

For reference, applicants have to use SEP to submit documents in electronic form relating to applications to KIPO

[Annex 6 follows/
L'annexe 6 suit]

REVISED PROPOSAL BY THE JAPAN PATENT OFFICE

Proposal for revision to PFC 02/002

We would like to modify our proposal PFC-02-002 as shown below.

Addition of description about the signer to notification to the section 4.2.1.

Addition of description about a multiple package for dispatching to the section 4.2.3.

Addition of description about “WAP” to the section 5.2.1.

4.2 PKI package types

The WASP and the SEP rely on the use of a PKI. See Appendix II for further information on PKI.

4.2.1 Wrapped and signed package (WASP)

The digital signature for the WASP [to use by the application](#) may be produced either by the applicant or the applicant's representative. If an enhanced electronic signature is chosen by the applicant (or the applicant's representative), it is the signature in the WASP that is used for this purpose.

A low-level or high-level digital certificate (see definitions in section 9 below) accompanies the digital signature.

Figure 3 is a simplified anatomy of the WASP. The diagram has been intentionally simplified to obscure technical detail that may distract the reader from the key issues of the package design. For example, the PKZIP wrapping has been left out of the diagram.

[The digital signature for the WASP to use by the notification is produced by the office.](#)

4.2.2 Signed and encrypted package (SEP)

<omission>

4.2.3 Wrapped WASP package (WAP)

[The one or more WASPs sent to the applicant from the office are wrapped using the ZIP as shown in the section 4.1.1 and treated as one data block. This data block is called the wrapped WASP package \(WAP\).](#)

5.2.1. Applicant-Office (international phase) sector

IA documents may be filed by on-line means (using PKI) over the public Internet, over a private network, or transmitted off-line (using PKI or non-PKI) on physical media. The option of on-line filing of an IA utilizing a non-PKI method is not presently permitted,¹⁶ except under possible transitional reservations permitted by AIs Section 703(f) (see AI section 7.1.1 as to the consequences of non-PKI filing under such a transitional reservation).

[Figure 13](#) shows a matrix of the various submission mechanism/packaging combinations that are permissible in the Applicant-Office (international phase) sector as specified under this standard. In summary, for each submission mechanism:

- (a) On-line/Internet: The SEP must be used. TCP/IP used to exchange data, in realtime, over the Internet
- (b) On-line/secure: The SEP, WASP or [WAP](#) must be used. This is defined as a telecommunication connection established to exchange data, over a network which includes: 1) a private network; 2) the Internet using channel level encryption (e.g. SSL); 3) a Virtual Private Network (VPN) connection over the Internet.
- (c) Off-line/physical media: either the SEP, WASP, [WAP](#) or WAD package must be used. Physical media (e.g., diskette, CD-ROM, DVD, etc.) is used to store IA data with no real-time data exchange.

	Signed and Encrypted Package	Wrapped and Signed Package Wrapped WASP package	Wrapped Application Documents
On-line / Internet	 Internet	 Not permissible	 Not permissible
On-line / secure	 Secure	 Secure	 Not permissible
Off-line / media			

[Figure 13](#) –Package/transmission combinations permitted in the Applicant-Office (international phase) sector

[Annex 7 follows/
L'annexe 7 suit]

¹⁶ See footnote 4.

COMMENTS BY THE EUROPEAN PATENT OFFICE, THE JAPAN PATENT OFFICE,
AND THE UNITED STATES PATENT AND TRADEMARK OFFICE
(THE TRILATERAL OFFICES)

With the following modifications, the Trilateral Offices accept the Japan Patent Office's revised version of PFC02/002:

4.2 PKI package types

The WASP and the SEP rely on the use of a PKI. See Appendix II for further information on PKI.

4.2.1 Wrapped and signed package (WASP)

When submitting an application, The the digital signature for the WASP ~~to use by the application~~ may be produced either by the applicant or the applicant's representative. If an enhanced electronic signature is chosen by the applicant (or the applicant's representative), it is the signature in the WASP that is used for this purpose.

A low-level or high-level digital certificate (see definitions in section 9 below) accompanies the digital signature.

Figure 3 is a simplified anatomy of the WASP. The diagram has been intentionally simplified to obscure technical detail that may distract the reader from the key issues of the package design. For example, the PKZIP wrapping has been left out of the diagram.

When sending the notification from the office to the applicant, The digital signature for the WASP to use by the notification is produced by the officethe office produces the digital signature used for the WASP.

4.2.2 Signed and encrypted package (SEP)

<omission>

4.2.3 Wrapped WASP package (WAP)

The one or more WASPs sent to the applicant from the office are wrapped using the ZIP as shown in the section 4.1.1 and treated as one data block. This data block is called the wrapped WASP package (WAP).

[End of Annex and of file/
Fin de l'annexe et du dossier]