



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: Package Header (Annex F, Appendix I, section 4.1) SUJET : L'en-tête du paquet (Annexe F, Appendice I, section 4.1)		PROPOSED BY: US PROPOSÉE PAR :	
HANDLING: Annual cycle TRAITEMENT : Cycle annuel		PROPOSED DATE OF ENTRY INTO FORCE: 03.03 DATE PROPOSÉE D'ENTRÉE EN VIGUEUR :	
ANNEX/ ANNEXE	CONTENT/CONTENU	ORIGIN/ ORIGINE	DATE
1	Proposal/Proposition	US	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	KR	17.05.02
5	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 UNITED STATES PATENT AND TRADE MARK OFFICE

File List for Package Header DTD*Description:*

In electronic filing of patent documents it is legal requirement to echo back the file list of the documents the applicant submits to the Intellectual Property Office. The Receipt DTD (xmit-receipt.dtd) has a data content model to called filelist, which holds the name, date produced, document type, and size of each of the files submitted. This change request puts the filelist content model in the package header so the Intellectual Property Office's server does not have to go through each document of the Signed Wrapped Application Documents (S-WAD) to find this information but this information would be in the simpler package header file. This change will facilitate quicker on-line processing of the electronically filed applications.

```
<?xml version="1.0" encoding="UTF-8"?>
<!DOCTYPE pkgheader [
<!--ATTLIST account
    number CDATA #REQUIRED
    account-type CDATA #REQUIRED
    name CDATA #IMPLIED >

<!--ATTLIST appeal-reference
    appeal-type CDATA #REQUIRED >

<!--ATTLIST application-reference
    appl-type CDATA #REQUIRED >

<!--ATTLIST credit-card
    number CDATA #REQUIRED
    expires CDATA #REQUIRED
    name CDATA #IMPLIED
    postal-code CDATA #IMPLIED >

<!--ATTLIST document-id
    lang CDATA #IMPLIED >

<!--ATTLIST fee
    fee-code CDATA #REQUIRED
    amount CDATA #REQUIRED
    quantity CDATA #IMPLIED
    currency CDATA #REQUIRED >

<!--ATTLIST fee-total
    amount CDATA #REQUIRED >

<!--ATTLIST file-content
    doc-name CDATA #REQUIRED
    file-name CDATA #REQUIRED
    size CDATA #IMPLIED
    date-produced CDATA #IMPLIED >

<!--ATTLIST invention-title
    id ID #IMPLIED
    lang CDATA #IMPLIED >
```

```
<!--
      name-type (legal | natural)  #IMPLIED  >

<!-- pkgheader
      lang CDATA  #REQUIRED
      dtd-version CDATA  #IMPLIED
      file CDATA  #IMPLIED
      status CDATA  #IMPLIED  >

<!-- u
      style (single | double | dash | dots) "single" >

<!--
*****
* pkgheader v1.0 2001 DECEMBER *
*****
* PUBLIC "-//WIPO//DTD PKGHEADER 1.0//EN" "pkgheader.dtd" *
*****
* http://pcteasy.wipo.int/efiling_standards/schemaDocs/pkgheader.dtd *
*****
* contacts: *
* EPO: Paul Brewin; pbrewin@epo.org *
* JPO: Mitsuru Sono; sono-mitsuru@jpo.go.jp *
* USPTO: Bruce B. Cox; bruce.cox@uspto.gov *
* WIPO: Shiro Ankyu; shiro.ankyu@wipo.int *
* WIPO: John Dunning john.dunning@wipo.int *
*****

Root element, pkgheader

Attributes:
lang = language of application - use ISO639 language code
dtd-version = dtd version number
file = filename of the whole application
status = status of the application;
values: n = new application
-->
<!--ELEMENT pkgheader (wad-message-digest,transmittal-info,ip-type,
      application-software?,transmission-type?,payment?,filelist?)
>

<!--Wrapped Application Documents message digest
-->
<!--ELEMENT wad-message-digest (#PCDATA) >

<!--transmittal information
-->
<!--ELEMENT transmittal-info (new-application | subsequent-filing | office-
to-office |
      office-to-applicant) >

<!--Intellectual Property type
-->
<!--ELEMENT ip-type (#PCDATA) >

<!--the software used to generate the XML document instance
-->
<!--ELEMENT application-software (software-name,software-version,software-
message?) >

<!--transmission type; e.g., submission or dispatch, etc.
```

```
-->
<!ELEMENT transmission-type (#PCDATA) >

<!--payment method
-->
<!ELEMENT payment (fee+,fee-total,(account | credit-card | other-method))
>

<!--list of files received
-->
<!ELEMENT filelist (file-content+) >

<!--new application information from applicant to office
-->
<!ELEMENT new-application (invention-title?,first-named-applicant?,
                           file-reference-id?,document-code*,to) >

<!--subsequent filing information, before Issue Date
-->
<!ELEMENT subsequent-filing (invention-title?,first-named-applicant,
                             confirmation-number?,file-reference-id?,appeal-reference?,(
                             application-reference+ | (patent-reference,application-
reference+)),
                             document-code*,to) >

<!--Document transfer information between offices.
-->
<!ELEMENT office-to-office (invention-title?,first-named-applicant?,
                             confirmation-number?,application-reference,publication-
reference?,
                             file-reference-id?,from?,to?) >

<!--Document transfer information from office to applicant
-->
<!ELEMENT office-to-applicant (from,invention-title?,first-named-
applicant,
                             confirmation-number?,file-reference-id?,(application-
reference+ | (
                             patent-reference,application-reference+))) >

<!--the name of the software used to create the document
-->
<!ELEMENT software-name (#PCDATA) >

<!--the version of the software used to create the document
-->
<!ELEMENT software-version (#PCDATA) >

<!--any message (e.g., parser response text) returned by
the software used to create the document
-->
<!ELEMENT software-message (#PCDATA) >

<!--amount due
-->
<!ELEMENT fee EMPTY >

<!--total amount of fees due
-->
<!ELEMENT fee-total EMPTY >

<!--deposit account information
```

```
-->
<!ELEMENT account    EMPTY  >

<!--credit card used as payment method
-->
<!ELEMENT credit-card    EMPTY  >

<!--other payment method. Specify
-->
<!ELEMENT other-method  (#PCDATA) >

<!--contents of the file received. See Section 704(a):
'and may, at the option of the Office, also indicate or contain
such information as
(v) the names and sizes of the electronic files received;
(vi) the dates of creation of the electronic files received;..."

Attributes:
doc-name - name of the document
file-name - name of the electronic file
size - size of the file
date-produced - date of creation of the file
-->
<!ELEMENT file-content    EMPTY  >

<!--Title of the Invention: preferably two to seven words when
in English or translated into English and precise. (Rule 4.3)

Recommended id = 'invt'
-->
<!ELEMENT invention-title  (#PCDATA | b | i | u | sup | sub)* >

<!--first applicant name in applicant group
-->
<!ELEMENT first-named-applicant  ((name | (prefix?,last-name,first-
name,middle-name?,
suffix?,iid?,role?,orgname?,department?,synonym*)),registered-number?) >

<!--applicant's or agent's file reference, if desired,
12 characters maximum
-->
<!ELEMENT file-reference-id  (#PCDATA) >

<!--for reference to non-PCT document from national office;
code defined by national office
-->
<!ELEMENT document-code  (#PCDATA) >

<!--the office that receives the document
-->
<!ELEMENT to  (country) >

<!--confirmation number from office
-->
<!ELEMENT confirmation-number  (#PCDATA) >

<!--reference to an appealed application
-->
<!ELEMENT appeal-reference  (doc-number,date?) >

<!--application reference information: application number, country
```

```
-->
<!ELEMENT application-reference (document-id) >

<!--patent reference information: patent number, date, etc
-->
<!ELEMENT patent-reference (document-id) >

<!--publication reference information: publication number, date, etc
-->
<!ELEMENT publication-reference (document-id) >

<!--the office that sends the document
-->
<!ELEMENT from (country) >

<!--bold formatting for text
-->
<!ELEMENT b (#PCDATA | i | u | smallcaps | br)* >

<!--italic formatting for text
-->
<!ELEMENT i (#PCDATA | b | u | smallcaps | br)* >

<!--underscore: style - single is default
-->
<!ELEMENT u (#PCDATA | b | i | smallcaps)* >

<!--superscripted text
-->
<!ELEMENT sup (#PCDATA | b | u | i)* >

<!--subscripted text
-->
<!ELEMENT sub (#PCDATA | b | u | i)* >

<!--name: if no distinction or detail can be given.
Also to be used for: personal (natural person) and corporate
(legal entity) names
-->
<!ELEMENT name (#PCDATA) >

<!--title: e.g., Mr., Mrs., Dr. etc
-->
<!ELEMENT prefix (#PCDATA) >

<!--last, family, surname
-->
<!ELEMENT last-name (#PCDATA) >

<!--First or given name(s), initial(s)
-->
<!ELEMENT first-name (#PCDATA) >

<!--middle name(s) or initial(s)
-->
<!ELEMENT middle-name (#PCDATA) >

<!--name suffix (e.g., II, Jr., Dip., Ing., BA, etc.)
-->
<!ELEMENT suffix (#PCDATA) >

<!--individual id
```

```
-->
<!ELEMENT iid (#PCDATA) >

<!--role, e.g. President, Chairman, etc.
-->
<!ELEMENT role (#PCDATA) >

<!--organisation name or company name
-->
<!ELEMENT orgname (#PCDATA) >

<!--department, division, section, etc. name
-->
<!ELEMENT department (#PCDATA) >

<!--synonym
-->
<!ELEMENT synonym (#PCDATA) >

<!--registered number
-->
<!ELEMENT registered-number (#PCDATA) >

<!--Country: use ST.3 country code, e.g. DE, FR, GB, NL, etc.
Also includes EP, WO
-->
<!ELEMENT country (#PCDATA) >

<!--the number of the referenced patent (or application) document
-->
<!ELEMENT doc-number (#PCDATA) >

<!--date: components of a date. Format: YYYYMMDD
-->
<!ELEMENT date (#PCDATA) >

<!--Document identification refers to patents (and patent
applications) only. See WIPO ST.14
-->
<!ELEMENT document-id (country,doc-number,kind?,name?,date?) >

<!--small capitals
-->
<!ELEMENT smallcaps (#PCDATA | b | u | i | br)* >

<!--br - break, line break within a paragraph
-->
<!ELEMENT br EMPTY >

<!--document kind code; e.g. A1
-->
<!ELEMENT kind (#PCDATA) >

]>
```

[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 02/007

This proposal is valid for achieving the stated purpose, of facilitating quicker on-line processing of the electronically filed applications. However, it is IP Australia's understanding that the original purpose of echoing back the file list of the documents the applicant submits was primarily to ensure that all files submitted were received by the Intellectual Property Office. It is important that the receipt issued by the Office accurately reflects the list of documents that were received in the package. To meet this objective, the need to go through each document of the Signed Wrapped Application Documents (S-WAD) remains. If the proposed change relies on the provision of a file list in the package header then the onus for accuracy is placed on the package sender to get this file list correct rather than verifying the actual files contained in the package.

[Annex 4 follows/
L'annexe 4 suit]

COMMENTS BY THE KOREAN INTELLECTUAL PROPERTY OFFICE

**Comments on PCT/EF/PFC 02/007 relating to Annex F, Appendix I, Section 4.1
"Package Header" (proposal by the USPTO)**

As the USPTO's proposal should lead to more efficient management of electronic documents filed online, we agree with it.

[Annex 5 follows/
L'annexe 5 suit]

ANNEX 5/ANNEXE 5

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

The Trilateral Offices accept this proposal.

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