



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: Electronic Packaging (Annex F, sections 5 and 7)		PROPOSED BY: KR	
SUJET : Empaquetage électronique (sections 5 et 7 de l'annexe F)		PROPOSÉE PAR :	
HANDLING: Expedited consideration		PROPOSED DATE OF ENTRY INTO FORCE: 03.03	
TRAITEMENT : Examen accéléré		DATE PROPOSÉE D'ENTRÉE EN VIGUEUR :	
ANNEX/ ANNEXE	CONTENT/CONTENU	ORIGIN/ ORIGINE	DATE
1	Proposal/Proposition	KR	17.05.02
2	Comments/Commentaires	EP, JP, US	01.07.02
3	Circular C. PCT 885/Circulaire C. PCT 885	IB	25.11.02
4	Comments/Commentaires	AU	20.12.02

[Annex 1 follows/
L'annexe 1 suit]

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

PROPOSAL BY THE THE KOREAN INTELLECTUAL PROPERTY OFFICE

ADMINISTRATIVE INSTRUCTIONS PART 7 AND ANNEX F UNDER THE PCT

A. 5.1.3 Package Header Element

In the standard transmission protocol, UTF8 and SJIS are considered as the attribute values of `encoding_method` and `error_message`, see `error_message` table on page 46 of the printed Annex F (section 5.1.3), 27 December 2001 Special Issue of the *PCT Gazette*. However, we, at KIPO, have some difficulties in using them with Hangul, which is used at KIPO.

Hangul, the Korean alphabetical script, is one of the application languages for international applications under the PCT. The method of dealing with it should be included in this standard. In Korea, the 'KS X 1001(KSC 5601)' has been generally used for electronically treating Hangul. Therefore, we propose that 'KS X 1001' should be included as one of the elements of the '5.1.3 transmission management header' with UTF8 and SJIS in this standard. 'KS X 1001' is both the character-set and the encoding scheme for Hangul.

We also interest in the `reserved_use`, see `reserved_use` table on page 44 of the printed Annex F (section 5.1.3), 27 December 2001 Special Issue of the *PCT Gazette*. The attribute value 'reserved_use' is recommended for the JPO. As there is no detailed explanation of its usage, we don't understand how it is an indispensable element. It needs to be presented with a detailed explanation and further discussion on its necessity.

B. 7.1.1.1, On-line transaction using WASP or SEP package over the Internet

We would like to propose a change to Annex F, 7.1.1.1.

Applicants should submit their applications in either WASP or SEP format; the Receiving Office should save the original WASP or SEP file as it is filed by the applicants, see *RO stores application* on page 59 of the printed Annex F, 27 December 2001 Special Issue of the *PCT Gazette*.

The sentence "The original WASP file will be stored at the Receiving Office's internal system" should be changed to "Either the original WASP file or SEP file will be stored at the Receiving Office's internal system."

[Annex 2 follows/
L'annexe 2 suit]

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 the Korean proposal to add Hangul to the list of accepted character encodings.

While the JPO agrees with the Korean proposal to require the receiving office to retain and indefinitely store the SEP, the USPTO does not. It is generally considered poor practice to store a received file in encrypted form, when it must be unlocked using the public key of the sender and the private key of the recipient (as is required under PKI). For the SEP to be viewed in plain text months or years after receipt, the original public and private keys as of the date of receipt would have to be specially stored and associated with the SEP, as both of those two keys change over time and would not be available from their normal sources. The RO thus would have to maintain all of the SEPs it receives with associated sets of "then-valid" private and public keys for each SEP, creating a security risk and accounting difficulty with those stored files.

[Annex 3 follows/
L'annexe 3 suit]

November 25, 2002

Madam,
Sir,

Proposed modifications of the Administrative Instructions under the PCT

Standard for the electronic filing and processing of international applications: Proposals for change (files PCT/EF/PFC 02/009 to 013)

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 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 and prepared a number of proposals for change to the standard for the electronic filing and processing of international applications. Those proposals are available on WIPO's Web site, together with previous proposals for change, as annexes to the following proposal for change (PFC) files (see http://www.wipo.int/pct/efiling_standard/en):
 - PCT/EF/PFC 02/009 “Electronic Packaging” (Annex F, sections 5 and 7) (proposal by the Korean Intellectual Property Office);
 - PCT/EF/PFC 02/010 “Modifications of XML DTDs for the E-PCT Standard” (Annex F, Appendix I) (proposal by the European Patent Office, the United States Patent and Trademark Office and the Japan Patent Office);
 - PCT/EF/PFC 02/011 “Modifications of XML DTDs for the E-PCT Standard” (Annex F, Appendix I) (proposal by the International Bureau);
 - PCT/EF/PFC 02/012 “New XML DTDs for the E-PCT Standard” (Annex F, Appendix I) (proposal by the International Bureau);
 - PCT/EF/PFC 02/013 “Paragraph Numbering” (Annex F, section 3.1.1.1.1) (proposal by the International Bureau).
3. The International Bureau would appreciate receiving any comments on the proposals by December 23, 2002. Comments should preferably be made by e-mail via the “Submit comments” facility on the Website, 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 PFC files. 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).

4. In Circular C. PCT 884, dated November 25, 2002, the International Bureau notifies the promulgation, with effect from December 12, 2002, of a new section 2.5 "Change procedure" in Annex F 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 new procedures.

5. The International Bureau intends to promulgate the present proposals for change, together with those set out in proposals for change files PCT/EF/PFC 02/002 to 02/013 (see Circular C. PCT 830 dated April 4, 2002), revised if necessary in the light of any comments received by December 23, 2002. It is envisaged that the modifications would be promulgated to enter into force on a date to be fixed in March 2003.

Sincerely yours,

Francis Gurry
Assistant Director General

OMPI CIRCULAIRE C. PCT 885

Le 25 novembre 2002

Madame,
Monsieur,

*Propositions de modification
de l'annexe F des instructions administratives selon le PCT*

*Norme concernant le dépôt et le traitement électroniques
des demandes internationales : Propositions de modification
(dossiers PCT/EF/PFC/02/009 à 013)*

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 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 et préparé un certain nombre de propositions de modification de la norme concernant le dépôt et le traitement électroniques des demandes internationales. Ces propositions peuvent être consultées sur le site Web de l'OMPI en tant qu'annexes des dossiers de propositions de modification suivants, conjointement aux propositions de modification précédentes (voir http://www.wipo.int/pct/efiling_standard/fr) :

- PCT/EF/PFC 02/009 “Empaquetage électronique” (sections 5 et 7 de l'annexe F) (proposition de l'Office coréen de la propriété intellectuelle);
- PCT/EF/PFC 02/010 “Modification des DTD selon le XML pour la norme E-PCT” (appendice I de l'annexe F) (proposition de l'Office européen des brevets, de l'Office des brevets et des marques des États Unis d'Amérique et de l'Office des brevets du Japon);
- PCT/EF/PFC 02/011 “Modification des DTD selon le XML pour la norme E-PCT” (appendice I de l'annexe F) (proposition du Bureau international);
- PCT/EF/PFC 02/012 “Nouvelles DTD selon le XML pour la norme E-PCT” (appendice I de l'annexe F) (proposition du Bureau international);
- PCT/EF/PFC 02/013 “Numérotation des paragraphes” (section 3.1.1.1.1 de l'annexe F) (proposition du Bureau international).

3. Le Bureau international souhaiterait recevoir tout commentaire sur ces propositions le 23 décembre 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 différents dossiers de 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).
4. Dans la circulaire C. PCT 884, en date du 25 novembre 2002, le Bureau international notifie la promulgation, avec effet au 12 décembre 2002, d’une nouvelle section 2.5 de l’annexe F des instructions administratives du PCT, 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 électronique des demandes internationales. L’examen des propositions faisant l’objet de la présente circulaire n’est pas soumis à ces nouvelles procédures.
5. Le Bureau international a l’intention de promulguer les présentes propositions de modification, conjointement à celles qui figurent dans les dossiers PCT/EF/PFC 02/002 à 02/013 (voir la circulaire C. PCT 830 en date du 4 avril 2002), après les avoir révisées si nécessaire en fonction de tout commentaire jusqu’au 23 décembre 2002. Ces modifications seraient promulguées avec effet au mois de mars à une date qu’il reste à décider.

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

Francis Gurry
Sous-directeur général

[Annex 4 follows/
L’annexe 4 suit]

COMMENTS BY IP AUSTRALIA

IP Australia supports the Korean proposal to add Hangul to the list of accepted character encodings.

On the proposal to retain either the WASP or the SEP, IP Australia notes the USPTO comments with particular interest. Is the purpose of storing the WASP an effort to meet non-repudiation requirements? Will storing the WASP and its associated digital signature not suffer similarly to the case put forward by the USPTO for not storing the SEP over a long period of time? Over course the contents of the WASP could be read long into the future even if the signature cannot be verified. Generally, IP Australia support the continued storage of the WASP and support the USPTO's comments regarding long term storage of the SEP.

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