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PCT/EF/PFC 02/011

STATUS AT: November 25, 2002
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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: Modifications of XML DTDs for the E-PCT Standard (Annex F, Appendix I)		PROPOSED BY: IB	
SUJET : Modification des DTD selon le XML pour la norme E-PCT (appendice I 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	IB	25.11.02
2	Circular C. PCT 885/Circulaire C. PCT 885	IB	25.11.02

[Annex 1 follows/
L'annexe 1 suit]

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

PROPOSAL BY THE INTERNATIONAL BUREAU OF THE
WORLD INTELLECTUAL PROPERTY ORGANIZATION

Correction of Appendix I DTDs

Description:

After the International Bureau published Annex F Appendix I DTDs, some defects were found in these DTDs, ranging from simple mistakes to missing elements and/or attributes necessary for PCT legal requirements; therefore, it is necessary to correct these DTDs as soon as possible.

1. Element: protection-request (in request.dtd)

Current published version:

```
<!ELEMENT national (country , protection-request?)+>
```

```
<!ELEMENT regional (region , (country , protection-request?)+,  
                    any-other-state?)>
```

Proposed correction:

```
<!ELEMENT national (country , protection-request*)+>
```

```
<!ELEMENT regional (region , (country , protection-request*)+ ,  
                    any-other-state?)>
```

Reason:

It is possible to indicate more than two kinds of protection request for one designated State in the request form. However, the current version of the DTD supports only one occurrence of protection request.

2. Element: deceased-inventor (in request.dtd)

Current published version:

```
<!ELEMENT deceased-inventor ((name | (prefix? , last-name ,  
first-name, middle-name? , suffix?,  
iid? , role?,orgname?, department?,  
synonym*)), registered-number?) >
```

Proposed correction:

```
<!ELEMENT deceased-inventor ((name | (prefix? , last-name ,  
first-name, middle-name? , suffix?,  
iid? , role?,orgname?, department?,  
synonym*)), registered-number?) >
```

<!ATTLIST deceased-inventor

| | | |
|----------|-------|----------|
| sequence | CDATA | #IMPLIED |
| lang | CDATA | #IMPLIED |

Reason:

In non-Latin languages, the applicant has to write the deceased inventor name in both Latin and non-Latin languages. However, the current version of the DTD does not include the lang and sequence attributes.

3. Element: inventors (in request.dtd)

Current published version:

```
<!ELEMENT inventors (inventor+, deceased-inventor*) >
```

Proposed correction:

```
<!ELEMENT inventors (inventor | deceased-inventor)+ >
```

Reason:

In a case where the inventor is both applicant and inventor (as designated by the attribute-value pair 'app-type="applicant-inventor"') in the request form, it is not possible to indicate a deceased-inventor only, because the inventor element is mandatory in the inventors group element.

4. Attribute: page-count on cl-sequence-list (in request.dtd)

Current published version:

```
<!ELEMENT cl-sequence-listing EMPTY>
```

```
<!ATTLIST cl-sequence-listing quantity CDATA #REQUIRED >
```

Proposed correction:

```
<!ELEMENT cl-sequence-listing EMPTY>
```

```
<!ATTLIST cl-sequence-listing quantity CDATA #REQUIRED
                                page-count CDATA #IMPLIED >
```

Reason:

It is necessary to indicate the number of pages of sequence list data for fee calculation in the request form.

5. Attribute: tense in matter (in declaration.dtd)

Current published version:

```
<!ATTLIST matter item (i | ii | iii | iv | v | vi | vii |
                        viii | ix ) #IMPLIED>
```

Proposed correction:

```
<!ATTLIST matter item (i | ii | iii | iv | v | vi | vii |
                        viii | ix ) #IMPLIED
                    tense (is | was) #IMPLIED >
```

Reason:

Declaration 2 and declaration 3 have to indicate "was" or "is" in the sentence for rendering purposes.

6. Element: lack-of-novelty (in declaration.dtd)

Current published version:

```
<!ELEMENT lack-of-novelty (doc-page+ | (application-reference?  
    , ((name | (prefix? , last-name ,  
        first-name, middle-name? , suffix? ,  
        iid? , role? , orgname?  
        , department? , synonym*)) ,  
        registered-number?)  
    , ((date | address | title-of-disclosure  
        | method-of-disclosure | dtext)+  
        , (all-designations |  
        designated-states))))>
```

Proposed correction:

```
<!ELEMENT lack-of-novelty (doc-page+ | (application-reference?  
    , ((name | (prefix? , last-name ,  
        first-name, middle-name? , suffix? ,  
        iid? , role? , orgname?  
        , department? , synonym*)) ,  
        registered-number?)  
    , ((date | address | title-of-disclosure  
        | method-of-disclosure | dtext)+  
        , (all-designations |  
        designated-states))))>
```

```
<!ATTLIST lack-of-novelty  sequence CDATA  #REQUIRED  
                           lang      CDATA  #IMPLIED >
```

Reason:

The sequence and lang attributes, present on other declaration child elements, were omitted from this element. These are necessary for display and page-counting in formatted output for certain languages.

7. Element: dtext (in fee-sheet.dtd)

Current published version:

```
<!ELEMENT fee-sheet ((file-reference-id? , applicant-name ,  
                        prescribed-fees , amount-grand-total+ ,  
                        deposit-account?) | doc-page+)>
```

Proposed correction:

```
<!ELEMENT fee-sheet ((file-reference-id? , applicant-name ,  
                        prescribed-fees , amount-grand-total+ ,  
                        deposit-account? , dtext*) | doc-page+)>
```

Reason:

Remarks are allowed in the fee sheet, but this is not provided for in the fee-sheet DTD. Therefore, it is necessary to add dtext element as optional.

8. Element: indication-bio-deposit

Current published version:

```
<!ELEMENT indication-bio-deposit ((application-reference?, file-reference-id?,  
                                   indications,(bio-deposit, additional-indication?,(all-designations|  
                                   designated-states),separate-indications?)+)|doc-page+)>
```

Proposed correction:

```
<!ELEMENT indication-bio-deposit ((application-reference?,  
                                   file-reference-id?,indications+)|doc-page+)>
```

Element: indications

Current published version:

```
<!ELEMENT indications (para-number+)>
```

Proposed correction:

```
<!ELEMENT indications (para-number, (bio-deposit, additional-indication?,  
                                   (all-designations|designated-states),  
                                   separate-indications?))>
```

Reason:

This change will allow all related information regarding a biological deposit to be encapsulated inside the <indications> element, rather than assuming the relationship between <para-number> and subsequent occurrences of <bio-deposit>, <additional-indication>, <all-designations>, <designated-states>, and <separate-indications>.

[Annex 2 follows/
L'annexe 2 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

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