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PCT/EF/PFC 02/013

STATUS AT: December 20, 2002

SITUATION AU : 20 décembre 2002

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: Paragraph Numbering (Annex F, section 3.1.1.1.1)		PROPOSED BY: IB	
SUJET : Numérotation des paragraphes (section 3.1.1.1.1 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
3	Comments/Commentaires	AU	20.12.02
4	Comments/Commentaires	JP	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 INTERNATIONAL BUREAU OF THE
WORLD INTELLECTUAL PROPERTY ORGANIZATION

Proposed new section 3.1.1.1.1 to be inserted in Annex F

3.1.1.1.1 Paragraph Numbering in XML documents (description)

If the description part of an international application is encoded in XML format, the paragraphs of that description part shall be numbered by a four-digit Arabic number, with leading zeros where required, for example, [0099], enclosed in square brackets and placed in the right of the left margin of the document.

If the number of paragraphs exceeds four digits, then the numbering of paragraphs should increase by one digit, and so forth, according to need. For example, paragraph [10000] follows paragraph [9999] and paragraph [100000] follows paragraph [99999].

In case the applicant wishes, when making a correction, rectification or amendment, to replace one paragraph by only one other paragraph, the new paragraph would be numbered as the previous one. If he wishes to replace it by two or more new paragraphs, the numbering of those new paragraphs consists of the number of the replaced paragraph followed by a dot and an additional number. For example, paragraph [0545] would be replaced by 12 paragraphs numbered as follows: paragraphs [0545.1] to [0545.12]. Simple addition of paragraphs follows the numbering system used for replacement paragraphs. For example, in case the applicants wishes to add 6 new paragraphs between paragraphs [0545] and [0546], then the new paragraphs should be numbered as follows: paragraphs [0545.1] to [0545.6]. If, subsequently, one or more of the new paragraphs need to be further replaced by new paragraphs, or if one or more new paragraphs need to be further added in between those new paragraphs, the same rules would apply. For example, in the case of a replacement, paragraph [0545.6] would be replaced by 3 paragraphs numbered as follows: paragraphs [0545.6.1] to [0545.6.3]. Numerical digits and dots are included in the value of the num attribute of the paragraph element. Square brackets shall be displayed by the style sheets and shall not be included in the attribute value.

Another option could be to proceed to a complete renumbering of the paragraphs according to need.

[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.

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

IP Australia does not currently accept amendments by paragraph. This may require further consideration in light of electronic submission of amendments.

However, complete document amendments would also benefit from the paragraph numbering system described in this proposal and we support its introduction. We do request that the last paragraph suggesting an alternate option of complete renumbering be removed. Complete renumbering of paragraphs is quite undesirable in the context of dealing with plural amendments. Some jurisdictions may incorporate amendments when they are submitted but in Australia we do not incorporate amendments until they are all received, in which case renumbering does not make sense.

[Annex 4 follows/
L'annexe 4 suit]

COMMENTS BY THE JAPAN PATENT OFFICE

The JPO recognizes PFC 02/013 as 3 proposals as follows.

- 1) The number of paragraphs shall be numbered by a four-digit Arabic number (e.g. 0099) If the number of paragraphs exceeds four digits, then the number of paragraphs should be 5 digits, 6 digits,...
- 2) If paragraphs need to be replaced by more than 1 new paragraphs, the number of new paragraphs should be branch number (e.g. 0545.1).
- 3) The number of paragraphs should be enclosed in square brackets and placed to the right of the left margin of the document.

The JPO agrees to first proposal and does not agree to second and third proposals.

As for second proposal

It is raised as a benefit of processing documents electronically by XML that automatic editing of an official gazette is available. For automatic editing, the number of paragraphs as the key of amendment should be simple thing. There is concern that processing would be complicated and automatic editing would be impossible by using branch numbers.

In case that description should be added to a paragraph, it is possible to enlarge the paragraph to contain the description. There is no need to apply the branch numbering rule. (e.g. If new description is added between 0545 and 0546, content of 0545 will be enlarged with new description.)

Based on past ten years experience of paperless system, JPO believes that the number of paragraphs should not be branch number.

As for third proposal

The JPO thinks that it must be enough that an appropriate mark is added to the number of paragraphs as long as it is recognized as the number of paragraphs.

In the JPO's opinion, for the description of ePCT, it must be too much to describe as "The number of paragraphs should be enclosed in square brackets and placed to the right of the left margin of the document"

In addition, in case of Japan, the number of paragraphs is enclosed in JP specific brackets and placed between texts as follows.

【0001】

【0002】

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