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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: **SUJET :**	Changes to Annex F, Appendix I (XML DTDs) Modifications de l'appendice I de l'annexe F (DTDs en XML)	**PROPOSED BY:** **PROPOSÉE PAR :**	JP, EP, US

HANDLING: **TRAITEMENT :**	Expedited cycle Cycle accéléré	**PROPOSED DATE OF ENTRY INTO FORCE:** **DATE PROPOSÉE D'ENTRÉE EN VIGUEUR :**	01.01.2007

ANNEX/ ANNEXE	**CONTENT/CONTENU**	**ORIGIN/ ORIGINE**	**DATE**
1	Proposal/Proposition	JP, EP, US	02.06.2006
2	Comment/Observation	IB	12.07.2006
3	Comment/Observation	JP	23.08.2006
4	Comment/Observation	EP	19.09.2006

[Annex 1 follows/
L'annexe 1 suit]

NEXT ACTION: **PROCHAINE ACTION :**	Recommendations Recommandations	**BY:** **POUR LE :**	

ANNEX 1 / ANNEXE 1

PROPOSED CHANGES TO VARIOUS DTDS

| 1) Various changes to search report-related data elements | 1. `<srep-established>` changed to optional
`<srep-protest-fees>` changed to optional
`<srep-basis>` changed to optional
2. changed `<srep-admin>` and `<srep-info-admin>` models to
– `<date-search-completed>` replaces `<completion-date>`
– `<date-search-report-mailed>` replaces `<date-of-mailing>`
3. added new element: `<limitation-of-search>` to `<incomplete-search>` and changed the model (only used by EPO)
`<!ELEMENT incomplete-search (text | limitation-of-search+) >`

`<!ELEMENT limitation-of-search (text?,claims-searched*,claims-searched-incompletely*,`
4. `claims-not-searched*,reason-limited-search*) >`
5. `minimum-documentation (classification-ipc to minimum-documentation (classification-ipc? . . – implied`
Reason: classification-ipc changed to implied - obvious mistake for data from 2006 on due to IPCR.
6. `<!ELEMENT srep-unity-of-invention (p*,srep-search-fees,search-fee-protest) >` to
`<!ELEMENT srep-unity-of-invention (p*,srep-search-fees,search-fee-protest?) >`
Reason: search-fee-protest changed to implied - only required for PCT not EP forms
7. `<!ELEMENT corresponding-docs (document-id | nplcit)*` to
`<!ELEMENT corresponding-docs ((patcit | nplcit),(rel-passage*,category*, rel-claims*)*) >`
Reason: to better reflect SR model
8. `<!ELEMENT nplcit ((text | article | book | online | othercit) >` to:
`<!ELEMENT nplcit ((text | article | book | online | othercit), rel-passage*)>`
Reason: gives better coding in this area of the SR
9. Changed book - added ino, doi and issn
`<!ELEMENT book (text | (author*,(book-title+ | conference), (subtitle?,subname*, edition?,imprint?,vid?,ino?,descrip?, series?,notes?, absno?,location*,pubid?, bookno?,class*,keyword*,cpyrt?,isbn*,refno*))) >` to
`<!ELEMENT book (text | (author*,(book-title+ | conference), (subtitle?,subname*,edition?,imprint?,vid?,ino?,descrip?, series?,notes?,absno?, location*,pubid?, bookno?,class*, keyword*,cpyrt?, doi?,issn?, isbn*,refno*))) >`
Reason: there is also sometimes an issue and issn number (should be part of serial but not always).DOI = The Digital Object Identifier (DOI) is a system for identifying content objects in the digital environment. DOIs are names assigned to any entity for use on digital networks. (For possible future use). see: http://www.doi.org/index.html
10. Changed - online - added vid, ino, doi, made avail optional
11. Changed - serial - added doi
12. changed rel-passage model:
`<!ELEMENT rel-passage (text | (passage+,category*,rel-claims*)+) >` to
`<!ELEMENT rel-passage (text | (passage+,(category,rel-claims?)*)) >`
Reason: better XML and allows repeat groups
13. changed citation model - moved corresponding doc and grouped rel-passage etc; added doi
`<!ELEMENT citation ((patcit | nplcit),corresponding-` |

<table>
<tr><td></td><td>

```
        docs*,rel-passage*,category*, rel-claims*,classification-
        ipc?,classifications-ipcr?,classification-national?,doi?)
        > to:
        <!ELEMENT citation  ((patcit | nplcit),(rel-
        passage*,category*,rel-claims*)*,corresponding-
        docs*,classification-ipc?,classifications-
        ipcr?,classification-national?,doi?) >
        Reason: better XML and allows repeat groups
```

14. new data on PCT form 409, Box III
    `<!ELEMENT annex-c-bis EMPTY > to`
    `<!ELEMENT annex-c-bis    EMPTY  >`
    `<!ATTLIST annex-c-bis  annex-c-tables  (1 | 2 )`
    `#REQUIRED >`

15. Changed:
    `<!ATTLIST sequence-listing-material-type material-type`
    `(sequence-listing | table)   #IMPLIED >  to`
    `<!ATTLIST sequence-listing-material-type`
    `material-type (1 | 2) #IMPLIED>`

16. `<!ATTLIST sequence-listing-material-format`
    `material-format (written-format | computer-readable-form)`
    `#IMPLIED>  to`
    `<!ATTLIST sequence-listing-material-format`
    `material-format (1 | 2) #IMPLIED>`

17. `<!ATTLIST sequence-listing-filing-time         time-`
    `of-filing (in-application | in-computer-readable-form |`
    `furnished | received-by-this-authority)  #IMPLIED > to`
    `<!ATTLIST sequence-listing-filing-time time-of-filing (1`
    `| 2  | 3 | 4) #IMPLIED>`
    Reason: WIPO changed the wording or added wording on the
    forms so made values language neutral.

18. New data element added to `<search-report-data>` - PCT
    written opinion not sufficient or generic enough - too
    PCT specific
    `<!ELEMENT srep-search-opinion ((doc-page+)(heading*,p+)+)`
    `>`
    `<!ATTLIST srep-search-opinion`
    `id  ID #IMPLIED`
    `opinion-type CDATA    #IMPLIED`
    `lang  CDATA    #IMPLIED  >`

19. - new data element added, `<date-opinion-completed>`, as
    follows; PCT Form 237:
    `<!ELEMENT srep-info-admin  (authorized-officer?,srep-`
    `office?,date-search-report-mailed?) > to`
    `<!ELEMENT srep-info-admin  (authorized-officer?,srep-`
    `office?,date-search-report-mailed?,date-opinion-`
    `completed?)>`
    Reason: more precise coding.

</td></tr>
<tr><td>Items impacted</td><td>

• xx-patent-document (ST.36) and ICE
• search-report-v1-3.dtd (Annex F)
Note: classifications-ipcr is missing in this DTD; also from
citation model missing three elements compared to xx- dtd:
classification-ipc, classifications-ipcr, classification-
national

</td></tr>
<tr><td>Reason</td><td>

1. In order to use the same model for EP search reports these
elements need to be optional
2. More explicit tagging (following ST.36 recommendations)
3. Better fits EPO processing model - used only by EPO.
Notes:
Annex F DTD needs updating anyway
EPO is about to start production of EP SR and ISR processing.
No one using these elements yet.

</td></tr>
</table>

2) Various changes to <nplcit>	1. <citation> changed to
	    id ID #IMPLIED
	    srep-phase CDATA #IMPLIED
	    Annex F 1.3 has id only - needs updating
	2. added new element/model: <confdate> (conference date)
	    replacing date in <conference> model
	    <!ELEMENT confdate (date | (sdate, edate)) >
	3. added existing element <absno> (abstract number) to
	    <online> model
	4. changed order of issn and isbn in book and serial (does
	    not need PFC); change is better for citation order of
	    elements

Items impacted	• xx-patent-document (ST.36) and ICE (Annex F) • application-body-v1-3.dtd • iprp-v1-3.dtd • search-report-v1-3.dtd • wo-published-application-v1-3.dtd
Reason	1. Consistency with ST.36 2. Better tagging of conference dates 3. Referencing abstract numbers in online citations 4. Better fits bibliographic standards

3) Added <date-opposition-filed> to <opposition data>	Add <date-opposition-filed> to opposition data <!ELEMENT opposition-data (opponent | attorney-or-agent | **date-opposition-filed** | date-deemed-not-to-have-been-filed | date-inadmissable | date-rejected | date-terminated | opposition-not-filed)+ >
Items impacted	• xx-patent-document (ST.36) and ICE
Reason	Seems to be a mistake in DTD

4) Changes to <img> attributes	Add value "graph" to attribute img-content
Items impacted	• xx-patent-document (ST.36) and ICE Annex F: • amendment-request-v1-3.dtd • application-body-v1-3.dtd • iprp-v1-3.dtd • search-report-v1-3.dtd • table-external-v1-3.dtd • wo-published-application-v1-3.dtd
Reason	More precise indication of data content: There are a large number of images representing graphs, easy to recognize (anything with a horizontal and vertical axes) which do not correspond to any of the existing values.

5) Change to <application-reference>	Change attribute appl-type optional:
	<!ATTLIST application-reference
	                  id ID #IMPLIED
	                  appl-type CDATA #IMPLIED >

Items impacted	• xx-patent-document (ST.36) and ICE Annex F: • application-receipt-list-v1-3.dtd • declaration-v1-3.dtd • demand-v1-3.dtd • dispatch-list-v1-3.dtd • ex-officio-correction-v1-3.dtd • fee-sheet-chapter2-v1-3.dtd • indication-bio-deposit-v1-3.dtd • iprp-v1-3.dtd • package-data-v1-3.dtd • pkgheader-v1-3.dtd • power-of-attorney-v1-3.dtd • prioity-doc-v1-3.dtd • receiving-office-request-info-v1-3.dtd • search-report-v1-3.dtd • wo-bibliographic-data-v1-3.dtd • wo-published-application-v1-3.dtd
Reason	This attribute was included mainly for compatibility with ST.32. The value of appl-type was supposed to be "pct" or "other", however in some instances this is not known. Do we really have to change all the Annex F occurrences? We only need it in ST.36

6) Add <date-application-partially-withdrawn> to bibliographic-data	<!ELEMENT date-application-partially-withdrawn (date) >
Items impacted	xx-patent-document (ST.36) and ICE
Reason	Received from Swiss Patent Office: "In the ST36 XML structure, we do not know where to put the bibliographic data information for the INID code 23. We are using this code in (very seldom) patent documents having a kind code C1, C2, C3 or C9 (Teilverzicht), where INID 23 is for the validation date (we write "Verzichterklärung eingereicht" as text for this INID code).)"

7) Change to <basis-language-for-search>	Add attribute "lang" to <basis-language-for-search> Change: <!ATTLIST basis-language-for-search translation (yes | no) 'no' > To: <!ATTLIST basis-language-for-search translation (yes | no) 'no' lang CDATA #IMPLIED >
Items impacted	• xx-patent-document (ST.36) and ICE (Annex F) • search-report-v1-0.dtd
Reason	Consistency with PCT/ISA/201,PCT/ISA/210 In order to set a translation language described in "1.a" of "Basis of the report"

8) Change to <search-fee-protest>	Change value of attribute "protest" of <search-fee-protest>
	
	Change:
	  `<!ATTLIST search-fee-protest  protest  (yes | no )  'no' >`
	To:
	  `<!ATTLIST search-fee-protest  protest  (1 | 2 | 3 ) #REQUIRED >`

Items impacted	• xx-patent-document (ST.36) and ICE (Annex F) • search-report-v1-0.dtd
Reason	Consistency with PCT/ISA/201,PCT/ISA/210 Change the value so that the value is in accordance with three check boxes of "Remark on Protest" of "Box No. III"

9) Change to <translation-of-appl>	Add attribute "translation" to <translation-of-appl >
	
	Change:
	  `<!ATTLIST translation-of-appl  lang CDATA  #REQUIRED >`
	To:
	  `<!ATTLIST translation-of-appl  lang CDATA  #IMPLIED`
	
	`translation  (yes | no )  'no'>`

Items impacted	• xx-patent-document (ST.36) and ICE (Annex F) • search-report-v1-0.dtd
Reason	Consistency with PCT/ISA/237 In order to set a translation language described in "1" of "Box No. I"

10) Add <p> to <non-estab-reason-3>	Add <p> to <non-estab-reason-3>
	
	Before change:
	  `<!ELEMENT non-estab-reason-3 (claim-num+)>`
	After change:
	  `<!ELEMENT non-estab-reason-3 (claim-num* , p+)>`

Items impacted	• xx-patent-document (ST.36) and ICE (Annex F) • search-report-v1-0.dtd • iprp-v1-0.dtd
Reason	Consistency with PCT/ISA/237,PCT/IPEA/409 <p> should be added because we can describe a sentence as well as claim number in a part of <non-estab-reason-3> of "Box No. III"

11) Change to <annex-c>	Change child elements of <annex-c> to EMPTY and add new attribute "applicant-did-not" to <annex-c>
	
	Before change:
	  `<!ELEMENT annex-c (sequence-listing-written-form? , sequence-listing-computer-readable-form?)>`
	After change:
	  `<!ELEMENT annex-c EMPTY>`
	  `<!ATTLIST annex-c  applicant-did-not  (1 | 2 | 3 ) #REQUIRED >`

Items impacted	• xx-patent-document (ST.36) and ICE (Annex F) • search-report-v1-0.dtd • iprp-v1-0.dtd
Reason	Consistency with PCT/ISA/237,PCT/IPEA/409 In order to delete child tags of <annex-c> and add the new attribute "applicant-did-not" in accordance with three check boxes of "Box No. III"

12) Change to <invitation-pay-additional-fees>	Add value "5" to attribute "unity-fee-code" of <invitation-pay-additional-fees>
	
	Before change:
	  <!ATTLIST invitation-pay-additional-fees
	         unity-fee-code (1 | 2 | 3 | 4) #REQUIRED >
	after change:
	  <!ATTLIST invitation-pay-additional-fees
	         unity-fee-code (1 | 2 | 3 | 4 | 5) #REQUIRED >

Items impacted	• xx-patent-document (ST.36) and ICE (Annex F) • search-report-v1-0.dtd • iprp-v1-0.dtd
Reason	Consistency with PCT/IPEA/409 In order to add the value in accordance with five check boxes of "1" of "Box No. IV"

13) Change to <claim-remark>	Change child element of <claim-remark> from #PCDATA to <p> Before change: <!ELEMENT claim-remark (#PCDATA)> After change: <!ELEMENT claim-remark (p+)>
Items impacted	• xx-patent-document (ST.36) and ICE (Annex F) • search-report-v1-0.dtd
Reason	Consistency with PCT/ISA/201, PCT/ISA/210 In order to describe a sentence in <claim-remark of "Box No. II"

14) Change to <citations-explanations>	Change child element of <citations-explanations> from <text> to <p>
	
	Before change:
	  <!ELEMENT citations-explanations ((citation+ , filing-date
	              , priority-date?) | text)>
	after change:
	   <!ELEMENT citations-explanations ((citation+ , filing-date
	              , priority-date?) | p+)>

Items impacted	• xx-patent-document (ST.36) and ICE (Annex F) • search-report-v1-0.dtd • iprp-v1-0.dtd
Reason	Consistency with PCT/ISA/237, PCT/IPEA/409 In order to describe a sentence in "2" of "Box No. V"

15) Change to <additional-info>	Change child element of <additional-info> from #PCDATA to p+ Change: <!ELEMENT additional-info (#PCDATA)> To: <!ELEMENT additional-info (p+)>
Items impacted	• xx-patent-document (ST.36) and ICE (Annex F) • search-report-v1-0.dtd • iprp-v1-0.dtd • wo-bibliographic-data-V1-4.dtd • wo-published-application-V1-4.dtd
Reason	Consistency with PCT/ISA/201, PCT/ISA/210, PCT/ISA/237, PCT/IPEA/409 In order to describe a sentence in the parts below: "3" of "Box No. I" in PCT/ISA/201 "3" of "Box No. I" in PCT/ISA/210 "4" of "Box No. I" in PCT/ISA/237 "3" of "Supplemental Box Relating to Sequence Listing" in PCT/IPEA/409

16) Change to <additional-info>	Change child element of <additional-info> from #PCDATA to p+
	
	Change:
	  `<!ELEMENT additional-info (#PCDATA)>`
	To:
	  `<!ELEMENT additional-info (p+)>`

Items impacted	• xx-patent-document (ST.36) and ICE (Annex F) • search-report-v1-0.dtd • iprp-v1-0.dtd • wo-bibliographic-data-V1-4.dtd • wo-published-application-V1-4.dtd
Reason	Consistency with PCT/ISA/237 In order to describe a sentence in "3" of "Box No. II"

17) Change to <additional-info>	Change child element of <additional-info> from #PCDATA to p+
	
	Change:
	  `<!ELEMENT additional-info (#PCDATA)>`
	To:
	  `<!ELEMENT additional-info (p+)>`

Items impacted	(Annex F) • iprp-v1-0.dtd • wo-bibliographic-data-V1-4.dtd • wo-published-application-V1-4.dtd
Reason	Consistency with PCT/IPEA/409 In order to describe a sentence in "3" of Box No. II"

18) Change to <additional-info>	Change child element of <additional-info> from #PCDATA to p+
	
	Change:
	  `<!ELEMENT additional-info (#PCDATA)>`
	To:
	  `<!ELEMENT additional-info (p+)>`

Items impacted	• xx-patent-document (ST.36) and ICE (Annex F) • search-report-v1-0.dtd • iprp-v1-0.dtd • wo-bibliographic-data-V1-4.dtd • wo-published-application-V1-4.dtd
Reason	Consistency with PCT/ISA/237, PCT/IPEA/409 In order to describe a sentence in "See Supplemental Box for further details." of "Box No. III"

19) Add <classifications-ipcr> to <iprp-info>	Add <classifications-ipcr> to <iprp-info> Before change: <!ELEMENT iprp-info (correspondence-address? , file-reference-id? , application-reference+ , date-of-earliest-priority? , classification-ipc? , classification-national? , applicant-name , iprp-sheet-of-annexes , iprp-admin? , iprp-basis , iprp-priority? , non-establishment-of-opinion? , iprp-unity-of-invention , pct-art35-2-statement , iprp-citations? , defect-in-application? , observation-on-application? , text*)> After change: <!ELEMENT iprp-info (correspondence-address? , file-reference-id? , application-reference+ , date-of-earliest-priority? , classification-ipc? , classifications-ipcr? , classification-national? , applicant-name , iprp-sheet-of-annexes , iprp-admin? , iprp-basis , iprp-priority? , non-establishment-of-opinion? , iprp-unity-of-invention , pct-art35-2-statement , iprp-citations? , defect-in-application? , observation-on-application? , text*)>
Items impacted	(Annex F) • search-report-v1-0.dtd
Reason	Consistency with ST.36

[Annex 2 follows/
L'annexe 2 suit]

ANNEX 2 / ANNEXE 2

COMMENTS BY THE INTERNATIONAL BUREAU

Elements concerning defects in sequence listings and related tables

1.   *Item 1.14:* The proposal for <!ATTLIST annex-c-bis annex-c-tables (1 | 2) #REQUIRED > is intended to indicate the status of two checkboxes in Box No. III of Form PCT/ISA/237. While it is hard to imagine a situation where both would be checked, in principle they are independent and should be represented by separate attributes, such as:

```
<!ELEMENT annex-c-bis  EMPTY  >

<!ATTLIST annex-c-bis    e-tables-missing  (yes | no )   #REQUIRED
                         format-error      (yes | no )   #REQUIRED >
```

2.   *Items 1.15 to 1.17:*   The proposed attributes for <sequence-listing-material-type>, <sequence-listing-material-format> and <sequence-listing-filing-time> relate to sets of check-boxes concerning the basis of the search or written opinion (item 1 of Box No. I of the international search report; item 2 of Box No. I of the written opinion of the ISA; also equivalents in Forms 408 and 409). Again, these boxes in each set are not mutually exclusive—in the second and third sets it will be very unusual to have more than one box checked, but there are cases where it is possible. Consequently the status attributes relating to the boxes should be independent, for example:

```
<!ATTLIST sequence-listing-material-type
                sequence-listing  (yes | no ) 'yes'
                table             (yes | no )       #REQUIRED >
<!ATTLIST sequence-listing-material-format
                paper             (yes | no )       #REQUIRED
                electronic        (yes | no ) 'yes'          >
<!ATTLIST sequence-listing-filing-time
                in-application            (yes | no ) #REQUIRED
                together-with-application (yes | no ) #REQUIRED
                furnished-for-search      (yes | no ) #REQUIRED >
```

3.   Circular C. PCT 1074/C. SCIT 2624, dated April 24, 2006, proposes the deletion of Annex C-*bis* and significant restructuring of Annex C and other parts of the Administrative Instructions. If this comes into force, it will be necessary to review the parts of the Forms relating to sequence listings and the related DTD elements to determine whether they are still appropriate.

4.   Consideration might also be given to extending element <material-of-sequence-list> to permit an explanation of any unusual entries in these elements (for example multiple "yes" answers in <sequence-listing-filing-time>), rather than relying only on the <additional-info> in <sequence-list-basis>, for example:

```
<!ELEMENT material-of-sequence-list (sequence-listing-material-type
, sequence-listing-material-format , sequence-listing-filing-time , p*)>
```

INID code 23

5.   *Item 6:* While this proposal may solve the specific Swiss problem, it does not address the wider issue of a lack of provision for INID code 23. The code is very general and means "Other date(s), including date of filing complete specification following provisional specification and date of exhibition". Provision should be made for any other dates, for

example as shown below. Also, it may be desirable to allow an attribute in the
<date-application-partially-withdrawn> element proposed in the PFC to give other
information, such as a reason or legal basis, as also shown below.

```
Change:
    <!ELEMENT bibliographic-data (plain-language-designation?
    , publication-reference , classification-ipc? , classifications-ipcr?
    , classification-national? , classification-locarno?
    , classification-udc? , application-reference , language-of-filing?
    , language-of-publication? , priority-claims? , parties
    , designation-of-states? , invention-title+ , assignees? , licensee-data?
    , date-of-earliest-priority? , date-complete-specification-filed?
    , dates-of-public-availability? , term-of-grant?
    , dates-rights-effective? , patent-family? , field-of-search? , figures?
    , references-cited? , examiners? , number-of-claims? , related-documents?
    , st50-republication? , date-exhibition-filed?
    , date-pct-article-22-39-fulfilled?
    , pct-application-no-longer-effective? , bio-deposit?
    , pct-or-regional-filing-data? , pct-or-regional-publishing-data?
    , defer-publication-of-search-report? , date-application-refused?
    , date-rights-reestablished? , date-application-withdrawn-by-applicant?
    , date-application-deemed-withdrawn? , date-of-revocation?
    , cmea-havana-agreement? , office-specific-bib-data* , opposition-data?
    , text*)>
To:
    <!ELEMENT bibliographic-data (plain-language-designation?
    , publication-reference , classification-ipc? , classifications-ipcr?
    , classification-national? , classification-locarno?
    , classification-udc? , application-reference , language-of-filing?
    , language-of-publication? , priority-claims? , parties
    , designation-of-states? , invention-title+ , assignees? , licensee-data?
    , date-of-earliest-priority? , date-complete-specification-filed?
    , dates-of-public-availability? , term-of-grant?
    , dates-rights-effective? , patent-family? , field-of-search? , figures?
    , references-cited? , examiners? , number-of-claims? , related-documents?
    , st50-republication? , date-exhibition-filed?
    , date-pct-article-22-39-fulfilled?
    , pct-application-no-longer-effective? , bio-deposit?
    , pct-or-regional-filing-data? , pct-or-regional-publishing-data?
    , defer-publication-of-search-report? , date-application-refused?
    , date-rights-reestablished? , date-application-withdrawn-by-applicant?
    , date-application-deemed-withdrawn? , date-of-revocation?
    , cmea-havana-agreement?
    , date-application-partially-withdrawn?, other-date?
    , office-specific-bib-data* , opposition-data? , text*)>

Add:
    <!ELEMENT date-application-partially-withdrawn  (date) >

    <!ATTLIST date-application-partially-withdrawn
                        reason    CDATA   #IMPLIED >

    <!ELEMENT other-date (date) >

    <!ATTLIST other-date   date-type  CDATA   #IMPLIED >
```

<citations-explanations>

6.   *Item 14:* The proposal itself is acceptable. It is observed, however, that appears to be a
further defect in the model: since element <citation> can be non-patent literature as well as
patent documents, there may not be an associated filing date. Consequently that element
ought to be optional. Furthermore, the publication date of the citation may be the relevant
matter, in which case it may be appropriate to include that as an optional element.

Other issues

7.   While assessing the impact of the PFC, it was observed that some of the existing elements do not seem to cover all of the options required to create international search reports and written opinions in all cases. Furthermore, there is no provision made for an XML equivalent of Form PCT/ISA/203 (Declaration of Non-Establishment of International Search Report). Additional proposals may be required to correct these defects.

[Annex 3 follows/
 L'annexe 3 suit]

ANNEX 3 / ANNEXE 3

COMMENTS BY THE JAPAN PATENT OFFICE

JP essentially agrees with IB's comments on PCT/EF/PFC 06/001. With regard to the comments #1, #2, #4 and #6, we would like to make some additional changes.

#1. JP agrees with IB's comment #1. JP also thinks the element for annex-c should be changed to the following:

```
<!ELEMENT annex-c EMPTY>
<!ATTLIST annex-c e-table-missing (yes|no) #REQUIRED
                  format-error    (yes|no) #REQUIRED
                  no-payment      (yes|no) #REQUIRED >
```

#2. The attribute *<sequence listing-filing-time>* mentioned on IB's comment #2 is also used in Form 409. In Form 409 there are four checkboxes for the attribute. Consequently, we think it should be changed to the following:

```
<!ATTLIST sequence-listing-filing-time
            in application              (yes|no) #REQUIRED
            together-with-application   (yes|no) #REQUIRED
            furnished-for-search        (yes|no) #REQUIRED
            amendment                   (yes|no) #IMPLIED >
```

#4. JP agrees with IB's comment #4. With regard to the comment, JP thinks we should also change the element *<annex-c>* related to the last item of Box No. III in Form 237/409 :

```
<!ELEMENT annex-c (sequence-listing-written-form? ,
sequence-listing-computer-readable-form?,p*)>
```

In addition, we think the usage of the element *<p>* should be described in co mment line of the DTD.

#6. JP agrees with IB's comment #6. Taking account of IB's comment, we would like to change the element to the following:

```
<!ELEMENT citations-explanations ((citation+, filing-date?, priority-date?)
| p+)>
```

[Annex 4 follows/
 L'annexe 4 suit]

ANNEX 4 / ANNEXE 4

COMMENTS BY THE EUROPEAN PATENT OFFICE

Elements concerning defects in sequence listings and related tables

1. *Item 1.14:* agreed

EPO: We believe that these boxes will probably be mutually exclusive but have no objection to the IB suggestion since we are not yet in production with ISA forms.

2. *Items 1.15 to 1.17:*

EPO: as above - agreed.

4. We prefer to leave this as is and check on practice.

5. INID 23: We prefer to leave this as is; this is a difficult area since there may be many dates which are office specific and would probably be handled by the addition of the two letter country code.

6. *Item 14. <citations-explanations>*

EPO: Filing date - optional - agreed.

Other issues
7. While assessing the impact of the PFC, it was observed that some of the existing elements do not seem to cover all of the options required to create international search reports and written opinions in all cases.

EPO: We need to know what these are and are examining IB notes on this.

Furthermore, there is no provision made for an XML equivalent of Form PCT/ISA/203 . . .

EPO: There are many, many PCT forms not covered by XML - this is a matter for the IB, the initial work concerned only the ISR and the Written Opinion - with the emphasis on the ISR as the "main" form used by ISAs.

[End of Annex 4 and of file/
Fin de l'annexe 4 et du dossier]