W O R L D   I N T E L L E C T U A L   P R O P E R T Y   O R G A N I Z A T I O N

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, section 3.6 (Priority Document Digital Access Service) Modifications de la section 3.6 de l'appendice I de l'annexe F (Priority Document Digital Access Service use)	PROPOSED BY: PROPOSÉE PAR :	IB

HANDLING: TRAITEMENT :	Expedited cycle Cycle accéléré	PROPOSED DATE OF ENTRY INTO FORCE: DATE PROPOSÉE D'ENTRÉE EN VIGUEUR :	01.07.2008

ANNEX/ ANNEXE	CONTENT/CONTENU	ORIGIN/ ORIGINE	DATE
1	Updates to DTDs relating to Digital Library usage in patent filing processes	IB	7.1.2008
2	Comments from the Japan Patent Office	JP	26.2.2008
3	Comment from the International Bureau	IB	14.4.2008

[Annexes follow/
Les annexes suivent]

NEXT ACTION: PROCHAINE ACTION :	None None	BY: POUR LE :	

ANNEX I/ANNEXE I

UPDATES TO DTD RELATING TO PRIORITY DOCUMENT DIGITAL ACCESS SERVICE

1-1) request	**Change:**
	`<!ELEMENT priority-claim (country , doc-number? , date , office-of-filing? , (priority-doc-requested | priority-doc-attached)? , restore-rights?)>`
	
	To:
	`<!ELEMENT priority-claim (country , doc-number? , date , office-of-filing? , (priority-doc-requested | priority-doc-attached |` **priority-doc-from-library**`)? , restore-rights?)>`
	
	`<!—library-identifier attribute intended as an identifying code for the library containing the document – to be used where offices support the access of documents from many such libraries`
	
	`action-by attribute would indicate the office requested to retrieve the document (for PCT this can be the RO or IB, default IB``)-->`
	
	`<!ELEMENT priority-doc-from-library EMPTY>`
	
	`<!ATTLIST priority-doc-from-library library-identifier CDATA #IMPLIED`
	
	                             `action-by CDATA`
	`#IMPLIED >`

Items impacted	ST.36 element priority-claim, request.dtd, wo-bibliographic-data.dtd, wo-published-application.dtd, xx-patent-document.dtd
Reason	To enable applicants to take advantage of digital libraries for priority documents, the applicant must be able to express this request on the PCT request form for each priority claim.

1-2) request	**Change:** `<!ELEMENT request ((file-reference-id? , request-petition , invention-title? , parties , designation-of-states? , priority-claims? , search-authority? , declarations? , check-list? , figure-to-publish? , language-of-filing? , signatories?, dtext* , office-specific-data*)	doc-page+)>`  **To:** `<!ELEMENT request ((file-reference-id? , request-petition , invention-title? , parties , designation-of-states? , priority-claims? , search-authority? , declarations? , check-list? , figure-to-publish? , language-of-filing? , signatories? ,` **store-in-digital-library?** `, dtext* , office-specific-data*)	doc-page+)>`  **`<!--`** **` Indicator used to flag request to store in digital library.`** **` In the case of PCT this will be the WIPO DAS for Priority documents`** **` The Indicators presence implies the request and absence implies no request`** **`-->`** **`<!ELEMENT store-in-digital-library EMPTY>`**  **`<!ATTLIST store-in-digital-library id ID #IMPLIED>`**

NEXT ACTION:	None	**BY:**	
PROCHAINE ACTION :	None	**POUR LE :**	

Items impacted	Request element and request.dtd
Reason	To enable applicants to request the storage of the request itself, ready for later use, as a priority document, from the WIPO digital library. Note package-data.dtd has not been modified to add an optional digital library request element as this is not one of the planned mechanisms.

[Annex II follows /
L'annexe II suit]

NEXT ACTION:	None	BY:	
PROCHAINE ACTION :	None	POUR LE :	

ANNEX II/ANNEXE II

Comment by the Japan Patent Office

In recognition that the "Priority Document Digital Access Service" mentioned in, "2. Subject" in the text of this Circular is the "Digital Access Service (DAS)" that is currently under discussion at WIPO, the JPO would like to make the following comments:

The handling of DAS under the PCT system has not yet been discussed. Thus, the JPO is of the opinion that establishing the new specifications of Annex F should be postponed until the details of the "Priority Document Digital Access Service" under the PCT have been determined in order to avoid causing any problems with the new specifications.

Consequently, the JPO considers it too early to be able to reflect DAS in ANNEX F and the Appendix.

<div align="right">

[Annex III follows /
L'annexe III suit]

</div>

NEXT ACTION:	None	**BY:**
PROCHAINE ACTION :	None	**POUR LE :**

ANNEX III/ANNEXE III

<u>Comment by the International Bureau</u>

Following the close of the consultation period, this PFC will not be implemented as proposed in version 1.6 of the Annex F DTDs. The proposal will be resubmitted closer to the time when it will be used in practice.

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

NEXT ACTION:	None	**BY:**	
PROCHAINE ACTION :	None	**POUR LE :**	