



STATUS AT: April 14, 2008 **SITUATION AU:** 14 avril 2008

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: SUJET:	2008 Rule Changes)	pendix I, section 3.6 (PCT on 3.6 de l'appendice I de ule Changes)	PROPOSED BY: PROPOSÉE PAR :	IB
HANDLING: TRAITEMEN	HANDLING: Expedited cycle PROPOSED DATE OF ENTRY IN DATE PROPOSÉE D'ENTRÉE EN DATE PROPOSÉE D'ENTRY IN DATE PROPOSÉE D'ENTRÉE EN DATE PROPOSÉE D'ENTRÉE PROPOSÉE PROPOSÉE D'ENTRÉE PROPOSÉE PR			01.07.2008
ANNEX/ ANNEXE	CONTENT/CONTENU		ORIGIN/ ORIGINE	DATE
1	Updates to DTD relating to PCT rule changes 2008		IB	7.1.2008
2	Comments from the Japan Patent Office		JР	26.2.2008
3	Comment from the International Bureau		IB	14.4.2008

[Annexes follow/ Les annexes suivent]

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

ANNEX I/ANNEXE I

UPDATES TO DTD RELATING TO PCT RULE CHANGES 2008

1-1) substantially- equivalent	<pre>Change: <!--ELEMENT earlier-search-request (document-id)+--></pre>
	To: ELEMENT earlier-search-request (document-id, substantially-equivalent?, earlier-search-documents?)+
	ELEMENT substantially-equivalent EMPTY ELEMENT earlier-search-documents EMPTY
	<pre><!--ATTLIST earlier-search-documents</td--></pre>
	translation-of-results-of-earlier-search (yes no) #IMPLIED documents-cited-in-earlier-search-results (yes no) #IMPLIED
	available-at-isa (yes no) #IMPLIED request-ro-to-transmit-to-isa (yes no) #IMPLIED >
Items impacted	Additional ST.36 element earlier-search-request; DTDs request, wobibliographic-data, wo-published-application
Reason	Add flag to indicate application, for which there was an earlier search request, is substantially equivalent to that being submitted in the current application. It should be noted that this suggested implementation is designed to make the DTD backwardly compatible with previous instances of request, wo-bibliographic-information and wo-published-application documents that were created in accordance with the current DTDs.

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

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2-1) Fees for	Change:
transmission	</th
of documents	Calculation of prescribed fees
related to earlier search	designation-fee-paid: whether the designation fee has been paid or not
Carrier Scaren	of not
	>
	ELEMENT prescribed-fees (transmittal-fee , search-fee ,</th
	<pre>international-fee , pdoc-fee? , restoration-fee?)></pre>
	ATTLIST prescribed-fees designation-fee-paid (yes no) #IMPLIED
	To: </th
	Calculation of prescribed fees designation-fee-paid: whether the designation fee has been paid or not
	>
	<pre><!--ELEMENT prescribed-fees (transmittal-fee , search-fee , international-fee , pdoc-fee? , restoration-fee?, earlier-search- document-fee?)--></pre>
	ATTLIST prescribed-fees designation-fee-paid (yes no) #IMPLIED
	And add:
	<br Fee for supply of earlier search documents from the RO
	> ELEMENT earlier-search-document-fee (earlier-search-document-quantity , amount-each , amount-total , payment-mode)
	ATTLIST earlier-search-document-fee currency CDATA #REQUIRED
	Quantity of earlier search documents furnished</th
	>
	<pre><!--ELEMENT earlier-search-document-quantity (#PCDATA)--></pre>
Items impacted	Additional ST.36 elements earlier-search-document-fee, earlier-search-document-quantity; Annex F DTDs fee-sheet
Reason	Add capability to the fee sheet for the recording of this new fee for the transfer of documents related to the search of earlier applications that are substantively the same as the international application being filed.

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

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<pre>2-1) Fees for transmission of documents related to earlier search **Change: <!--ELEMENT srep-for-pub (doc-page+ (classification-ipc? ,<br-->classifications-ipcr? , classification-national? , srep-fields- searched , srep-citations , incomplete-search? , srep-admin? , srep-patent-family?))></pre> <pre>To:</pre>
of documents related to earlier search **Classification = pub (doc-page+ (classification = pc? , classifications = pc? , classification = national? , srep-fields = searched , srep-citations , incomplete = search? , srep-admin? , srep-patent = family?))> **To:*
related to earlier search classifications-ipcr? , classification-national? , srep-fields- searched , srep-citations , incomplete-search? , srep-admin? , srep-patent-family?))> To:
<pre>related to earlier search classifications-ipcr? , classification-national? , srep-fields- searched , srep-citations , incomplete-search? , srep-admin? , srep-patent-family?))></pre> To:
<pre>earlier search</pre>
<pre>srep-patent-family?))></pre>
To:
LIEUENEWE area for mub /dea mage /alegaification inco
<pre><!--ELEMENT srep-for-pub (doc-page+ (classification-ipc? ,</td--></pre>
classifications-ipcr? , classification-national? , srep-fields-
searched , srep-citations , incomplete-search? , srep-admin? ,
<pre>srep-patent-family?, earlier-search*))></pre>
<pre><!--ELEMENT earlier-search (document-id) --></pre>
ATTLIST earlier-search id ID #IMPLIED
Items impacted Additional ST.36 elements earlier-search, ; Annex F DTDs search-
report
Reason Add capability to the fee sheet for the recording of this new fee
for the transfer of documents related to the search of earlier
applications that are substantively the same as the international
application being filed.

[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

The JPO has not been informed of the drafts of Administrative Instructions based on the rule changes. Therefore, the JPO is of the opinion that the details of the Administrative Instructions should, be considered before the new specifications of Annex Fare established in order to avoid causing any problems with the new specifications. For this reason, the JPO requests to circulate the drafts of Administrative Instructions as soon as possible.

[Annex III follows / L'annexe III suit]

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

ANNEX III/ANNEXE III

Comment by the International Bureau

Following the extension of the consultation period in order to permit comparison with the relevant draft Administrative Instructions, this PFC will be implemented as proposed in version 1.6 of the Annex F DTDs and will enter into force on July 1, 2008.

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

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