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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, section 3.6 (The XML tagging of corrections and changes) Modifications de la section 3.6 de l'appendice I de l'annexe F (The XML tagging of corrections and changes)	**PROPOSED BY:** **PROPOSÉE PAR :**	EP and 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	The XML tagging of corrections and changes	EP	9.1.2008
2.	Addition of XML tagging of corrections and changes to wo-published-application and application-body DTDs	IB	9.1.2008
3	Comments from the Japan Patent Office	JP	26.2.2008
4	Comments from the International Bureau	IB	14.04.2008

[Annexes follow/
Les annexes suivent]

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

ANNEX I/ANNEXE I

PROPOSAL FOR THE XML TAGGING OF CORRECTIONS AND CHANGES

1-1) The XML tagging of corrections and changes	**Change:**
	
	``
	<!ELEMENT xx-document-document (doc-page+ |
	      ((bibliographic-data | SDOBI),
	             description,claims+,amended-
	      claims*,amended-claims-statement*,
	             abstract*,drawings?,search-report-
	      data*,sequence-list-doc?,
	             table-external-doc*)) >
	``
	
	To:
	
	``
	<!ELEMENT xx-document-document (doc-page+ |
	      ((bibliographic-data | SDOBI),
	             description,claims+,amended-
	      claims*,amended-claims-statement*,
	             abstract*,drawings?,search-report-
	      data*,sequence-list-doc?,
	             table-external-doc*, document-changes?)) >
	``
	
	**```
	<!ELEMENT document-changes (document-id?,
	                  document-change+,text?) >
	<!ELEMENT document-change (#PCDATA) >
	      <!ATTLIST document-change
	             id ID #REQUIRED
	             idref IDREF #REQUIRED
	             change-type (delete | insert | replace)
	                                    #IMPLIED
	             change-date CDATA #IMPLIED
	             changed-by CDATA #IMPLIED
	             change-offset CDATA #IMPLIED
	             change-length CDATA #IMPLIED
	              change-legal-basis CDATA #IMPLIED
	              change-received-date CDATA #IMPLIED
	                 >
	``**
	
	**```
	<!—Where external entities such as images are replaced it is
	expected that BOTH original and replacement entities will be
	supplied (with differing filenames in their references) -->
	``**

Items impacted	New ST.36 ICE Element **document-changes** and DTD **xxx-patent-document.dtd.**
Reason	Introduction At present there is no way to mark up corrections or changes in patent documents using ST.36 (without using office specific tags). The current proposal gives the least disruptive and generic method to mark up corrections or changes within patents (and other documents). This proposals' first aim is to cover the necessity to indicate corrections or changes in the abstract, description, claims and drawings of corrected or re-issued patents. To be clear: the proposal mainly deals with handling corrections to already published patent documents and not for dealing with amendments and changes in the examination procedure between examiner and applicant (although this would also be possible). The proposal comprises: (a) the addition of a new content model based upon a new

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International Common Element (ICE) - document-changes. This new ICE will be used to group historical change information in a "changes" section of a document instance.

(b) The addition of an optional attribute to the application-body element. This will facilitate the easy identification of instance versions.

(c) The inclusion of a detailed comment in association with the document-changes element in order to describe the recommended procedure for handling changes to external entities.

Therefore, <document-changes> is an **optional**, generic, element name which can be used in any type of document.

According to the current proposal, in the description, claims, etc there will be no indication of changes; it will simply contain the latest version of the document. This allows straightforward rendering (and indexing) of the document. Any current style sheet would require no modification for this part of the document.

Any changes are, of course, identified by the presence of the <document-changes> element where varying levels of change may be indicated. Normally changed documents would also be indicated by data in the bibliographic data part of any file, for example, as specified in WIPO ST.50; that is, for example, data in <st50-republication> or <B150>.
How changes are indicated in the actual document is a matter for each office.

As a first step these new elements could be used simply for the processing of corrected or re-issued patent documents; for example, document kind A9 as used in the EPO and the USPTO. In the long run they could be used for more complex processing such as communications between examiner and applicants on updating and editing second level publications where indication of changes may be required.

[Annex II follows /
L'annexe II suit]

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ANNEX II/ANNEXE II

2) Addition of XML tagging of corrections and changes to wo-published-application and application-body DTDs	**Change:** `<!ELEMENT wo-published-application (wo-bibliographic-data , abstract* , abstract-figure* , front-page? , description? , claims? , wo-amended-claims? , amend-statement? , drawings? , (sequence-list-doc | biological-material-doc | lack-of-novelty | pct-rule91-1f | priority-claim-considered-not-made | pct-art17.2a | wo-search-report)* , wo-ocr-text? , wo-xml-application?)>`  And  `<!ELEMENT application-body (doc-page+ | (description , claims , abstract? , drawings?))>`  **To:** `<!ELEMENT wo-published-application (wo-bibliographic-data , abstract* , abstract-figure* , front-page? , description? , claims? , wo-amended-claims? , amend-statement? , drawings? , (sequence-list-doc | biological-material-doc | lack-of-novelty | pct-rule91-1f | priority-claim-considered-not-made | pct-art17.2a | wo-search-report)* , wo-ocr-text? , wo-xml-application?`**`, document-changes?`** `)>`  And  `<!ELEMENT application-body (doc-page+ | (description , claims , abstract? , drawings?)` **`, document-changes?`**`)>`
Items impacted	DTDs wo-published-application.dtd and application-body.dtd
Reason	It is anticipated that there will be a requirement to store changes in PCT publications in the future. This should be done in a manner consistent with other offices and WIPO Standard ST.36

[An example, provided by EPO, of a corrected patent follows]

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EXAMPLE OF CORRECTED PATENT

Original captured document (mistakes are marked in red)

> ***Schroeder type*** valve stem engagement member having a rod
> element centered with respect to said end cap opening, and air
> pressure operated actuating means ***bringing*** said rod element
> into engagement with a *Schroeder* ***type*** valve when said device
> is clamped to an inlet tube equipped with a *Schroeder* valve;

Corrected document

> ***Schrader type*** valve stem engagement member having a rod
> element centered with respect to said end cap opening, and fluid
> pressure operated actuating means ***bringing*** said rod element
> into engagement with a ***Schrader type*** valve when said device
> is clamped to an inlet tube equipped with a ***Schrader type***
> valve;

The encoding of the corrected document would look as follows:

```
<xx-document-document>
. . .
<description>
. . .
<p id="p0005" num="0005">Schrader type valve stem
engagement member having a rod element centered with
respect to said end cap opening, and fluid pressure
operated actuating means bringing said rod element into
engagement with a Schrader type valve when said device is
clamped to an inlet tube equipped with a Schrader type
valve;</p>
. . .
</description>
. . .
```

The tag `<document-changes>` will contain the information about modifications,
linked to the position in the description by means of the idref attribute:

```
<document-changes>
<!-- Example of several changes in one tag -->
<document-change id="ch0001" idref="p0005" change-
date="20050310" change-type="replace" changed-
by="LS02398">
<![CDATA[<deleted>Schroeder</deleted><inserted>Schrade
r type</inserted> valve stem engagement member having
a rod element centered with respect to said end cap
opening, and <deleted>air</deleted>
```

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```
<inserted>fluid</inserted> pressure operated actuating
means bringing said rod element into engagement with a
<deleted>Schroeder</deleted> <inserted>Schrader
type</inserted> valve when said device is clamped to
an inlet tube equipped with a
<deleted>Schroeder</deleted> <inserted>Schrader
type</inserted> valve;</p>]]></document-change>
</document-changes>
```

The scheme allows changes on changes. Let's suppose that there is a subsequent change in the already modified passage. The coding would be:

```
<!-- Example of change on a change -->
<document-change id="ch0002" idref=" ch0001" change-
date="20060814" change-type="replace" changed-by="LS02398">
<![CDATA[
...
]]></document-change>

</document-changes>
</xx-document-document>
```

ADVANTAGES:

- No current ICE element needs to be modified (although `xx-patent-document` would need updating), we only need to add the new element (and sub-elements) `<document-changes>`.
- It allows changes on changes.
- Old data is kept separate, so it has no impact on rendering or indexing.
- It allows changes across tags; one has to choose an element with id attribute spanning the whole change.

DISADVANTAGES:

- The complete tag (the shortest one with an id attribute) needs to be rewritten.
- Rendering of modifications together with current version might be complex in some cases.

COMMENTS:

The structure within CDATA is not binding. We could agree upon a common structure or choose each one something different to indicate what has been changed.

The two **optional** attributes, change-offset and change-length, can indicate the precise point where a change has taken place, up to the character level.

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Note: the EPO has been using a similar, but not the same, construction, since 01-2006, to indicate changes in the bibliographic data; here is an example from the EP Bulletin for week 11-2007 (EP 00103270 A2).

In tag `<B002EP>` all changes are gathered together:

```
<B002EP>
<ep-chg-info>
     <ep-chg idref="ep-chg0001" btag="B840" date="20070206"
     status="n"/>
     <ep-chg idref="ep-chg0002" btag="B844EP" date="20070206"
     status="n"/>
</ep-chg-info>
</B002EP>
```

This "points" to the actual INID code(s) changed and we introduced an id attribute value as shown:

```
<B800>
<B840 id="ep-chg0001">
<ctry>DE</ctry><ctry>FR</ctry><ctry>GB</ctry>
</B840>
<B844EP id="ep-chg0002">
<B845EP><ctry></ctry></B845EP>
</B844EP> . . .</B800>
```

This construction is very simple and merely shows the latest situation with no history of changes.

[Annex III follows /
L'annexe III suit]

NEXT ACTION:	None	**BY:**	
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ANNEX III/ANNEXE III

Comment by the Japan Patent Office

Basically, the JPO understands the practice of recording document change in XML data format.

It seems that this practice can also be applied in the future to ex-officio corrections by IB or RO, amendments by applicants, paragraphs in specifications (with <P>tag), and claims (with <claim-text>tag). After identifying more widely acceptable DTD, XML data with recordation of document change can be mutually used among all offices.

In the PFC (1-1) The XML tagging of corrections and changes), however, it is proposed that the changed texts be identified by using "CDATA section" in the "#PCDATA" as the <document-change> tag: There are still some problems in terms of usability in this DTD.
- The changed texts cannot be described in an Office that doesn't use CDATA section for description of changed texts; and
-' The paragraph or the claim which has sub-tags to describe the chemical formulae, the mathematical expressions, the tables or the character decorations cannot be described due to limitation of.# PCDATA.

Consequently, the JPO suggests that the proposal in, this PFC be further discussed and hopes to continuously discuss future DTD with greater usability.

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[Annex IV follows /
L'annexe IV suit]

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ANNEX IV/ANNEXE IV

Comment by the International Bureau

Following the close of the consultation period, this PFC will be not be implemented in the forthcoming release (version 1.6 of the Annex F DTDs).

This does not preclude the implementation of the requested changes in ST.36.

It should be noted that this change is has effectively been deferred for further discussion, and based on the results of that discussion a further PFC may be submitted.

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

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