

WIPO
OMPI



PCT/EF/PFC 08/006

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: Changes to Annex F, Appendix I (e-mail)		PROPOSED BY: IB	
SUJET : Modifications de l'appendice I de l'annexe F (courriel)		PROPOSÉE PAR :	
HANDLING: Expedited cycle		PROPOSED DATE OF ENTRY INTO FORCE: 01.07.2008	
TRAITEMENT : Cycle accéléré		DATE PROPOSÉE D'ENTRÉE EN VIGUEUR :	
ANNEX/ ANNEXE	CONTENT/CONTENU	ORIGIN/ ORIGINE	DATE
1	Attribute to indicate intended use of email address	IB	14.02.2008
2	Comments from the European Patent Office	EP	26.02.2008
3	Comments by the Japan Patent Office	JP	07.04.2008
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

ATTRIBUTE TO INDICATE INTENDED USE OF EMAIL ADDRESS

1-1) Addition of attribute to e-mail element	<p>Change: <!-- Email address --> <!ELEMENT email (#PCDATA)></p> <p>To: <!-- Email address</p> <p>Attribute: purpose reason for which email address is included: informal - for informal contact only general - for any type of communication where the applicant leaves the choice of communication means to the office advance - any type of communication, but used as an advanced notice for formal messages being sent by conventional mailing (to the extent offered) main - where applicant desires this address to be used as primary means of contact as a replacement of the use of conventional post(to the extent that an Office offers this) the default value depends on e-mail policies of the relevant Office. For PCT purposes as at 1 July 2008, no attribute being included is equivalent to 'informal'</p> <p>--> <!ELEMENT email (#PCDATA)></p> <p><!ATTLIST email purpose (informal general advance main) #IMPLIED ></p>
Items impacted	<p>Annex F DTDs: request, application-body, declarations, power-of-attorney, table-external, ex-officio-correction, demand, search-report, iprp, amendment-request, wo-bibliographic-data, wo-published-application</p> <p>Also ICE and ST.36 DTD xx-patent-document</p>
Reason	<p>At present, e-mail addresses entered into international applications are used only for rapid communication purposes equivalent to the telephone or fax, not for regular communications ('informal'). It is desired to offer an opt-in PCT service where applicants can be e-mailed a copy of communications from the International Bureau at the same time that paper copies are posted ('advance'). Alternative options provided for but which are not proposed to be initially offered in PCT (and therefore PCT-SAFE) are that e-mail may be the 'main' form of communication, normally replacing the paper mailing entirely, or that the e-mail address can be used for any 'general' purpose.</p>

NEXT ACTION: None

PROCHAINE ACTION : None

BY:

POUR LE :

Notes	<email> is an optional child of all <address> elements, though its inclusion would only have a practical effect on those <address> elements for persons to whom an Office normally writes, in particular the agent or common representative.
-------	--

[Annex II follows /
L'annexe II suit]

ANNEX II/ANNEXE II

Comment by the European Patent Office

A more explicit naming should be considered for the attribute so that out of context its meaning remains obvious:

2-1)	<p>Change:</p> <pre><!ATTLIST email purpose (informal general advance main) #IMPLIED ></pre> <p>To:</p> <pre><!ATTLIST email email-purpose (informal general advance main) #IMPLIED ></pre>
Reason	<p>We understood it would be "email-purpose" and not purpose, it's clear from the context but, just in case, "purpose" crops up somewhere else we would prefer "email-purpose".</p>

[Annex III follows /
L'annexe III suit]

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

ANNEX III/ANNEXE III

Comment by the Japan Patent Office

(1) It is mentioned in the 'reason' column that, "As an alternative options, e-mail may be the 'main' form of communication, normally replacing the paper mailing entirely, or that the e-mail address can be used for any 'general' purpose." It is presumed that there are some points, such as security issues, which need to be clarified. Please inform us of the current status of discussion in the IB including the timeline envisaged.

(2) What type of documents (and in what format) are to be attached when copies of notifications are sent to applicants via e-mail for 'advance' purpose? For example, are IB notifications in PDF format to be attached?

(3) Determining administrative instructions and forms after Annex F DTDs have been decided may result in the need to change Annex F DTDs to correspond to the revised administrative instructions and forms. In order to avoid this risk, therefore, the JPO is of the opinion that this PFC should be re-issued after the details of administrative instructions and forms have been determined.

[Annex IV follows /
L'annexe IV suit

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

ANNEX IV/ANNEXE IV

Comment by the International Bureau

With regards to the comments made by the Japan Patent Office : (1) the International Bureau has considered the need for appropriate security and believes that in the context of having made applicants aware of the risks associated with email communication, the content of the IB forms to be transmitted is of a nature that would not disclose substantive information regarding the application; (2) it is anticipated that IB forms in PDF form will be supplied as email attachments; (3) the consultation regarding the Administrative Instructions has been conducted in parallel and the International Bureau has reviewed the outputs of both consultations to ensure that there is no discrepancy.

Following the close of the consultation period, this PFC will be implemented as proposed in the comments made by the European Patent Office (annex II) in version 1.6 of the Annex F DTDs and will enter into force on July 1, 2008.

It should be noted that this change is backwardly compatible and the use of the suggested document types is optional; thus the output from existing systems will remain valid and an upgrade to utilize the new document types can be performed at a time that is convenient to the office.

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

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