



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, section 3.6 (wo-bibliographic DTD)		PROPOSED BY: IB	
SUJET : Modifications de la section 3.6 de l'appendice I de l'annexe F (wo-bibliographic DTD)		PROPOSÉE PAR :	
HANDLING: Expedited cycle		PROPOSED DATE OF ENTRY INTO FORCE: 01.01.2010	
TRAITEMENT : Cycle accéléré		DATE PROPOSÉE D'ENTRÉE EN VIGUEUR :	
ANNEX/ ANNEXE	CONTENT/CONTENU	ORIGIN/ ORIGINE	DATE
1	Additional elements to support transmittal of supplementary search information	IB	19.02.2009
2	Comments from the Swiss Patent Office	CH	27.03.2009
3	Comments from the European Patent Office	EP	31.03.2009
4	Comments from the Russian Patents and Trademark Office	RU	31.03.2009
5	Comments from the European Patent Office	EP	08.04.2009
6	Comments from the International Bureau	IB	14.05.2009

[Annex follows/
L'annexe suit]

NEXT ACTION: Comments		BY: 13.06.2009	
PROCHAINE ACTION : Comments		POUR LE :	

SUPPLEMENTARY INTERNATIONAL SEARCH BIBLIOGRAPHIC MODIFICATIONS

1-1)	<p>Change :</p> <pre> <!ELEMENT wo-bibliographic-data (publication-reference? , wo-publication-info? , application-reference? , wo- application-info? , wo-amendment-info? , wo-bib-change- info? , wo-demand-info? , file-reference-id? , invention- title* , parties? , designation-of-states? , wo-priority- info? , search-authority? , declaration-info? , classification-ipc? , classifications-ipcr? , figure-to- publish? , signatories? , correspondence-address? , dtext?)> <!ATTLIST wo-bibliographic-data date-produced CDATA #IMPLIED lang CDATA #IMPLIED dtd-version CDATA #IMPLIED file CDATA #IMPLIED status CDATA #IMPLIED office-name CDATA #IMPLIED produced-by (applicant RO ISA IPEA IB DO EO national- office regional- office) #REQUIRED > </pre> <p>To:</p> <pre> <!ELEMENT wo-bibliographic-data (publication-reference? , wo-publication-info? , application-reference? , wo- application-info? , wo-amendment-info? , wo-bib-change- info? , wo-demand-info? , file-reference-id? , invention- title* , parties? , designation-of-states? , wo-priority- info? , search-authority? , supplementary-search-info* , declaration-info? , classification-ipc? , classifications- ipcr? , figure-to-publish? , signatories? , correspondence- address? , dtext?)> <!ATTLIST wo-bibliographic-data date-produced CDATA #IMPLIED </pre>
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NEXT ACTION:

Comments

BY:

13.06.2009

PROCHAINE ACTION :

Comments

POUR LE :

	lang	CDATA
#IMPLIED		
	dtd-version	CDATA
#IMPLIED		
	file	CDATA
#IMPLIED		
	status	CDATA
#IMPLIED		
	office-name	CDATA
#IMPLIED		
	produced-by	
(applicant		RO
		ISA
		IPEA
		SISA
		IB
		DO
		EO
office		national-
office) #REQUIRED >		regional-
<!-- Supplementary searching authority or authorities. No provision for the inclusion of earlier search documents as yet. <!-- Supplementary International Search (SIS) information: SISA, request and report information, noting for an supplementary-search-info element there must be a request and an SISA (reuses ISA element). --> <!ELEMENT supplementary-search-info (isa, supplementary- search-request-info, supplementary-search-report-info?)> <!-- For element supplementary-search-request-info Attribute sis-request-status values: new - where a sis-request has been received at the IB. transmitted - where the sis-request has been received and sent to the SISA. withdrawn - where a sis-request has been withdrawn (either by the applicant or has been considered as withdrawn, or not to have been made, by the IB. --> <!ELEMENT supplementary-search-request-info (received-at- ib)> <!ATTLIST supplementary-search-request-info sis-request- status (new transmitted withdrawn) #REQUIRED > <!-- For element supplementary-search-report-info		

NEXT ACTION:

Comments

BY:

13.06.2009

PROCHAINE ACTION :

Comments

POUR LE :

	<p>Attribute <code>sis-report-status</code> values:</p> <p><code>new</code> - where a <code>sis-report</code> has been established by the SISA.</p> <p><code>corrected</code> - where a corrected <code>sis-report</code> has been established by the SISA.</p> <p><code>not-established</code> - where the SISA has notified the IB that a <code>sis-report</code> will not be established.</p> <p>--></p> <p><!ELEMENT supplementary-search-report-info (received-at-ib, date-search-completed?, date-search-report-mailed?)></p> <p><!ATTLIST supplementary-search-report-info sis-report-status (new corrected not-established) #REQUIRED ></p> <p><!-- The following two elements are already defined in ST.36, but do not appear in wo-bibliographic-data or wo-published-application DTDs.</p> <p>--></p> <p><!ELEMENT date-search-completed (date)></p> <p><!-- Date of mailing of search report. (ST.32:B566)</p> <p>--></p> <p><!ELEMENT date-search-report-mailed (date)></p>
Items impacted	ANNEX F DTDs: wo-published-application and wo-bibliographic-data
Reason	<p>To enable the communication of the supplementary search authority information.</p> <p>It should be noted that the proposal uses elements to be added to the ST.36 ICEs, and these elements will be proposed via the PFR procedure.</p>

[Annex II follows/
L'annexe II suit]

NEXT ACTION:	Comments	BY:	13.06.2009
PROCHAINE ACTION :	Comments	POUR LE :	

Comment by the Intellectual Property Office of Switzerland

Dear TF-members,
we agree with both PFRs.
Kind regards

[Annex III follows /
L'annexe III suit]

NEXT ACTION:	Comments	BY:	13.06.2009
PROCHAINE ACTION :	Comments	POUR LE :	

ANNEX III/ANNEXE III

Comments by the European Patent Office

The **EPO agrees with the proposed PCT/EF/PFC 09/002**.

However the **EPO disagrees with the proposed PFR ST.36/2009/004**, which contrary to the PFC also affects elements of the model DTD, namely *bibliographic-data*. The proposed changes do not appear to be in line with the current handling of search-report information and should be put in perspective of the tagging of the Supplementary International Search Report. The EPO hereby submits a revised version of a [document](#) already provided to the TF Leader and the IB/PCT. Said document analyzes the impact of the Supplementary International Search Report and suggests some implementations. It could serve as a basis for a discussion concerning the tagging of the Supplementary International Search Report.

[Annex IV follows /
L'annexe IV suit]

NEXT ACTION:	Comments	BY:	13.06.2009
PROCHAINE ACTION :	Comments	POUR LE :	

ANNEX IV/ANNEXE IV

Comments by the European Patent Office

As for proposals PFR ST.36-2009-003 and PFR ST.36-2009-004 specialists of the RUPTO have no any objections.

[Annex V follows /
L'annexe V suit]

NEXT ACTION:	Comments	BY:	13.06.2009
PROCHAINE ACTION :	Comments	POUR LE :	

Comment by the European Patent Office**1. PFR ST.36 2009/004:**

The EPO formulated some suggestions on pages 18-19 of the attached document (<https://www3.wipo.int/confluence/download/attachments/3440723/SISR-20090330.pdf?version=1>). The suggestion is based on the fact that Supplementary International Search Report will reuse the search-report-data structure with a specific value of the attribute srep-type, e.g. "sisr". Please find a summary hereunder:

Item 1: Modification of bibliographic-data element to add Supplementary search information.

The EPO suggests that the **bibliographic-data is not modified** for this purpose as this information is recorded in the search-report area.

Item 2: Add element supplementary-search-report-info

PFR implementation:

```
new | corrected | not-established ) #REQUIRED >
```

Suggested implementation:

The attribute sis-report-status is believed to be covered by search-report-data/@status.

date-search-completed and date-search-report-mailed are currently found in srep-for-pub/srep-admin, srep-info/srep-info-admin and bibliographic-data/references-cited. received-at-ib although part of the ICE is not currently in the model DTD. If felt necessary, received (which is in the model DTD) could be added as a child to srep-for-pub/srep-admin. Since other offices may outsource their search work, the EPO suggests to keep the tag generic.

Hence, the suggested implementation for item 2 is

```
received?, examiners? , srep-office? , date-search-completed , date-search-report-mailed?)>
```

Alternatively srep-info-admin could be modified or both structure could be modified.

Item 3: Add element supplementary-search-request-info

PFR Implementation:

```
new | transmitted | withdrawn ) #REQUIRED >
```

Information about the request is currently available in srep-request-date and srep-request-number under srep-info, the EPO suggest to gather all information under a new tag srep-request:

```
date-of-earliest-priority? , applicant-name , srep-established? , srep-protest-fees? , srep-request?
, srep-prior-art-docs* , srep-basis? , srep-claims-info? , srep-unity-of-invention? ,
srep-invention-title , srep-abstract , srep-figure-to-publish , srep-info-admin , srep-other-info? , text*))>
```

NEXT ACTION:	Comments
PROCHAINE ACTION :	Comments

BY:	13.06.2009
POUR LE :	

ANNEX V/ANNEXE V

If backwards compatibility is needed, the EPO suggests the following implementation of srep-info:

```
date-of-earliest-priority? , applicant-name , srep-established? , srep-protest-fees? , ( srep-
request? |
( srep-request-date? , srep-request-number? )) , srep-prior-art-docs* , srep-basis? , srep-
claims-info? ,
srep-unity-of-invention? , srep-invention-title , srep-abstract , srep-figure-to-publish , srep-
info-admin ,
srep-other-info? , text*))>
```

Although in production with the search report, those tags are not used by the EPO which therefore does not need backwards compatibility: The EPO therefore **favours the first implementation (without backwards compatibility) for reasons of conciseness.**

Item 4: Add element supplementary-search-info

PFR implementation:

isa is covered by srep-info/srep-info-admin/srep-office and/or srep-for-pub/srep-admin/srep-office.

The other two items are covered by items 2 and 3.

Hence the EPO suggests to cancel item 4.

New item 5: Update references-cited to enable sourcing the citations in a document

In the context of File Inspection and Register data, it is of importance to determine at which stage and/or who introduced a reference in the file.

Suggested implementation:

```
* ... )>
, date-search-report-mailed? , place-of-search? , searchreport-
publication? , searcher?))>

cited-in ( description | international-search-report |
supplementary-international-search-report |
international-type-search-report |
national-search-report | international-examination |
national-examination | applicant | opponent |
third-party ) #IMPLIED
office CDATA #IMPLIED >
```

Alternative references-cited and its cardinality is not modified and the attributes cited-in and office are added to the element citation.

[Annex VI follows /
L'annexe VI suit]

NEXT ACTION:	Comments	BY:	13.06.2009
PROCHAINE ACTION :	Comments	POUR LE :	

Comment by the International Bureau

Following the comments received to date regarding this proposal and the related PFR ST.36/09/004, the International Bureau has the following comments and suggestions:

- that the consultation period for this PFC should be extended until June 12th, 2009; and
- following the second comment from EPO, that the group consider whether this 'processing status information' would be better placed outside the wo-bibliographic-data XML structure and retained inside the XML for the International Application Status Report (IASR). This would leave the bibliographic-data and wo-bibliographic data elements unchanged.

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

NEXT ACTION:	Comments	BY:	13.06.2009
PROCHAINE ACTION :	Comments	POUR LE :	