

**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 (Modification of DTD for Priority Document Digital Access Service) SUJET : Modifications de la section 3.6 de l'appendice I de l'annexe F (modification de la DTD pour le service d'accès numérique aux documents de priorité) | | PROPOSED BY: IB PROPOSÉE PAR : | |
| HANDLING: Expedited cycle TRAITEMENT : Cycle accéléré | | PROPOSED DATE OF ENTRY INTO FORCE: 01.07.2012 DATE PROPOSÉE D'ENTRÉE EN VIGUEUR : | |
| ANNEX/ ANNEXE | CONTENT/CONTENU | ORIGIN/ ORIGINE | DATE |
| 1 | Modification of the request DTD with the addition of the optional specification of a Digital Access Service for priority documents (DAS) document access code | IB | 23.01.2012 |
| 2 | Comment | JP | 13.02.2012 |
| 3 | Comment | CN | 1.03.2012 |
| 4 | Comment | IB | 24.04.2012 |

[Annex I follows/
L'annexe I suit]

| | | | |
|---|--|---|--|
| NEXT ACTION: Entry into force PROCHAINE ACTION : Entrée en vigueur | | BY: 01.07.2012 POUR LE : | |
|---|--|---|--|

ANNEX I/ANNEXE I

**MODIFICATION OF THE REQUEST DTD WITH THE ADDITION OF THE OPTIONAL
SPECIFICATION OF A DIGITAL ACCESS SERVICE FOR PRIORITY DOCUMENTS
(DAS) DOCUMENT ACCESS CODE**

| | |
|--------------|--|
| 1-1) request | <p>Change:</p> <pre><!ELEMENT priority-claim (country , doc-number? , date , office-of-filing? , (priority-doc-requested priority- doc-attached priority-doc-from-library)? , restore- rights?)></pre> <pre><!ATTLIST priority-claim id ID #IMPLIED sequence CDATA #REQUIRED kind (national regional international) #REQUIRED ></pre> <p><!-- 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</p> <p>action-by attribute would indicate the office requested to retrieve the document (for PCT this can be the RO or IB, default IB)</p> <p>--></p> <pre><!ELEMENT priority-doc-from-library EMPTY></pre> <pre><!ATTLIST priority-doc-from-library library-identifier CDATA #IMPLIED action-by CDATA #IMPLIED ></pre> <p>To:</p> <pre><!ELEMENT priority-claim (country , doc-number? , date , office-of-filing? , (priority-doc-requested priority- doc-attached priority-doc-from-library)? , restore- rights?)></pre> <pre><!ATTLIST priority-claim id ID #IMPLIED sequence CDATA #REQUIRED kind (national regional international) #REQUIRED ></pre> <p><!-- 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</p> <p>action-by attribute would indicate the office requested to retrieve the document (for PCT this can be the RO or IB, default IB)</p> <p>priority-doc-access-code indicates, when present, the access code that the Office (or applicable Offices) should</p> |
|--------------|--|

NEXT ACTION:

Entry into force

BY:

01.07.2012

PROCHAINE ACTION :

Entrée en vigueur

POUR LE :

| | |
|----------------|---|
| | <p>use to obtain the priority document from the specified digital library</p> <pre>--> <!ELEMENT priority-doc-from-library EMPTY> <!ATTLIST priority-doc-from-library library-identifier CDATA #IMPLIED action-by CDATA #IMPLIED priority-doc-access-code CDATA #IMPLIED ></pre> |
| Items impacted | ST.36 element priority-claim, request.dtd, wo-bibliographic-data.dtd, wo-published-application.dtd, xx-patent-document.dtd |
| Reason | <p>This PFC addresses the requirements for additional fields in the PCT request form expressed in the PCT Circular 1327 sent for consultation on December 12, 2011.</p> <p>PFC 2009/005 enabled 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. This PFC enables applicants to specify the document access code for a document in a library in a request form.</p> <p>Both the action-by and document-access-code should remain optional, and the business validity of the data logic checked by the application.</p> <p>Regarding the name of the attribute, originally library-access-code was considered, but it was observed that the access code is really for the document in the identified library. The third part of the name 'code' was discussed, but was felt justified in its usage as it matched the business term. In the content of an element called priority-doc-from-library that is only used in the context of priority-claim it was concluded that the name priority-doc-access-code is specific enough to be obvious in its use while not precluding usage in national/regional procedures that access digital libraries for priority documents.</p> <p>This proposal is backward compatible and allows for a smooth transition from the current administrative arrangements, noting that in the future it might be possible to implement an XML model that implements some of the business rules for this data.</p> |

[Annex II follows/
L'annexe II suit]

| | | | |
|---------------------------|-------------------|------------------|------------|
| NEXT ACTION: | Entry into force | BY: | 01.07.2012 |
| PROCHAINE ACTION : | Entrée en vigueur | POUR LE : | |

ANNEX II/ANNEXE II

Comments from the Japan Patent Office

February 10, 2012

The Japan Patent Office (JPO) would appreciate your consideration of the following comments.

In regards to PCT Request form proposed in C. PCT 1327 preceding the Circular 1330 at issue, the JPO has already submitted its comments on amendments concerning requests by applicants to retrieve priority documents from digital libraries.

Among the comments that the JPO made, the JPO had the following comment in regards to Box No. VI of Form PCT/RO/101:

"In order to clearly distinguish applications of different IP types in a variety of application number systems of various countries as well as to avoid wrongly recognizing other application as priority document, an independent field to identify the IP type of priority document should be added, taking the provision in the draft of "DIGITAL ACCESS SERVICE (DAS) 2.0 BUSINESS REQUIREMENTS" proposed by WIPO into consideration."

In the event that the WIPO IB thinks it is unnecessary to add an independent/separate field to identify the IP type of priority documents in PCT/RO/101, even after taking into account the JPO's aforesaid comment, then the JPO has confirmed that there is no technical problem in the PCT/EF/PFC 12/001 proposal.

On the other hand, in the event that WIPO IB considers it is necessary to include the said field, the JPO feels that DTD should be amended in order to include "IP type."

[Annex III follows/
L'annexe III suit]

| | | | |
|---------------------------|-------------------|------------------|------------|
| NEXT ACTION: | Entry into force | BY: | 01.07.2012 |
| PROCHAINE ACTION : | Entrée en vigueur | POUR LE : | |

ANNEX III/ANNEXE III

Comments from the State Intellectual Property Office (SIPO) of China

World Intellectual Property Organization:

Your organization sent on January 23, 2012 C.PCT 1330 a Circular Letter that has been received at the Chinese State Intellectual Property Office (SIPO). After research, SIPO advises: For the convenience of the applicant to use the DAS, in the PCT international application the request to add the access code is necessary and feasible, the Office supports this revision.

[Annex IV follows/
L'annexe IV suit]

| | | | |
|---------------------------|-------------------|------------------|------------|
| NEXT ACTION: | Entry into force | BY: | 01.07.2012 |
| PROCHAINE ACTION : | Entrée en vigueur | POUR LE : | |

ANNEX IV/ANNEXE IV

Comments from the International Bureau

In view of, the comments in appendices II and III above, and the Circular C.PCT 1336 sent on March 16, 2012, where the consultation mentioned by the Japan Patent Office in Appendix II, the International Bureau concludes that the proposed changes are agreeable as first proposed in Appendix I of this PFC.

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

| | | | |
|---------------------------|-------------------|------------------|------------|
| NEXT ACTION: | Entry into force | BY: | 01.07.2012 |
| PROCHAINE ACTION : | Entrée en vigueur | POUR LE : | |