

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 PCT Demand DTD)	PROPOSED BY:	IB
SUJET :	Modifications de la section 3.6 de l'appendice I de l'annexe F (modification de la DTD pour la Demande PCT)	PROPOSÉE PAR :	

HANDLING:	Expedited cycle	PROPOSED DATE OF ENTRY INTO FORCE:	01.07.2014
TRAITEMENT :	Cycle accéléré	DATE PROPOSÉE D'ENTRÉE EN VIGUEUR :	

ANNEX/ ANNEXE	CONTENT/CONTENU	ORIGIN/ ORIGINE	DATE
1	Modification of the demand and related DTDs with the addition of elements and attributes for production usage for the current version of the PCT/IPEA/401 form	IB	26.02.2014
2	Correction to item1-5 to refer to the ipea-demand-receiving-info DTD	JP	10.03.2014
3	Comments	KR	18.03.2014
4	Comments	AU	25.3.2014
5	Comments	CN	2.04.2014
6	Comments	CL	14.4.2014
7	Comments	RU	15.04.2014
8	Comments	CH	17.04.2014
9	Comments	HU	17.04.2014
10	Comments	MD	22.04.2014

NEXT ACTION:	Entry into Force	BY:	01.07.2014
PROCHAINE ACTION :	Entrée en vigueur	POUR LE :	

10	Comments	EP	9.05.2014
11	Comments	GB	13.05.2014
12	Comments	IB	13.05.2014

[Annex I follows/
L'annexe I suit]

NEXT ACTION:	Entry into force	BY:	01.07.2014
PROCHAINE ACTION :	Entrée en vigueur	POUR LE :	

ANNEX I/ANNEXE I

MODIFICATION OF THE DEMAND AND RELATED DTDS WITH THE ADDITION OF
ELEMENTS AND ATTRIBUTES FOR PRODUCTION USAGE

1-1) demand checklist correction	<p>Change:</p> <pre><!-- Checklist; a letter is being furnished. See PCT/IPEA/401 box VI --> <!ELEMENT cl-letter EMPTY> <!ATTLIST cl-letter quantity CDATA #REQUIRED ></pre> <p>To:</p> <pre><!-- Checklist; a letter is being furnished. See PCT/IPEA/401 box VI --> <!ELEMENT cl-letter EMPTY> <!ATTLIST cl-letter quantity CDATA #REQUIRED <u>page-count CDATA #IMPLIED</u> ></pre>
Items impacted	demand.dtd (Annex F) ipea-demand-receiving-info (Annex F)
Reason	This change updates the DTDs in alignment with the latest PCT Form IPEA401, adding missing elements and attributes to enable implementation of the rendering of automatically processed Demand forms.

NEXT ACTION: Entry into Force PROCHAINE ACTION : Entrée en vigueur	BY: POUR LE : 01.07.2014
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<p>1-2) demand checklist correction</p>	<p>Change:</p> <pre><!-- Checklist; copy of amendments made under Article 19 is being furnished --> <!ELEMENT cl-copy-amendments-art19 EMPTY> <!ATTLIST cl-copy-amendments-art19 quantity CDATA #REQUIRED ></pre> <p>To:</p> <pre><!-- Checklist; copy of amendments made under Article 19 is being furnished --> <!ELEMENT cl-copy-amendments-art19 EMPTY> <!ATTLIST cl-copy-amendments-art19 quantity CDATA #REQUIRED <u>page-count CDATA #IMPLIED</u> ></pre>
<p>Items impacted</p>	<p>demand.dtd (Annex F) ipea-demand-receiving-info (Annex F)</p>
<p>Reason</p>	<p>This change updates the DTDs in alignment with the latest PCT Form IPEA401, adding missing elements and attributes to enable implementation of the rendering of automatically processed Demand forms.</p>

<p>NEXT ACTION: Entry into force</p>	<p>BY: 01.07.2014</p>
<p>PROCHAINE ACTION : Entrée en vigueur</p>	<p>POUR LE :</p>

<p>1-3) demand checklist correction</p>	<p>Add:</p> <pre> <!-- Checklist; a letter accompanying the amendments under Article 19 is being furnished. See PCT/IPEA/401 box VI --> <!ELEMENT cl-letter-art19 EMPTY> <!ATTLIST cl-letter-art19 quantity CDATA #REQUIRED page-count CDATA #IMPLIED > </pre>
<p>Items impacted</p>	<p>demand.dtd (Annex F) ipea-demand-receiving-info (Annex F)</p>
<p>Reason</p>	<p>This change updates the DTDs in alignment with the latest PCT Form IPEA401, adding missing elements and attributes to enable implementation of the rendering of automatically processed Demand forms.</p>

<p>NEXT ACTION: Entry into force</p>	<p>BY: 01.07.2014</p>
<p>PROCHAINE ACTION : Entrée en vigueur</p>	<p>POUR LE :</p>

<p>1-4) demand checklist correction</p>	<p>Change:</p> <pre><!-- PCT/IPEA/401 BOX No.IX Check List --> <!ELEMENT demand-check-list (cl-translation-of-application- demand? , cl-amendments-art34? , cl-copy-amendments-art19? , cl- copy-statement-art19? , cl-letter? , cl-fee-calculation? , cl- separate-power-of-attorney? , cl-general-power-of-attorney? , cl- copy-general-power-of-attorney? , cl-lack-of-signature? , cl- priority-document? , cl-sequence-listing? , cl-sequence-listing- table? , cl-other-document*)></pre> <p>To:</p> <pre><!-- PCT/IPEA/401 BOX No.IX Check List --> <!ELEMENT demand-check-list (cl-translation-of-application- demand? , cl-amendments-art34? , cl-copy-amendments-art19? , cl- copy-statement-art19? , <u>cl-letter-art19?</u>, cl-letter? , cl-fee- calculation? , cl-separate-power-of-attorney? , cl-general-power- of-attorney? , cl-copy-general-power-of-attorney? , cl-lack-of- signature? , cl-priority-document? , cl-sequence-listing? , cl- sequence-listing-table? , cl-other-document*)></pre>
<p>Items impacted</p>	<p>demand.dtd (Annex F)</p>
<p>Reason</p>	<p>This change updates the DTDs in alignment with the latest PCT Form IPEA401, adding missing elements and attributes to enable implementation of the rendering of automatically processed Demand forms.</p>

<p>NEXT ACTION:</p>	<p>Entry into force</p>	<p>BY:</p>	<p>01.07.2014</p>
<p>PROCHAINE ACTION :</p>	<p>Entrée en vigueur</p>	<p>POUR LE :</p>	

<p>1-5) demand checklist correction</p>	<p>Change: <!-- Checklist of items received with the demand by the International Preliminary Examination Authority --> <!ELEMENT ipea-check-list (cl-translation-of-application-demand? , cl-amendments-art34? , cl-copy-amendments-art19? , cl-copy-statement-art19? , cl-letter? , cl-other-document*)></p> <p>To: <!-- Checklist of items received with the demand by the International Preliminary Examination Authority --> <!ELEMENT ipea-check-list (cl-translation-of-application-demand? , cl-amendments-art34? , cl-copy-amendments-art19? , cl-copy-statement-art19? , <u>cl-letter-art19?</u> , cl-letter? , cl-other-document*)></p>
<p>Items impacted</p>	<p>ipea-demand-receiving-info (Annex F)</p>
<p>Reason</p>	<p>This change updates the DTDs in alignment with the latest PCT Form IPEA401, adding missing elements and attributes to enable implementation of the rendering of automatically processed Demand forms.</p>

<p>NEXT ACTION: Entry into force</p>	<p>BY: 01.07.2014</p>
<p>PROCHAINE ACTION : Entrée en vigueur</p>	<p>POUR LE :</p>

<p>1-6) demand fee receiving information correction</p>	<p>Change: <!ELEMENT ipea-demand-receiving-info (ipea , received-at-ipea , ipea-info , ipea-check-list , signatories?)></p> <pre><!ATTLIST ipea-demand-receiving-info lang CDATA #REQUIRED dtd-version CDATA #IMPLIED file CDATA #IMPLIED date-produced CDATA #IMPLIED ipea CDATA #REQUIRED status CDATA #IMPLIED ></pre> <p>To: <!ELEMENT ipea-demand-receiving-info (ipea , received-at-ipea , ipea-info , ipea-check-list , <u>ipea-fee-info?</u>, signatories?)></p> <pre><!ATTLIST ipea-demand-receiving-info lang CDATA #REQUIRED dtd-version CDATA #IMPLIED file CDATA #IMPLIED date-produced CDATA #IMPLIED ipea CDATA #REQUIRED status CDATA #IMPLIED ></pre> <p><u><!-- Information written in "For International Preliminary Examining Authority use only" of FEE CALCULATION SHEET - Annex to the Demand (IPEA401) --></u></p> <p><u><!-- IPEA's note regarding with Preliminary Examination Fee of FEE CALCULATION SHEET of Chapter II Demand. --></u></p> <p><u><!-- IPEA's note regarding with Handling Fee of FEE CALCULATION SHEET of Chapter II Demand. --></u></p> <p><u><!-- IPEA's note regarding with Amount Total of FEE CALCULATION SHEET of Chapter II Demand. --></u></p> <p><!ELEMENT ipea-fee-info (received-at-ipea, ipea-preliminary-examin-fee-info?, ipea-handling-fee-info?, ipea-amount-total-info?)></p> <p><!ELEMENT ipea-preliminary-examin-fee-info (#PCDATA)></p> <p><!ELEMENT ipea-handling-fee-info (#PCDATA)></p> <p><!ELEMENT ipea-amount-total-info (#PCDATA)></p>
<p>Items impacted</p>	<p>ipea-demand-receiving-info (Annex F)</p>
<p>Reason</p>	<p>This change updates the DTDs in alignment with the latest PCT Form IPEA401, adding missing elements and attributes to enable implementation of the rendering of automatically processed Demand forms.</p>

[Annex II follows/
L'annexe II suit]

<p>NEXT ACTION:</p>	<p>Entry into force</p>	<p>BY:</p>	<p>01.07.2014</p>
<p>PROCHAINE ACTION :</p>	<p>Entrée en vigueur</p>	<p>POUR LE :</p>	

Comments by the Japan Patent Office

1. PFC

In 1-5) of page 5, "item impacted" should be "ipea-demand- receiving-info" instead of "demand.dtd".

2. demand.dtd

(1) The version in the opening comment of the DTD should be "v1.7" instead of "v1.6".

(2) The "revision history" in the opening comment of the DTD is not updated. It is necessary to write what has been updated.

3. ipea-demand-receiving-info.dtd

(1) The version in the opening comment of the DTD should be "v1.4" instead of "v1.3".

(2) The "revision history" in the opening comment of the DTD is not updated. It is necessary to write what has been updated.

(3) In the comment of the "ipea-preliminary-examin-fee-info" tag, there is a spelling error of "Preliminari" which should read "Preliminary".

[Annex III follows/
L'annexe III suit]

NEXT ACTION:	Entry into Force	BY:	01.07.2014
PROCHAINE ACTION :	Entrée en vigueur	POUR LE :	

Comments by the Korean Intellectual Property Office (KIPO)

Our main conclusion is that KIPO is processing the IPEA data in image format(TIFF) now, and therefore does not have any opinion on the DTD form.

In addition, since KIPO has not had many PCT cases related with the IPEA, we are not likely to change our current PCT systems in order to process data in XML for the time being.

Once again, thank you for your cooperation on PCT between WIPO and KIPO.

[Annex IV follows/
L'annexe IV suit]

NEXT ACTION:	Entry into Force	BY:	01.07.2014
PROCHAINE ACTION :	Entrée en vigueur	POUR LE :	

Comments by the Australian Patent Office

In response to PCT Circular 1406, I advise that IP Australia supports the changes to PCT Annex F as proposed in the circular. We have no further comments.

[Annex V follows/
L'annexe V suit]

NEXT ACTION:	Entry into Force	BY:	01.07.2014
PROCHAINE ACTION :	Entrée en vigueur	POUR LE :	

Comments by the State Intellectual Property Office of the People's Republic of China (SIPO)

With regard to the C.PCT1406, our experts from SIPO have studied the modifications carefully, and we have no objection to the modification of PCT Demand DTD.

[Annex VI follows/
L'annexe VI suit]

NEXT ACTION:	Entry into Force	BY:	01.07.2014
PROCHAINE ACTION :	Entrée en vigueur	POUR LE :	

Comments by the National Institute of Industrial Property (Chile)

According to the requirements of Circular PCT 1406, concerning proposals for changing the Standard for the Filing and Processing in Electronic Form of International Applications (Annex F of the Administrative Instructions under the PCT), we don't have comments on this issue, because it is a matter of technical IT, that doesn't raise any objection.

[Annex VII follows/
L'annexe VII suit]

NEXT ACTION: Entry into Force	BY:	01.07.2014
PROCHAINE ACTION : Entrée en vigueur	POUR LE :	

ANNEX VII/ANNEXE VII

Comments by the Federal Service For Intellectual Property (ROSPATENT) (Russian Federation)

The Federal Service for Intellectual Property (ROSPATENT) doesn't have any comments on the proposals mentioned in Circular C.PCT 1406.

[Annex VIII follows/
L'annexe VIII suit]

NEXT ACTION:	Entry into Force	BY:	01.07.2014
PROCHAINE ACTION :	Entrée en vigueur	POUR LE :	

Comments by the Swiss Federal Institute of Intellectual Property

Nous vous remercions pour l'envoi de la circulaire susmentionnée. Par la présente, nous aimerions vous informer que nous n'avons pas de remarques à ce sujet.

[Annex IX follows/
L'annexe IX suit]

NEXT ACTION:	Entry into Force	BY:	01.07.2014
PROCHAINE ACTION :	Entrée en vigueur	POUR LE :	

Comments by the State Agency on Intellectual Property (Republic Of Moldova)

On behalf of the State Agency on Intellectual Property of the Republic of Moldova (AGEPI), please be informed that proposed changes to Annex F and its appendices of PCT Administrative Instructions have been carefully examined and approved, consequently presents no any additional comments.

[Annex X follows/
L'annexe X suit]

NEXT ACTION:	Entry into Force	BY:	01.07.2014
PROCHAINE ACTION :	Entrée en vigueur	POUR LE :	

Comments by the Hungarian Intellectual Property Office (HIPO)

With reference to Circular C. PCT 1406 on proposals for change to the Standard for the Filing and Processing in Electronic Form of International Applications (Annex F of the Administrative Instructions under the PCT), please kindly be inform that on behalf of the Hungarian Intellectual Property Office the changes are acknowledged and no comments are made.

[Annex XI follows/
L'annexe XI suit]

NEXT ACTION:	Entry into Force	BY:	01.07.2014
PROCHAINE ACTION :	Entrée en vigueur	POUR LE :	

Comments by the European Patent Office

Our view is that cl-letter-art19 is not a different type, but a sub-type of cl-letter and thus, it would make sense to combine it with cl-letter. To mark this subtype the developers would only have to add a checkbox in the UI, and an attribute in the XML document, instead of having to implement a separate procedure to enter cl-letter-art19. For the user it would also be a more logical process (typing or attaching the letter and then checking the box) rather than having to think beforehand whether it's cl-letter-art19 or cl-letter. That's why I think that it would be less error prone.

This solution is also backward compatible, so it shouldn't be a problem to implement.

[Annex XII follows/
L'annexe XII suit]

NEXT ACTION:	Entry into Force	BY:	01.07.2014
PROCHAINE ACTION :	Entrée en vigueur	POUR LE :	

Comments by the Intellectual Property Office (United Kingdom)

The Intellectual Property Office (United Kingdom), noting that the Demand form is associated with Chapter II of the PCT and is thus not processed by the UK IPO in its capacity as a receiving Office dealing with Chapter I, has no comments on the proposal.

[Annex XIII follows/
L'annexe XIII suit]

NEXT ACTION:	Entry into Force	BY:	01.07.2014
PROCHAINE ACTION :	Entrée en vigueur	POUR LE :	

ANNEX XIII/ANNEXE XIII

Comments from the International Bureau

The International Bureau would like to express its thanks to the Offices that have reviewed the proposal and provided comments.

In respect of the comments received:

- a. from the Japan Patent Office (JPO)
The International Bureau has updated the reference to the DTD under item 1-5 and will update the draft DTDs to include the relevant change information comments and allocate the new version numbers; and,
- b. from the European Patent Office (EPO)
The International Bureau has taken note of the merits of the suggestion of an alternative means of implementation from the EPO, but takes the view that the original proposal is that which is more consistent with the existing design, and thus, having discussed the proposals with experts from EPO, will continue with the original proposal.

Thus, with no controversial comments outstanding the International Bureau will adopt the proposal for entry into force on July 1, 2014.

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

NEXT ACTION:	Entry into Force	BY:	01.07.2014
PROCHAINE ACTION :	Entrée en vigueur	POUR LE :	