

WORLD INTELLECTUAL PROPERTY  
ORGANIZATION

世界知识产权组织

ORGANIZACION MUNDIAL  
DE LA PROPIEDAD INTELECTUAL



ORGANISATION MONDIALE  
DE LA PROPRIÉTÉ INTELLECTUELLE

المنظمة العالمية للملكية الفكرية

ВСЕМИРНАЯ ОРГАНИЗАЦИЯ  
ИНТЕЛЛЕКТУАЛЬНОЙ СОБСТВЕННОСТИ

C. PCT 861  
-08.13

The International Bureau of the World Intellectual Property Organization  
./ (WIPO) presents its compliments and has the honor to transmit herewith  
documents PCT/CTC/20/1 Rev., PCT/CTC/20/2 Add.1 and PCT/CTC/20/4,  
prepared for the twentieth session of the *PCT Committee for Technical  
Cooperation* (PCT/CTC), which will be held in Geneva, at the headquarters of  
WIPO, from September 23 to October 1, 2002. *Fr*

August 27, 2002

Enclosures: documents PCT/CTC/20/1 Rev., 2 Add.1 and 4

# WIPO



PCT/CTC/20/1 Rev.  
ORIGINAL: English  
DATE: August 27, 2002

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WORLD INTELLECTUAL PROPERTY ORGANIZATION  
GENEVA

INTERNATIONAL PATENT COOPERATION UNION  
(PCT UNION)

PCT COMMITTEE FOR TECHNICAL COOPERATION

Twentieth Session  
Geneva, September 23 to October 1, 2002

REVISED DRAFT AGENDA

*prepared by the Director General*

1. Opening of the session
2. Election of a Chair and two Vice-Chairs
3. Adoption of the agenda (See the present document.)
4. Advice to the Assembly of the PCT Union on the request of the Canadian Commissioner of Patents to be appointed as International Searching Authority and as International Preliminary Examining Authority (See documents PCT/CTC/20/2 and PCT/CTC/20/2 Add.1.)
5. Advice to the Assembly of the PCT Union on the request of the National Board of Patents and Registration of Finland to be appointed as International Searching Authority and as International Preliminary Examining Authority (See document PCT/CTC/20/3.)
6. PCT Minimum documentation (See document PCT/CTC/20/4.)
7. Adoption of the report of the session
8. Closing of the session

[End of document]

# WIPO



PCT/CTC/20/2 Add.1  
ORIGINAL: English  
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Twentieth Session

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ADVICE TO THE ASSEMBLY OF THE PCT UNION ON THE REQUEST OF THE  
CANADIAN COMMISSIONER OF PATENTS TO BE APPOINTED AS  
INTERNATIONAL SEARCHING AUTHORITY AND AS INTERNATIONAL  
PRELIMINARY EXAMINING AUTHORITY;  
SUPPLEMENTARY INFORMATION

*Document prepared by the International Bureau*

1. Further to the letter of July 5, 2002 (see document PCT/CTC/20/2), the Canadian Commissioner of Patents, in a letter dated August 22, 2002, has asked that a table of the PCT minimum documentation currently not available or accessible at the Canadian Intellectual Property Office (CIPO) be made available to the Committee. That letter and the accompanying table are reproduced as an Annex to this document.<sup>1</sup>

2. *The Committee is invited to note the information contained in the Annex to this document.*

[Annex follows]

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<sup>1</sup> Working documents for sessions of the Assembly and the Committee for Technical Cooperation are accessible via WIPO's Web site at <http://www.wipo.int/pct/en/meetings>.

ANNEX

August 22, 2002

Dr. Kamil Idris  
Director General  
World Intellectual Property Organization  
34, chemin des Colombettes  
1211 Geneva 20  
SWITZERLAND

Dear Dr. Idris:

In my letter of July 5, 2002, I had expressed my desire to have the Canadian Intellectual Property Office (CIPO) considered for approval from the appropriate bodies of the World Intellectual Property Organization for status as an International Searching Authority (ISA) and as an International Preliminary Examining Authority (IPEA) under the Patent Cooperation Treaty (PCT).

In addition to the letter, a detailed submission in support of our request was enclosed, and these two documents were reproduced as an Annex to document PCT/CTC/20/2. In paragraph 33 of the submission CIPO stated that while it currently possesses or has access to an extensive number of patent related documents, there exists a limited number of documents which form part of the minimum documentation required under Rule 34 of the PCT but which are not presently accessible by Canadian patent examiners.

To further elaborate upon this point, CIPO has prepared the attached table which indicates the type, year and country or regional office of origin of the missing documents and an approximation of the volumes. I would ask that you include this table as an addendum to document PCT/CTC/20/2.

CIPO has initiated discussions with several foreign patent offices regarding the acquisition of the missing documentation in the most efficient and timely manner possible.

Thank you once again for your assistance in this matter and I look forward to seeing you in September.

Yours sincerely,

(signed)

David Tobin  
Commissioner of Patents, Registrar of  
Trade-marks and Chief Executive Officer

**PCT Minimum Documentation Currently not Available or Accessible at CIPO**

(August, 2002)

Country	Document type	Years missing	Approximate number
Organisation africaine de la propriété intellectuelle	Patents	1979-2002	7500
African Regional Industrial Property Organization	Patents	1985-2002	1000
Australia	Patents	1979-2002	30000
	Publications	1970-1975	4000
Austria	Patents	1920-1950	–
	Utility Models	1994-2000	3016
Eurasian Patent Office	Publications	1996-2002	5000
	Patents	1997-2002	2000
Former Reichspatentamt of Germany	Patents	1920-1945	452617
France	Publications	1969	40000
Germany	Non-examined Patent Applications	1958-2002	1500000
	Examined Patent Applications	1957-1962	100000
	Patents and Patents of Addition	1948-2002	1100000
	DD-A Documents	1990-1999	19008
	DD-B, DD-C Documents	1990-1999	3578
Russian Federation	Patent Applications (Old numbering)	1993-2002	300
	Patent Applications (New numbering)	1993-2002	150000
	Patents	1993-2002	200000
	Utility Models	1994-2002	20000
Country	Document type	Years missing	Approximate number
(Former) Soviet Union	Inventor's Certificates and Patents	1924-2000	1200000
Switzerland	Examined Applications (Textiles and Horology)	1962-2002	6000
	Patents and Patents of Addition	1920-1943	147569

[End of Annex and of document]

# WIPO



PCT/CTC/20/4  
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WORLD INTELLECTUAL PROPERTY ORGANIZATION  
GENEVA

**INTERNATIONAL PATENT COOPERATION UNION  
(PCT UNION)**

**PCT COMMITTEE FOR TECHNICAL COOPERATION**

**Twentieth Session  
Geneva, September 23 to October 1, 2002**

PCT MINIMUM DOCUMENTATION

*Document prepared by the International Bureau*

1. Article 56(3) of the Patent Cooperation Treaty (PCT) states, *inter alia*, that “[t]he aim of the [Committee for Technical Cooperation (“the PCT/CTC”)] shall be to contribute, by advice and recommendations: [...] (ii) to the securing, so long as there are several International Searching Authorities and several International Preliminary Examining Authorities, of the maximum degree of uniformity in their documentation and working methods and the maximum degree of uniformly high quality in their reports.”
2. PCT Article 15(4) states that “[t]he International Searching Authority [...] shall endeavor to discover as much of the relevant prior art as its facilities permit, and shall, in any case, consult the documentation specified in the Regulations.” PCT Rule 34 (“Minimum Documentation”) contains the definition of the documentation referred to in Article 15(4).
3. Recent developments in two areas have an impact on the definition of the PCT minimum documentation and may require consideration by the PCT/CTC. These developments concern first, traditional knowledge-related periodicals and databases, and, secondly, the use of databases in certain technical fields, as a supplement to paper-based non-patent literature specified in the PCT minimum documentation.

*Traditional knowledge-related periodicals and databases*

4. There have been a number of highly publicized incidents in which it has been alleged that patents have been granted to inventions which have been anticipated in traditional knowledge systems. Such traditional knowledge systems include both formal, recorded systems and informal systems in which knowledge is held and passed on within a particular community and often subject to customary protocols within that community.

5. Several efforts are underway to attempt to create a better interface between the patent system and traditional knowledge systems in order to ensure that the principle of universal novelty, which forms the basis of the international patent system, is fully respected. One such effort is taking place within the framework of the Special Union for the International Patent Classification (IPC Union), where the IPC Committee of Experts has established a Task Force on Classification of Traditional Knowledge responsible for the investigation of existing classification tools for traditional knowledge and their relationship to the IPC. The Task Force has, in a preliminary report to the Committee of Experts, recommended that the most efficient way of developing classification tools for traditional knowledge would be their integration into the IPC. At its thirty-first session (February 25 to March 1, 2002), the Committee of Experts endorsed this recommendation and instructed the Task Force to continue its work and to prepare, by the end of 2002, an IPC revision proposal regarding classification of traditional knowledge documentation (see document IPC/CE/31/8, paragraphs 36 to 40).

6. A second effort has emerged in the work of the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (“the IGC”), which, at its first session (April 30 to May 3, 2001), expressed support for a work program comprising, *inter alia*, the following items (see document WIPO/GRTKF/IC/1/3, paragraphs 1, 2 and 80):

1.1 Examination of the ways in which traditional knowledge-related documentation that was already disclosed and available to the public may be more effectively integrated into searchable prior art, in particular into classified, searchable sources of non-patent literature.

1.2 “Task B.3: The Member States may wish to consider revising existing criteria and developing new criteria which would allow the effective integration of traditional knowledge documentation into searchable prior art.”

7. At its second session (December 10 to 14, 2001), the IGC:

(i) considered a Progress Report on the Status of Traditional Knowledge as Prior Art (see document WIPO/GRTKF/IC/2/6, paragraph 80) and, *inter alia*:

(ii) expressed support for the compilation of an inventory of existing traditional knowledge-related periodicals and agreed that, once such inventory had been compiled, it might recommend that certain of those periodicals be considered by the International Searching Authorities for integration, as non-patent literature, into the minimum documentation list under the Patent Cooperation Treaty (PCT) (see document WIPO/GRTKF/IC/2/16, paragraph 154);

(iii) expressed support for a study on the feasibility of electronic exchange of traditional knowledge documentation data, including through the establishment of international online traditional knowledge databases and digital libraries (Activity 4, Task B.3) (see document WIPO/GRTKF/IC/2/16, paragraph 157).

8. At its third session (June 13 to 21, 2002), the IGC has confirmed the above and noted that the inventories in question have been compiled and are ready for submission to the PCT/CTC; these inventories are the “Non-Exhaustive Inventory of Traditional Knowledge-Related Periodicals” and the “Non-Exhaustive Inventory of Traditional Knowledge-Related Databases” (for background, see documents WIPO/GRTKF/IC/3/5 (in particular, paragraphs 9 and 21) and 6).

*Certain databases in various technical fields*

9. If the PCT/CTC is considering the revision of the content of the PCT minimum documentation, it may wish to take advantage of the opportunity also to examine the growing use of certain databases by patent examiners. Such databases offer one means of contributing to the improvement of the quality of international searches, a subject that has been considered to be of great importance within the context of the ongoing reform of the PCT. Indeed, with the wider availability of the Internet in general in industrial property Offices and the availability of certain technical documents only on the Internet, it has become essential to address the issue of the composition of the non-patent literature part of the PCT minimum documentation as currently defined in PCT Rule 34.

10. It is proposed that the PCT/CTC recommend to the Assembly of the PCT Union that the Meeting of International Authorities under the PCT (PCT/MIA), comprising all International Searching Authorities and International Preliminary Examining Authorities, study this matter at its next sessions, the first of which is expected to be held in December 2002, and give a recommendation to the PCT/CTC on proposed modifications of PCT Rule 34 and proposed mechanisms for reviewing and maintaining the non-patent literature part of the PCT minimum documentation.

*11. The PCT/CTC is invited to note the contents of this document and to consider the proposed recommendation contained in paragraph 10, above.*

[End of document]