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PCT/AAQ/VIII/15

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ADDENDUM TO DOCUMENT PCT/AAQ/VIII/5

Communication received from the
International Patent Institute (IIB)

The International Bureau has received the annexed letter, dated August 15, 1977, from the International Patent Institute (IIB), transmitting a report on its experience gained in using the European search report forms.

[Annex follows]



PCT/AAQ/VIII/15
ANNEX
INSTITUT INTERNATIONAL DES BREVETS

TÉLÉPHONE:

906789

ADRESSE TÉLÉGRAPHIQUE:

BREVPATENT

TÉLEX No. 31.651

ADRESSE:

PATENTLAAN 2, RIJSWIJK (Z.H.)
(PAYS-BAS)

Mr. M. HADDRICK,
Head PCT Section;
WIPO,
32, Chemin des Colombettes,
1211-GENEVE 20-SUISSE.

JVV/MB.

RIJSWIJK (Z.H.), le August 15, 1977.

Dear Mr. Haddrick,

At the meeting of the Working Group on Guidelines for Publication and for Drawings, held from February 21 to 25, 1977, the I.I.B. was requested to submit a brief report on its experience gained in using the European search report forms which report could be considered by the AAQ at its forthcoming meeting.

Please find annexed the report in question for transmission to the members of the AAQ.

Yours sincerely,

J.A.H. Van Voorthuizen.
Dep. Technical Director.

1. At the first session of the Working Group on Guidelines for Publication and for Drawings, held from February 21 to 25, 1977 in Geneva, the I.I.B. was requested to submit to the PCT Interim Advisory Committee for Administrative Questions for consideration at its autumn meeting, a brief report on the experience gained in using search report forms of the european type to record the results of the searches performed for the dutch, french and swiss patent offices.
2. It should be noted that strictly speaking the I.I.B. has not applied the european procedure but a very analogous one, based on the european search guidelines, slightly modified to take into account the requirements of the national procedures of the abovementioned national offices. In particular the publication of the search report does not form part of the I.I.B.'s responsibilities. Therefore this report deals only with the purely administrative aspects of the utilisation of forms of the type referred to.
3. The main disadvantage of the international search report form as discussed at the meeting of the Working Group (PCT/ISA/210) is that its publication in the form as proposed leads to a duplication of data already appearing on the front page and to the printing of at least two pages. This fact has been recognized by the Working Group, see its report (document PCT/WG/PGD/1/7 § 50).
4. This disadvantage is overcome by the european procedure but as a consequence a difference in the lay-out and contents exists between the form to be filled out by the examiner and the form as it is sent to the applicant and is published, which means that the typists need precise instructions as to what parts of the examiners' manuscript are to be copied in the search report and what parts are to be copied in the accompanying letter to the applicant (comparable to PCT/ISA/220, but with additional information as to unity of invention, subjects not searched because excluded from patentability or being obscure, communications concerning title, abstract and figure to be published).
5. After having treated about 16.000 applications using the new forms, it can be stated that after a short training period the typists and other administrative staff (totalling about 30 persons) do not experience any difficulties in the use of forms of the european type, in particular not with the rearrangement of the contents of the reports written by the examiners. Instructions were only given orally, written instructions were not found necessary.
6. In the course of the "PCT test program" it was found that the use of the proposed PCT search report form did not present particular problems to the examiners having performed the test searches. The same conclusion can be drawn from the experience gained with the european forms. In as far as problems arose these concerned mainly the interpretation of the guidelines for filling out the forms (Ch. X of part B of the european guidelines, corresponding more or less to Sections 503 to 508 of the PCT Administrative Instructions). One clear wish was expressed by the examiners however, namely to have available on the manuscript form as much space as possible for the information which it is required to record, so as to avoid the necessity for adding supplemental sheets. The use of separate forms for the examiners' manuscript and the search report to be transmitted permits an easy adaptation of the first one to meet such needs.
7. An additional advantage of such a system with separate forms is that it also permits an easy adaptation of the examiners' manuscript form to internal requirements of the Office. This may be useful for example if it is desired to record additional information either for future reference by examiners or for administrative purposes or if it is desired to use the PCT form also for national searches.
8. Although the international search report form to be transmitted to the applicant and to the International Bureau must be mandatory, there appears to be no need for a mandatory examiners' manuscript form, as this form would constitute a form for internal use in the I.S.A. only.

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