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WORLD INTELLECTUAL PROPERTY ORGANIZATION GENEVA

PATENT COOPERATION TREATY

INTERIM ADVISORY COMMITTEE FOR ADMINISTRATIVE QUESTIONS

Eighth Session

Geneva, October 10 to 18, 1977

FORM OF PUBLICATION OF THE INTERNATIONAL SEARCH REPORT

Study prepared by the International Bureau

Background of this document

1. At its seventh session, held in Geneva from November 1 to 8, 1976, the Patent Cooperation Treaty (PCT) Interim Advisory Committee for Administrative Questions (hereinafter referred to as "the Interim Committee") considered a draft of the Guidelines for Publication under that Patent Cooperation Treaty (PCT) and discussed, in this context, the question of the form of publication of the international search report in relation with a proposal of the Secretariat of the Interim Committee of the European Patent Organisation as contained in document PCT/AAQ/VII/16.

2. The Interim Committee, in its session referred to above, had only a general discussion on the subjects referred to above and decided to establish the PCT Working Group on Guidelines for Publication and for Drawings (hereinafter referred to as "the Working Group") mainly "for the purpose of assisting in the establishing of the Guidelines for Publication and Guidelines for Drawings" (see document PCT/AAQ/VII/19, paragraph 138).

3. In addition to that the Interim Committee noted that the majority of the members represented at the session was in favor of referring the question of the form of publication of the international search report and the proposal submitted by the Secretariat of the Interim Committee of the European Patent Organisation to the Working Group. However, taking into account the reservations expressed during the discussions, the Interim Committee asked the Working Group to give priority to its primary mandate concerning the draft Guidelines and to base its work first on the existing international search report form before considering the modified form contained in document PCT/AAQ/VII/16 as a possible alternative. The Interim Committee decided, furthermore, that this study should not result in any delay in the publication of the Administrative Instructions and the Forms once they had been revised, taking into account the proposals of the Interim Committee at its said seventh session.

4. The Working Group, in its session in Geneva from February 21 to 25, 1977, discussed the question of the form of publication of the international search report and analyzed the advantages and disadvantages of the two kinds of search report forms contained respectively in documents PCT/AAQ/VII/9 (existing International Search Report Form--PCT/ISA/210) and PCT/AAQ/VII/16 (proposal by the Secretariat of the Interim Committee of the European Patent Organisation). The Working Group recognized that the use of Form PCT/ISA/210 for publication purposes would lead to a duplication of the bibliographic data appearing on the front

page of the pamphlet and that the elimination of duplicative material would allow not only economies but also a more acceptable presentation of the material for the user. At the same time, the Working Group recognized that the approach proposed in document PCT/AAQ/VII/16 was not compatible with the requirements of the Regulations under the PCT and could therefore only be implemented after the necessary amendments to the Regulations had been made.

5. In view of the foregoing considerations, the Working Group suggested that the International Bureau undertake a study with the objective of presenting to the Interim Committee, at its eighth session, an alternative version of the International Search Report Form, meeting the objectives of the proposal contained in document PCT/AAQ/VII/16, and of submitting, at the same time, proposals with respect to any amendments to the Regulations which would seem to be a necessary prerequisite for the adoption of that alternative version (see the report of the session of the Working Group, document PCT/WG/GPD/I/7, paragraphs 49 to 53).

6. The study contained in the present document has been prepared by the International Bureau pursuant to the suggestion of the Working Group.

Study of the Form of Publication of the International Search Report

7. The present study has the objective of presenting an alternative International Search Report Form which would provide, by comparison with the existing Form, the following advantages identified by the Working Group as the objectives of the proposal contained in document PCT/AAQ/VII/16:

(i) non-duplication, upon publication of the international search report, of the information (bibliographic data and abstract) appearing on the front page of the pamphlet;

(ii) savings in publication costs in terms of the number of printed pages;

(iii) reduced volume of the pamphlet expressed in terms of the total number of sheets to be printed;

(iv) improved presentation of the information for the user.

8. In carrying out the present study the International Bureau has, however, also taken into account the following considerations:

(a) While, on the one hand, it would be advisable to avoid the duplication of some information between the front page of the pamphlet and the international search report as published in the pamphlet, it would seem, on the other hand, that the mere deletion of this information from the international search report, where it is handled as a separate document, would represent a drastic reduction of the information (specified in PCT Rules 43 and 44) exchanged between various authorities (e.g., the communication to designated Offices under Article 20 would not, in certain circumstances, include the text of the abstract as established by the International Searching Authority).

(b) The parties concerned, namely the International searching Authority, the International Bureau and the applicant, should deal with the same document; this would avoid confusion in the communications between the parties when a reference is made to "the international search report."

(c) The International Searching Authority should only be bound to prepare one kind of international search report; this would permit avoidance of a considerable amount of retyping and proofreading work; furthermore, it is highly advisable to avoid any risk of discrepancy between the international search report transmitted to the applicant and the international search report published as a part of the pamphlet.

9. An attempt has been made to take into account the criteria set forth in paragraphs 7 and 8 above in suggesting a single international search report form which would contain the information provided for in PCT Rules 43 and 44 while lending itself to a restriction of the publication to non-duplicative material (i.e., information not contained in the front page of the pamphlet). The suggested international search report form would consist of a four sheet form organized in such a way that the non-duplicative information, to be contained in the published international search report, would appear on the last two sheets of the form

(second sheet and supplemental sheet (2)). These two last sheets would be separated from the form and reproduced for the purposes of publication. This suggested four-sheet international search report form is illustrated in Annex A to the present document.

10. The arrangement of the suggested international search report form is the following:

(a) First sheet: Heading, bibliographic information required by PCT Rules 43 and 44 which also appears on the front page of the pamphlet (duplicative information), title and abstract as established by the International Searching Authority and an indication of whether certain claims were found unsearchable and/or unity of invention is lacking.

(b) Supplemental Sheet (1): Continuation of the text of the abstract, if there is not enough room for the totality of the abstract on the first sheet (it should be noted that the space provided on the first sheet for the text of the abstract is sufficient for abstracts comprising 200 words, which is above the preferred range set forth in PCT Rule 8.1(b); consequently, supplemental sheet (1) would be used only in rare cases).

(c) Second Sheet: Heading "International Search Report" (repeated for the purposes of publication), classification of the subject matter of the international application, fields searched, documents considered to be relevant and certification.

(d) Supplemental Sheet (2): Observations where certain claims were found unsearchable and observations concerning lack of unity of invention.

11. Such an arrangement would permit the inclusion in the international publication of the information contained in the second sheet and supplemental sheet (2) of the international search report without retyping a particular form (the last sheet and supplemental sheet (2) would merely be separated from the rest of the search report and printed on a single sheet, recto-verso). Supplemental sheet (2) would not be published, except where the questions of lack of unity of invention and/or non-meaningful search are raised by the International Searching Authority. The international search report published in the pamphlet would comprise one page only except where these matters are raised. Since the Working Group suggested that the drawings should be printed recto only, the international search report, which follows the drawings, will be printed on a new sheet, either recto verso if the questions of lack of unity of invention and/or non-meaningful search are raised, or recto only in the other situation.

12. It should be noted that the solution suggested above would require amendments of the Rules of the Regulations under the PCT dealing with the publication of the international application (i.e., PCT Rules 48.2 and 48.3(c)), whereas the Rules establishing the contents of the international search report would not need to be modified. The suggested amendments of Rules 48.2 and 48.3(c) are reproduced in Annex B to the present document.

[Annexes follow]

PCT/AAQ/VIII/5
ANNEX A/ANNEXE A

SAMPLE REVISED INTERNATIONAL SEARCH REPORT
REFERRED TO IN PARAGRAPH 9

Since the PCT Forms annexed to the Administrative Instructions exist at present only in English, the revised form of the International Search Report contained in this annex is presented in that language.

SPECIMEN D'UN RAPPORT DE RECHERCHE INTERNATIONALE REVISE
MENTIONNE AU PARAGRAPHE 9

Les formulaires du PCT reproduits à titre d'annexe aux instructions administratives n'existant actuellement qu'en langue anglaise, la version révisée du formulaire de rapport de recherche internationale illustrée à la présente annexe est également présentée dans cette même langue.

ABSTRACT (continued)

INTERNATIONAL SEARCH REPORT

I. CLASSIFICATION OF SUBJECT MATTER (if several classification symbols apply, indicate all) ³				
According to International Patent Classification (IPC) or to both National Classification and IPC				
II. FIELDS SEARCHED				
Minimum Documentation Searched ⁴				
Classification System	Classification Symbols			
Documentation Searched other than Minimum Documentation to the Extent that such Documents are Included in the Fields Searched ⁵				
III. DOCUMENTS CONSIDERED TO BE RELEVANT ¹⁴				
Category *	Citation of Document, ¹⁶ with indication, where appropriate, of the relevant passages ¹⁷	Relevant to Claim No. ¹⁸		
<p>* Categories of cited documents: ¹⁵</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;"> <p>"A" (document defining the general state of the art)</p> <p>"E" (earlier document but published later than the international filing date)</p> <p>"L" (document cited for other reasons)</p> <p>"O" (document referring to an oral disclosure, use, exhibition or other means)</p> </td> <td style="width: 50%; border: none;"> <p>"P" (document published prior to the international filing date but later than the priority date claimed)</p> <p>"T" (later document published after the International filing date or priority date and not in conflict with the application, but cited to understand the principle or theory underlying the invention)</p> <p>"X" (document of particular relevance)</p> </td> </tr> </table>			<p>"A" (document defining the general state of the art)</p> <p>"E" (earlier document but published later than the international filing date)</p> <p>"L" (document cited for other reasons)</p> <p>"O" (document referring to an oral disclosure, use, exhibition or other means)</p>	<p>"P" (document published prior to the international filing date but later than the priority date claimed)</p> <p>"T" (later document published after the International filing date or priority date and not in conflict with the application, but cited to understand the principle or theory underlying the invention)</p> <p>"X" (document of particular relevance)</p>
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IV CERTIFICATION				
Date of the Actual Completion of the International Search ²	Date of Mailing of this International Search Report ²			
International Searching Authority ¹	Signature of Authorized Officer ²⁰			

V. **OBSERVATIONS WHERE CERTAIN CLAIMS WERE FOUND UNSEARCHABLE** ¹⁰

This international search report has not been established in respect of certain claims under Article 17(2) (a) for the following reasons:

1. Claim numbers....., because they related to subject matter¹² not required to be searched by this Authority, namely:

2. Claim numbers....., because they relate to parts of the international application that do not comply with the prescribed requirements to such an extent that no meaningful international search can be carried out¹³, specifically:

VI. **OBSERVATIONS WHERE UNITY OF INVENTION IS LACKING** ¹¹

This International Searching Authority found multiple inventions in this international application as follows:

1. As all required additional search fees were timely paid by the applicant, this international search report covers all searchable claims of the international application.

2. As only some of the required additional search fees were timely paid by the applicant, this international search report covers only those claims of the International application for which fees were paid, specifically claims:

3. No required additional search fees were timely paid by the applicant. Consequently, this international search report is restricted to the invention first mentioned in the claims; it is covered by claim numbers:

Remark on Protest

- The additional search fees were accompanied by applicant's protest.
 No protest accompanied the payment of additional search fees.

Suggested Amendments to PCT Rules 48.2 and 48.3(c)

PCT Rule 48.2

1. Item (v) of paragraph (a) shall read as follows:

"subject to paragraph (g), the international search report or the declaration under Article 17(2)(a); the publication of the international search report in the pamphlet shall, however, not be required to include the part of the international search report which contains only matter referred to in Rule 43 already appearing on the front page of the pamphlet,"

PCT Rule 48.3(c)

Insert in Rule 48.3(c) in the second line after "the international search report" the words "to the extent it is published under Rule 48.2(a)(v)"

[End of document]