

WIPO



PCT/CTC/XV/2

ORIGINAL : English

DATE : May 12, 1993

WORLD INTELLECTUAL PROPERTY ORGANIZATION  
GENEVA

INTERNATIONAL PATENT COOPERATION UNION  
(PCT UNION)

PCT COMMITTEE FOR TECHNICAL COOPERATION

Fifteenth Session

Geneva, June 3 to 11, 1993

PCT MINIMUM DOCUMENTATION--CONSIDERATION OF THE DESIRABILITY OF  
REVISING PCT RULE 34 (CUT-OFF DATE OF THE MINIMUM DOCUMENTATION)

prepared by the International Bureau

1. In its circular of January 29, 1993, the International Bureau requested all members of the PCT Committee for Technical Cooperation (PCT/CTC) to provide information relevant to a possible revision of Rule 34 of the PCT Regulations in relation to the 1920 cut-off date for the PCT minimum documentation (see Circular PCT 488).

2. In response to the above-mentioned circular, the International Bureau had received, as of May 12, 1993, replies from the following 12 Offices (five of which are International Searching Authorities): AT (Austria), CZ (Czech Republic), DE (Germany), DK (Denmark), EP (European Patent Office), GB (United Kingdom), JP (Japan), NL (Netherlands), PL (Poland), PT (Portugal), SE (Sweden) and US (United States of America). Circular PCT 488 is reproduced in Annex 1; the replies to it are reproduced in Annexes 2 to 13 to this document.

3. The comments contained in those replies and the information given in the letter from AU dated December 23, 1992, may be summarized as follows:

(a) one Office (PT) is in favor of amending the 1920 cut-off date for the minimum documentation mentioned in PCT Rule 34.1(c), and one Office (DK) is in favor of considering the amendment;

(b) two Offices (NL, SE) clearly state that they prefer not to amend the 1920 cut-off date;

(c) a number of Offices (AT, AU, DE, EP, GB, JP, PL, US) provide results of their investigations on the frequency and relevance of citations made in search reports or patent documents and referring to patent literature. Some Offices give information on the coverage of their search file holdings.

4. According to the studies of several Offices, among them International Searching Authorities, an average of 5 to 6% of all cited patent documents were published before 1940, which means that they are older than 50 years. Thus, the number of patent documents cited in international search reports would be reduced by that amount if the documents published between 1920 and 1940 were to be removed from the search files.

5. It should also be noted that, even if documents older than 50 years were not part of the PCT minimum documentation, such documents would, nevertheless, need to be covered in international searches carried out by any International Searching Authority if they were retained in the search files (for example, for the purposes of conducting searches for the purposes of national law), since PCT Article 15(4) requires the Authority to "endeavor to discover as much of the relevant prior art as its facilities permit," which includes patent documents not part of the PCT minimum documentation.

6. The PCT Committee for Technical Cooperation is invited to give its advice as to whether changing the cut-off date of 1920 is desirable.

[Annexes follow]



C. PCT 488  
081.3

January 29, 1993

Madam,  
Sir,

This circular is addressed to all members of the PCT Committee for Technical Cooperation ("the Committee"). It requests information relevant to a possible revision of Rule 34 of the PCT Regulations in relation to the 1920 cut-off date for the PCT minimum documentation.

The question of the cut-off date for the PCT minimum documentation was considered by the Committee at its fourteenth session in December 1992. The Committee agreed that a more detailed study was needed, taking into account the volume of the documentation concerned, the frequency and relevance of citations and the technical fields in which older documents were regularly cited. It requested the International Bureau to send a circular to all members of the Committee asking them to provide detailed information relevant to those issues. (See documents PCT/CTC/XIV/2 and PCT/CTC/XIV/3, paragraphs 15 and 16.)

Your Office is accordingly requested to provide relevant information. That information should cover such items as search file holdings, and the incidence and relevance of citations, in search reports and during examination, of publications of various ages (including publications older than the present (1920) cut-off date).

During the Committee's session, the Delegation of Australia outlined the results of certain investigations it had already undertaken. Subsequently, the Delegation sent to the International Bureau a number of charts setting out those results. A copy of the Delegation's letter to the International Bureau of December 23, 1992, together with attached charts, is annexed to this circular for your information.

./.

/...

In order to enable information provided in response to this circular to be distributed for consideration by the Committee at its next meeting to be held from June 3 to 11, 1993, your Office is requested to provide its response to the International Bureau by March 31, 1993.

Sincerely yours,

A handwritten signature in dark ink, appearing to read 'Curchod', is written over the typed name.

François Curchod  
Deputy Director General



PATENT OFFICE

92/00164

International Bureau  
WIPO  
34, chemin des Colombettes  
1211 GENEVA

Re: PCT COMMITTEE FOR TECHNICAL COOPERATION

I refer to the fourteenth session of the PCT Committee for Technical Cooperation which was recently held.

At that meeting, it was decided that a more detailed study was required on the issue of revising PCT Rule 34 (cut-off date of the minimum documentation). It was also decided that the International Bureau would send a circular to all members of the committee before February 1993 - see para 16 of the report of that meeting (PCT/CTC/XIV/3 Prov.)

Australia had, prior to the meeting, conducted some investigations on the matter, and had prepared a number of charts which graphically illustrate a number of facts. Australia was unable to display these at the meeting, as there was no overhead projector.

I have therefore enclosed these charts, and suggest that you may wish to include them in the circular that the International Bureau sends to the members of the Committee.

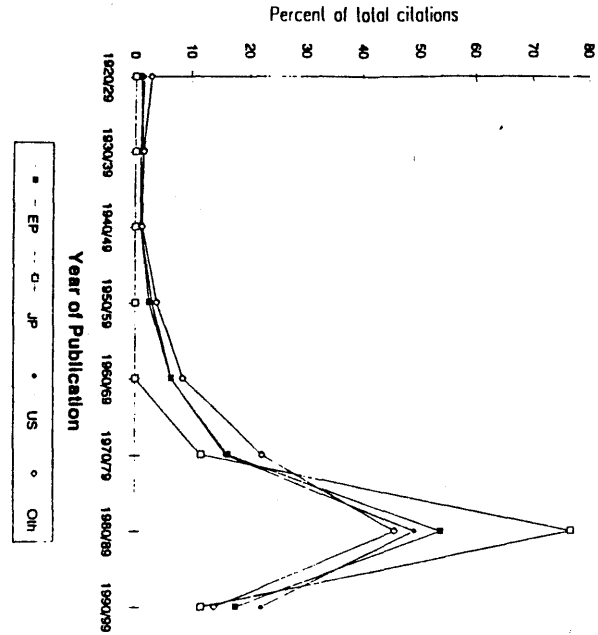
Most of the charts are based on an analysis of International Search Reports contained in all PCT pamphlets published on 9 July 1992. The chart of citations by IPC Section is based on an analysis of search reports issued by Australia in 1991.

Yours sincerely

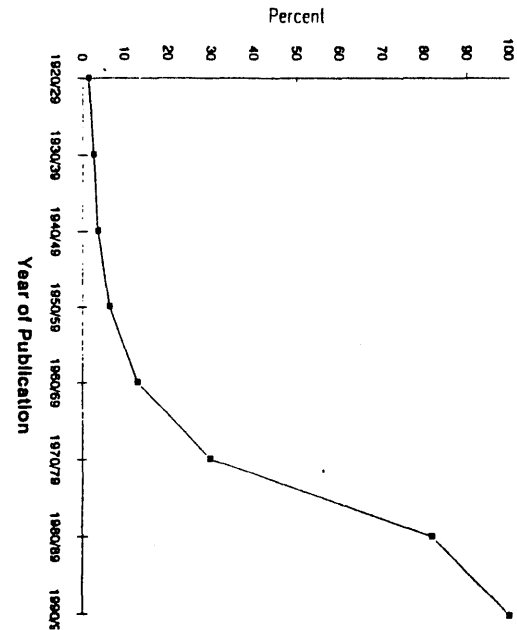
David Herald  
Assistant Commissioner of Patents

23 December 1992

PO BOX 200 WOBEN ACT 2606 AUSTRALIA  
TELEPHONE: (06) 203 2211 FACSIMILE: (06) 201 1041  
TELEX: COMPAT AA 61517 TTY: (06) 203 2303



Citations by ISA

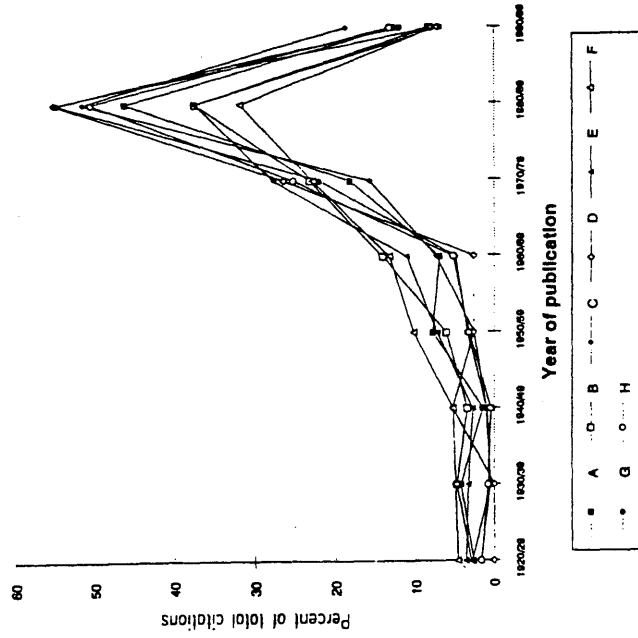


Cumulative Percentage of Documents Cited

Annex to C, PCT 488, page 3

AU\_CLASS.XLC

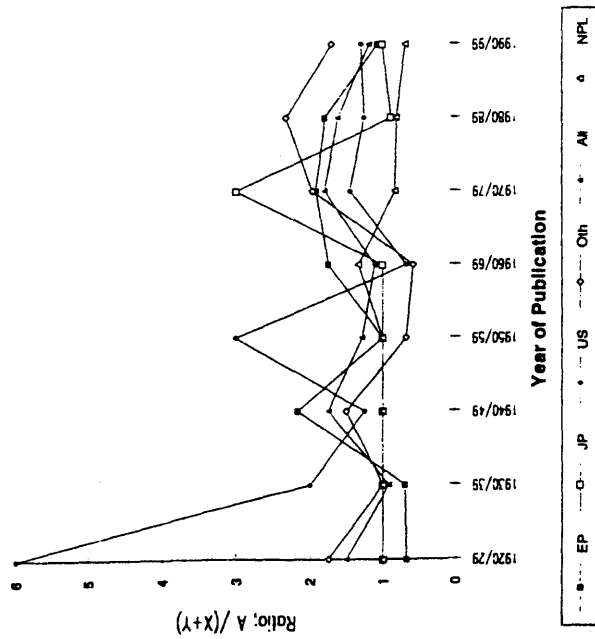
Percent of total citations, by IPC Section



Page 1

ISARATIO.XLC

Ratio - number of A citations to X & Y citations - by ISA



Page 1

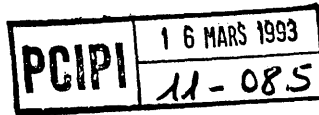


THE PATENT OFFICE  
JAPANESE GOVERNMENT

Address : 4-3, Kasumigaseki 3-chome  
Chiyoda-ku, Tokyo 100, Japan  
Telephone : (03)3581-1101  
Telex : JAPATENT J27442  
FAX : (03)3595-2735

Ref. 5/IP/19/HM  
Mar. 10, 1993

Mr. Francois Curchod  
Deputy Director General  
World Intellectual Property  
Organization  
34 Chemin des Colombettes  
1211 Geneva 20  
Switzerland



Re : The cut-off date for the PCT minimum documentation  
( C.PCT 488 )

PCIP1

Dear Mr. Curchod.

In reply to your circular letter, C.PCT 488 dated January 29, 1993, I am pleased to provide relevant information we have.

A document is attached to this letter, which shows the percent of total citations given every coverage of the publication year based on the year of filing applications.

According to our statistic, the percent of citations of gazettes and documents published within 30 years from the publication year is 97 ~ 98 %.

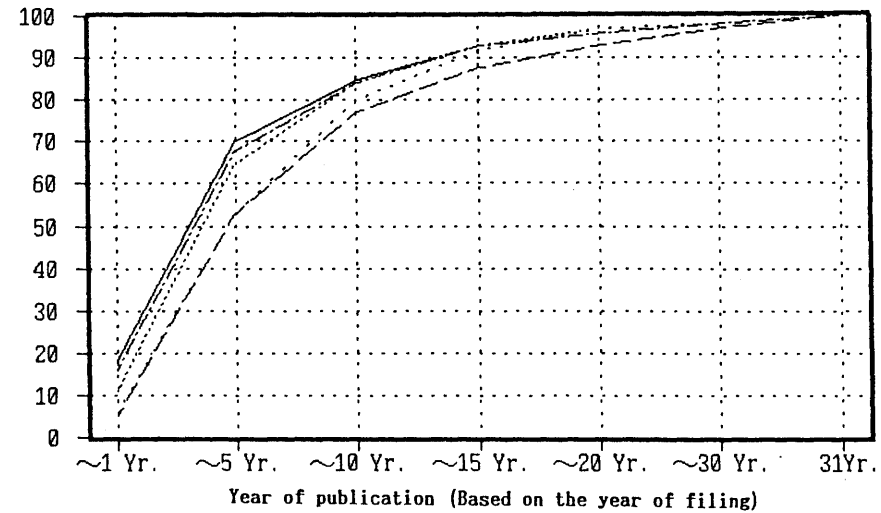
Sincerely yours,

Teruhisa Simomichi  
Director  
Patent Information

Percent of total citation, by kind of documents.

	~1 Year	~5 Year	~10 Year	~15 Year	~20 Year	~30 Year	31Year~
Japanese Gazettes	18	70	85	93	96	98	100 %
Foreign Gazettes	11	65	84	93	97	98	100
other Japanese documents	6	53	80	92	97	98	100
other foreign documents	5	53	77	88	93	97	100
total	16	68	84	93	96	98	100

Percent of  
total citations



Japanese Gazettes Foreign Gazettes other Japanese documents other foreign documents total

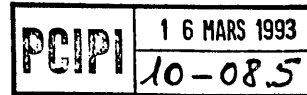
DER PRÄSIDENT  
DES DEUTSCHEN PATENTAMTS

World Intellectual  
Property Organization  
c/o M. François Curchod  
Deputy Director General  
34, Chemin des Colombettes

1211 Genève 20

8000 München 2, den 11.03.93  
Zweibrückenstraße 12  
Telefon (089)21 95-0  
Durchwahl (089)21 95-3927  
Telex 5 23 534  
Telefax (089)21 95-22 21  
Geschäfts-Nr.: 9482/4-004-H2

Bitte in der Antwort stets die Geschäftsnummer angeben



PCIPI

Re.: Cutoff date acc. to PCT rule 34  
WIPO Circular C.PAT 488  
081.3 dated Jan.29, 1993

Dear Mr. Curchod,

referring to the above circular, I have pleasure to enclose a short paper showing the results of a recent citation study carried out at the German Patent Office. As a basis, we took prior art citations contained in DE patent documents (mostly patent specifications) published in 1992. With the aid of the publication numbers of the cited patent documents ( ≈ 90 000), the latter were ordered according to the time ranges in question, i.e. "before 1920, 1920 .. 1930,.... 1990 ..1992". For cited DE A,B,C and U documents, which do not have continuous publication numbers, we used the file numbers. The results of the study are explained in the attached document.

We were not in a position to include the relevance of citations into our study, because we do not record so-called X-documents in the search reports of patent and utility applications.

We are looking forward to the June meeting of the PCT/CTC working group.

Yours sincerely  
by order

*A. Wittmann*  
(A. Wittmann)

## German Patent Office

attachment to our letter to Mr. Curchod of March 11, 1993

Citation study carried out at the German Patent Office in February 1993

### 1. Procedure

First, all records of DE-Patent documents published in 1992 contained in the German Patent Database PATDPA, which had entries in the (citation-) field REP were selected by the search command. From the records, the entries within the fields "SN" and "REP" were downloaded. (Prior art citations are entered into PATDPA together with a "main publication", i.e. an A, C or U document. Search reports made after a publication, e.g. A1 are not recorded in PATDPA. However, this loss of prior art information is negligible in this context).

As a next step, the elements of the individual entries of the cited documents, i.e. Country Code, publication number, and kind of document codes were separated by a blank and placed into one line. This was done with a simple program written in POWER BASIC.

Then, a DBF structure was created in dBase IV which contained the data elements mentioned in the above paragraph. Using the command "append from a:xxxxxxx.TXT delimited with blank", the data formatted by the BASIC program were read into the DBF file. Using the command "count for << larger than first number .and. smaller than last number>>" embedded in a large dBase program (10 KB) the data were ordered according to the time ranges in question. (A 86486 PC needed 7 hours to do this job).

Lastly, the results from this evaluation were typed into a spreadsheet under EXCEL 4.0. and printed out in the form of tables and graphics.

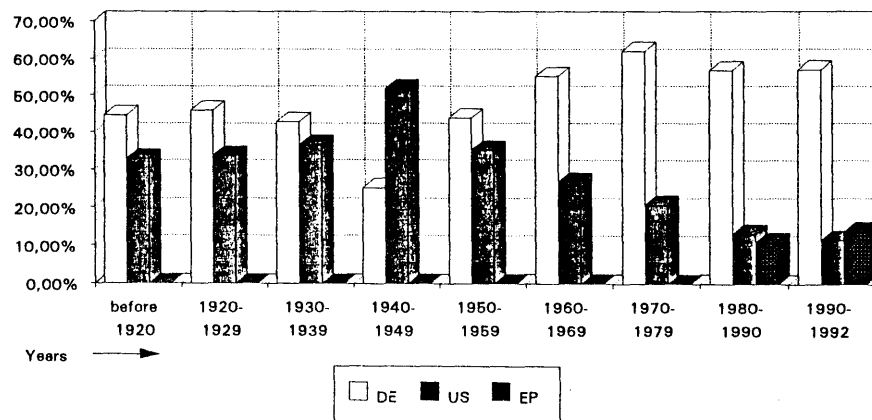
## 2. Results of the study

### (i) Table 1

- the percentage of cited DE-documents rises from 44% (before 1920) to 64% (1992)
- the percentage of cited US specifications goes down from 33 percent (before 1920) to 11 % (1992)
- starting 1980, citations of EP documents are next to DE documents

Percentage distribution of DE, US and EP patent documents cited as prior art in DE-Documents published 1992 according to the year of their publication ("before 1920, 1920..1930... 1990-1992")

Fig. 1



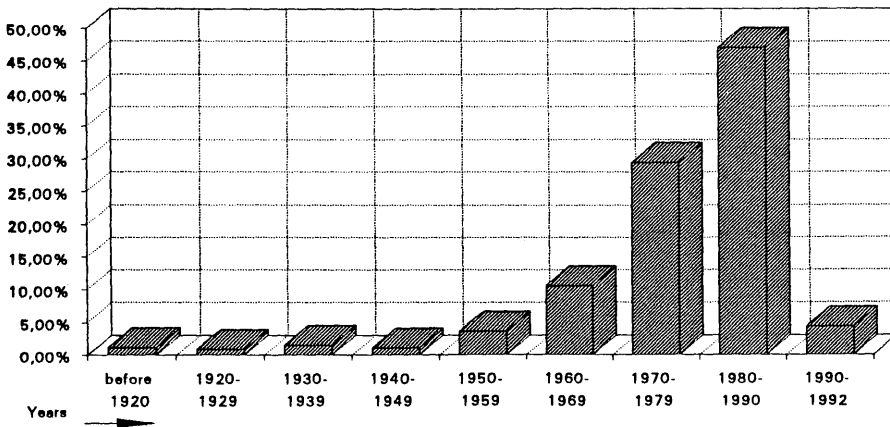


(ii) Table 2

- 3.61% of the total number of citations within the individual time ranges are "older" than 50 years
- 91.4% of the total number of citations within the individual time ranges are "younger" than 33 years

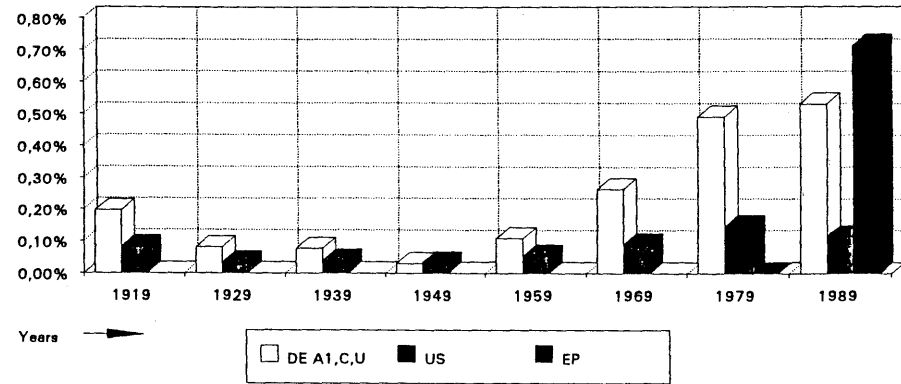
Percentage distribution of all patent documents cited as prior art in DE- Documents published 1992 arranged according to the time ranges "before 1920, 1920 to 1930... 1990 to 1992"

Fig. 2



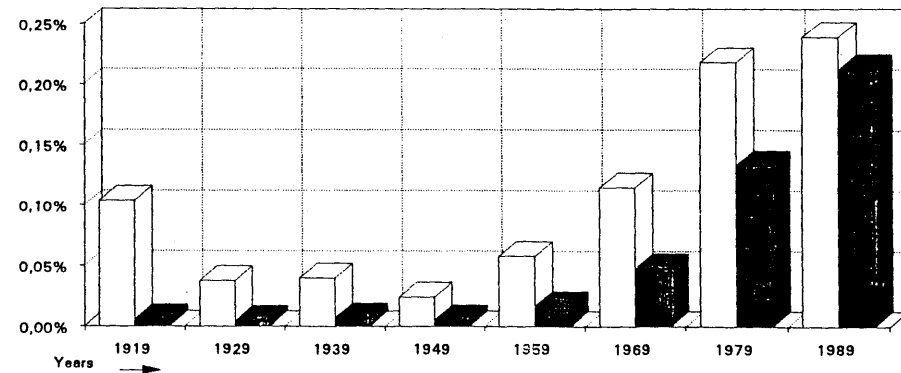
Percentage distribution of DE,US and EP patent documents cited as prior art in DE documents published 1992 with respect to percentage of patent documents contained in the search file at the end of the respective time range

Fig. 3



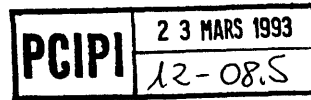
Percentage distribution of all patent documents cited as prior art in DE documents published 1992 with relation to the number of patent documents contained in the search file (white bars: end of time range; gray bars: end of 1989)

Fig. 4



(iii) Fig. 3 and 4

- taking the number of documents in the search file at the end of 1920, the proportion of DE documents cited 1992 amounts to 0.2% in 1989, this proportion has risen to 53%
- taking the number of documents contained in the search file in the end of 1989 as a reference, the percentage of citations rises from 0.01% (end 1919) to 0.21% (end 1989). Adding the percentage figures, 1.34% of the total number of documents contained in the search file were cited in 1992.



The Patent Office

Mr F Curchod  
Deputy Director General  
World Intellectual  
Property Organization  
34 Chemin des Colombettes  
1211 GENEVA 20  
Switzerland

Concept House  
Cardiff Road  
Newport  
Gwent NP9 1RH

Direct Line 0633-813550  
Switchboard 0633-814000  
Fax 0633-814827

Our Ref:  
Your Ref:

18 March 1993

Dear Mr Curchod

In response to the request in circular C.PCT 488 081.3, we have pleasure in supplying the following information:

Our minimum search file holdings in all technical areas comprise: UK specifications back to at least GB 200,000 (approximately to year 1920), all published EP and WO applications and all US specifications back to year 1974.

We have recently carried out a limited investigation into the incidence of older citations in search reports. In particular, we have examined the frequency with which GB specifications published before serial number 500,000 (ie pre-1939) are cited.

We find that currently about 6.5% of GB applications cite GB specifications published pre-1939, with about 20% of these citing exclusively pre-1939 GB specifications (ie less than 1.5% of total GB applications cite only GB specifications with serial numbers below 500,000). Of the total GB specifications cited, 6% were published pre-1939.

The main technical fields (by approximate IPC) in which these pre-1939 specifications are exclusively cited are A41 (wearing apparel), A47 (furniture, domestic appliances), A63 (toys and games), B60-B67 (vehicles, transporting, packaging), E02, E04 (buildings), E05 (fasteners), F01-F04 and F16 (engines and machine elements) and F21, F23 and F24 (heaters, burners).

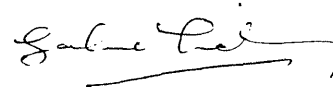
Currently, only about 3% of GB applications citing pre-1939 GB specifications are in the technical fields corresponding to IPC sections C, D, G and H.

You may also be interested in estimates of the effects on the quality of the international search using cut-off dates of 1935, 1940 and 1945, which we derived from studies made by WIPO (PCPI/P225/82) and the EPO (World Patent Information vol 3, no 2, pages 56-60). It should be noted that these figures relate to all cited patents.

Search limited to patents published after	Percentage of citations found	Percentage of citations missed
1935	93.5	6.5
1940	91.5	8.5
1945	89.5	10.5

The figure of 8.5% of citations which would be missed by limiting the search to patents published after 1940 compares favourably with the figure of 6% found for cited GB specifications published pre-1939.

Yours sincerely



GRAHAME K LINDSEY  
Superintending Examiner  
Classification and Documentation Division

OCTROOIRAAD (Netherlands Patent Office)

PCT 083

2 Patentlaan • P.O. Box 5820 • 2280 HV Rijswijk • The Netherlands • Postbank account 17300  
Telephone 070-3986655 • Telex 33265-OCTRD-NL • Telefax 070-3900190

Your letter and ref.  
29.01.93

Our reference  
S93.083 DS/fhj

Enclosure(s)  
-

Date: 22 March 1993

Subject: Circular PCT 488/081.3

Mr. F. Curchod  
Deputy Director General  
World Intellectual Property  
Organization (WIPO)  
34, Chemin des Colombettes  
1211 GENEVA 20  
Switzerland

Dear Sir,

In connection with your circular PCT 488/081.3 of January 29, 1993, concerning information relevant to a possible revision of PCT Rule 34, I herewith inform you that the Netherlands Patent Office does not have available any statistical data about the citation and/or relevance of patent documents issued before 1940 as state of the art during the examination of recently filed patent applications. However examiners, in particular those working in the mechanical field, have indicated that such documents, though rather old, quite often are important as state of the art describing the principle behind the purported invention dealt with in the application to be examined.

For this reason, the Netherlands Patent Office wants to be careful as regards the deletion of certain patent documents from the PCT minimum documentation and would prefer the cut-off date mentioned in PCT Rule 34(1)(c) not to be amended. In connection herewith we furthermore note, that search files containing these old patent documents in machine-readable form, are likely to appear on the market within a few years.

The use of online searching often is illustrated with the expression "don't reinvent the wheel". It would be very sad if the PCT minimum documentation, through a change in its cut-off date, no longer could be regarded as a reliable tool to establish the novelty and non-obviousness of purported inventions.

Yours sincerely,



S. de Vries  
Head Chemical Division



PCIP1	2 AVR. 1993
	18-085

-2-

## URZĄD PATENTOWY RZECZYPOSPOLITEJ POLSKIEJ

OFFICE DES BREVETS DE LA  
REPUBLIQUE POLONAISETHE PATENT OFFICE  
REPUBLIC OF POLANDПАТЕНТНОЕ ВЕДОМСТВО  
РЕСПУБЛИКИ ПОЛЬШИWarszawa, dnia 23/08 1993 r.

and inorganic chemistry we are using the search file holdings from the years 1920-1993 and also from the oldest holdings containing patent search files up to 1919.

As for the examinations in the field of electricity we are using the holdings since at last 1940. The examinations in the fields of electronics and organic chemistry need the files since at least 1950. In the field of microbiology we are using the holdings since at least 1970.

With best regards

*Bogdan Rokicki*  
Bogdan RokickiDirector of the Receiving  
Department

Enclosure 1

World Intellectual  
Property Organization  
Mr Francois Curchod  
Deputy Director General34, chemin des Colombettes  
1211, Geneve 20  
S u i s s e

Our ref.: ZP-III-PCT/7/93

Dear Sir,

In answer to your letter dated 29 th January 1993 No.C. PCT/88/081.3 we are kindly informing you that in the procedure of patent examinations we are using search file holdings the numbers of which are given below:

Years	Documents on paper carrier /in thousands/	Documents on microfilms, microfiles and on aperture cards / in thousands/	Documents on optical discs /in thousands/
up to 1919	600	-	-
1920-1939	2147	28	-
1940- 1959	2291	383	-
1960-1979	7045	2540	-
1980-1993	4693	3416	537

We enclose the details on search file holdings in our Office.

As for the degree of taking advantage /referring/ of the documents from particular periods of time, we can give only general data because we are not keeping the relevant statistics.

As for the examinations in the fields of: mechanics, metallur

PCT/CTC/XV/2  
ANNEX 6/ANNEXE 6

SEARCH FILE HOLDINGS OF THE PATENTS COLLECTED IN POLISH PATENT OFFICE  
/values given in separate columns show the approximate number of copies/

No:	CODE OF THE COUNTRY	Years:	1920-1939			1940-1959		1960-1979		1980-1993		
		Carrier:	to 1919	P	F	P	F/M/C	P	F/M/C	P	F/M/C	D
1.	AT		20 000	36 000	-	70 000	-	120 000	97 000	41 700	28 000	1 550
2.	AU		-	-	-	-	-	53 000	20 000	-	112 000	-
3.	BE		-	-	-	-	-	-	32 000	-	178 000	-
4.	BG		-	-	-	-	-	11 500	-	24 000	-	-
5.	CA		-	-	-	130 000	-	406 000	-	6 500	132 000	-
6.	CH		-	60 000	-	125 000	-	282 000	-	65 000	58 000	-
	CN		-	-	-	-	-	-	-	6 000	37 000	-
8.	CS		-	40 000	-	45 000	-	105 000	80 000	84 500	42 000	-
9.	CU		-	-	-	-	-	-	-	500	-	-
10.	DE		450 000	751 000	-	460 000	180 000	1 939 000	553 000	812 400	443 500	-
11.	DK		-	-	-	38 000	-	33 000	17 500	21 000	21 400	-
12.	EP		-	-	-	-	-	200	6 000	632 000	427 000	248 000
13.	FI		-	-	-	-	-	40 000	-	16 500	13 500	-
14.	FR		30 000	50 000	-	240 000	-	932 000	-	254 000	-	-
15.	GB		100 000	250 000	-	350 000	-	602 000	440 000	305 000	280 000	13 000
16.	HU		-	-	-	10 000	-	26 000	-	34 000	-	-

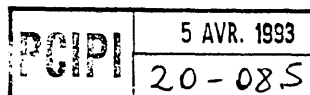
No:	CODE OF THE COUNTRY	Years:	1920-1939			1940-1959		1960-1979		1980-1993		
		Carrier:	to 1919	P	F/M/C	P	F/M/C	P	F/M/C	P	F/M/C	D
17.	IT		-	100 000	-	180 000	-	261 000	-	-	3 200	-
18.	NL		-	-	-	-	-	50 000	7 500	320 000	38 000	-
19.	NO		-	-	-	-	-	45 000	-	65 000	20 000	-
20.	PL		-	85 110	28 370	40 560	13 520	183 750	61 250	162 210	54 070	-
21.	RO		-	-	-	3 000	-	28 500	-	32 000	-	-
22.	SE		-	-	-	80 000	-	96 000	76 500	102 000	40 000	-
23.	SU		-	-	-	120 000	-	528 000	400 000	775 000	568 000	-
24.	US		-	775 000	-	400 000	190 000	1 296 000	750 000	925 000	867 000	215 000
25.	VN		-	-	-	-	-	-	-	30	-	-
26.	WO		-	-	-	-	-	-	-	-	54 000	60 000
27.	YU		-	-	-	-	-	8 000	-	9 000	-	-

CARRIERS- EXPLANATIONS OF THE ABBREVIATIONS

P - paper  
F - microfilm  
M - microfile  
C - aperture card  
D - CD ROM - optical disque

[Annex 7 follows/  
L'annexe 7 suit]

INDUSTRIAL PROPERTY OFFICE  
Revoluční 7,113 46 Prague 1  
Czech Republic



World Intellectual Property  
Organization  
Mr. Francois Curchod  
Deputy Director General


March 30, 1993

C. PCT 488  
081.3

Dear Sir.

We refer to your letter of January 29, 1993 and we regret indeed, that we cannot give you the requested information, as Industrial Property Office of Czech Republic is not providing such statistic at all.

Yours sincerely

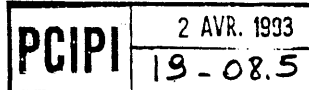
  
Marta Hošková  
Head of PCT Department

[Annex 8 follows/  
L'annexe 8 suit]

Danish Patent Office

085

Francois Curchod  
Deputy Director General  
WIPO  
34, Chemin des Colombettes  
CH 1211 Geneve 20  
Schweiz



Our ref.: 89-34311-1  
Your ref.: C. PCT 488 081.3

Ministry of Industry

Patentdirektoratet

Helgeshøj Allé 81  
DK-2630 Taastrup, Denmark

Telephone +45 43 71 71 71  
Telefax +45 43 71 71 70  
Telex 16046 DPO DK  
Giro 4 020553



Date: 30 March 1993

**Re: Cut-off date for PCT minimum documentation**

Dear Mr. Curchod

With reference to your letter dated January 29, 1993 and in view of both the Australian tables and our own experiences (we have no printed national statistics) the Danish Patent Office agrees that a cut-off date later than 1920 might be taken into consideration.

Yours sincerely

Helge A. Rasmussen

Deputy Director General

[Annex 9 follows/  
L'annexe 9 suit]

ENV POR: INST. NACIONAL PRO. IND. :30- 3-53 ; 14:59 ; 351 1 875308- 4122 7335428:# 2/ 2

085



MINISTÉRIO DA INDÚSTRIA E ENERGIA  
INSTITUTO NACIONAL DA PROPRIEDADE INDUSTRIAL

Mr. François Curchod  
Vice-general director of WIPO

34, Chemin des Colombettes,  
1211 GENÈVE 20

SUISSE

FACSIMILE

PCIPI	3 1 MARS 1993
	17-08.5

Sua referência:

Sua comunicação de:

Nossa referência:

Data:

GDSP/017

LISBOA, 93.03.30

ASSUNTO:

*Answering your circular C. PCT 488, dated 29 January 1993, concerning an eventual revision of the rule 34 of Regulations under the PCT, regarding the date of departure (1920) of the minimum documentation PCT, our opinion is the following:*

*Our searches are principally made from EPO databases, the CD-ROM ESPACE, EPIDOS and the EPOQUE; we can say that the documents cited in the searches reports are all after that date.*

*So as Australia we think, and we believe that it isn't necessary to include in the minimum documentation PCT, documents with more than 50 years.*

Yours sincerely,

O Director de Serviços de Patentes,

( Eng<sup>a</sup>. Isabel Afonso )





UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
ASSISTANT SECRETARY AND COMMISSIONER  
OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

03

Attachment I  
Citations in U.S. Patents Issued in January - 1993

March 31, 1993

FILE

Mr. Francois Curchod  
Deputy Director General  
World Intellectual Property Organization  
34, chemin des Colombettes  
1211 Geneva 20  
SWITZERLAND

PCIP1 2 6 MARS 1993  
15-08.5

Re: WIPO PCT Circular 488 - Re: Information relevant to a possible revision of Rule 34 of the PCT Regulations in relation to the 1920 cut-off date for the PCT minimum documentation.

Dear Mr. Curchod,

As requested, our Office conducted a study on cited patent references, similar to the study conducted by the Australian Patent Office.

The U.S. search file, from which the cited references were obtained, contains, in addition to PCT minimum documentation, all U.S. patents (back to 1790) and selected patents from other countries which were published prior to the 1920 cut-off date.

The sample selected for the study included all patent references cited in the 7637 U.S. patents which issued in January of 1993. The results of that study are shown in the tables depicted in Attachments I-III.

It is hoped that this information will be helpful in the determination of a cut-off date for PCT minimum documentation.

Sincerely,

J. R. Goudeau, Director  
International Liaison Staff  
Search and Information Resources

Decade of Citation	Number of Citations	Cum. Number of Citations	Percent of Total Citations	Cum. Percent of Total Citations
1830's	1	1	0.00%	0.00%
1840's	2	3	0.00%	0.00%
1850's	2	5	0.00%	0.01%
1860's	34	39	0.05%	0.05%
1870's	86	125	0.12%	0.17%
1880's	142	267	0.19%	0.36%
1890's	256	523	0.34%	0.70%
1900's	387	910	0.52%	1.23%
1910's	574	1484	0.77%	2.00%
1920's	949	2433	1.28%	3.28%
1930's	1443	3876	1.94%	5.22%
1940's	1358	5234	1.83%	7.05%
1950's	2865	8099	3.86%	10.91%
1960's	5634	13733	7.59%	18.50%
1970's	13586	27319	18.30%	36.80%
1980's	36534	63853	49.21%	86.01%
1990's	10383	74236	13.99%	100.00%

PCT/CTC/XV/2  
ANNEX 10/ANNEXE 10

**Attachment II**  
**Citations in U.S. Patents Issued in January - 1993**  
**by Decade and Discipline**  
**(if information was available)**

Decade of Citation	IPC SECTION							
	A	B	C	D	E	F	G	H
1830's	1	0	0	0	0	0	0	0
1840's	0	2	0	0	0	0	0	0
1850's	2	0	0	0	0	0	0	0
1860's	11	12	0	0	1	3	0	1
1870's	22	19	1	1	1	11	1	0
1880's	46	26	2	0	8	15	4	0
1890's	68	57	0	2	16	29	9	3
1900's	99	91	2	4	24	52	8	5
1910's	163	119	6	5	44	75	29	2
SUBTOTAL prior to 1920	412	326	11	12	94	185	51	11
1920's	254	202	13	10	51	116	32	23
1930's	331	324	46	9	63	194	49	37
1940's	246	305	57	16	55	184	62	49
1950's	521	714	166	33	119	322	132	83
1960's	734	1333	516	73	239	553	308	267
1970's	1898	3039	1416	175	482	1030	1192	908
1980's	4346	6256	3203	335	769	2329	4937	3694
1990's	1523	1800	840	96	190	777	1677	1466
TOTALS	10265	14299	6268	759	2062	5690	8440	6538

**Attachment III**  
**Citations in U.S. Patents Issued in January - 1993**  
**by Decade and Country**

Decade of Citation	COUNTRY							
	DE	EP	FR	GB	JP	RU	US	OTHER
1830's	0	0	1	0	0	0	0	0
1840's	0	0	0	0	0	0	2	0
1850's	0	0	0	1	0	0	1	0
1860's	0	0	0	1	0	0	33	0
1870's	2	0	1	4	0	0	79	0
1880's	2	0	0	11	0	0	129	0
1890's	6	0	0	16	0	0	234	0
1900's	9	0	11	15	0	0	346	6
1910's	13	0	5	22	0	0	527	7
SUBTOTAL prior to 1920	32	0	18	70	0	0	1351	13
1920's	41	0	27	45	0	0	822	14
1930's	44	0	33	74	0	0	1254	38
1940's	21	0	29	62	2	0	1197	47
1950's	88	0	85	106	3	3	2447	132
1960's	139	0	162	305	37	16	4793	176
1970's	619	30	233	423	393	96	11629	157
1980's	919	2097	249	822	3345	230	28258	227
1990's	93	346	24	47	341	5	9413	26
TOTALS	1996	2473	860	1954	4121	350	61164	830

SECTION A: HUMAN NECESSITIES  
SECTION B: PERFORMING OPERATIONS;  
TRANSPORTING  
SECTION C: CHEMISTRY; METALLURGY  
SECTION D: TEXTILES; PAPER  
SECTION E: FIXED CONTRUCTIONS

SECTION F: MECHANICAL ENGINEERING;  
LIGHTING; HEATING; WEAPONS  
BLASTING  
SECTION G: PHYSICS  
SECTION H: ELECTRICITY

Translation of letter dated April 14, 1993

From: The European Patent Office  
Principal Directorate Documentation

To: Mr. Curchod  
Deputy Director General, WIPO

REFERENCE RB/93.93/SV  
DATE 14.04.93

Dear Mr. Curchod,

In reply to your circular PCT 488, I have pleasure in sending you herewith the statistics that give a certain number of parameters for each INTCL subclass and which may help in assessing the effect of a possible limitation of the PCT minimum documentation to the documents published within the last fifty years.

Sincerely yours,

R. Baré  
Principal Director of Documentation

You will find at annex a table reproducing a certain number of parameters by INTCL subclass for 1991.

A. Brief Description of the Parameters:

1. Subclasses for which at least five files have been raised.
2. "Spread" of consultation, i.e. the ratio between the number of consultations made in the subclass concerned and the overall number of consultations.
3. "Spread" of citations, i.e. the ratio between the number of citations from the subclass concerned and the whole of the citations from the systematic documentation.
4. Number of citations from the non-systematic documentation.
5. Number of citations from the subclass studied.
6. Number of citations outside the subclass, but belonging to the systematic documentation.
7. Number of files dealt with.
8. Total number of documents consulted.
9. Number of documents consulted for each file.
10. Percentage of citations at least seven years old.
11. Percentage of citations at least 12 years old.
12. Percentage of citations at least 22 years old.
13. Percentage of citations at least 32 years old.
14. Percentage of citations at least 42 years old.
15. Percentage of citations at least 52 years old.

B. Limitations of the study:

\*The study was carried out using the SERR files. To make it possible to compare if necessary the statistical data from one year to the other, it was necessary to remove the international files (SA, SAE and SN), since those files have only been entered in full since 1992. Duplicates were also removed. The study was limited to files dealt with in The Hague. The citations are not limited to "patent" citations.

\*The subclasses for which less than five files were raised in 1992 have been removed.

1991\*\*\*\*\*  
14-04-93

DQP Direction Qualité Planification

	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)
A01B	79.4	85.8	13	345	57	125	193597	1549	68.7	51.9	26.1	14.8	6.6	4.8	
A01C	79.7	88.7	10	118	15	60	76709	1278	64.4	40.4	18.8	7.6	2.8	2.4	
A01B	79.4	85.8	13	345	57	125	193597	1549	68.7	51.9	26.1	14.8	6.6	4.8	
A01C	79.7	88.7	10	118	15	60	76709	1278	64.4	40.4	18.8	7.6	2.8	2.4	
A01D	75.3	90.3	38	362	39	95	101752	1071	70.2	51.6	21.5	7.5	2.9	1.7	
A01F	76.5	84.7	0	100	18	42	37210	886	64.1	35.9	21.5	12.1	4.5	3.1	
A01G	75.2	88.5	33	337	44	132	120406	912	67.0	45.1	19.5	10.8	7.0	5.8	
A01H	69.6	69.5	18	41	18	26	9168	353	34.5	9.5	3.6	1.2	0	0	
A01J	69.4	86.7	3	91	14	41	34716	847	79.1	58.8	27.5	9.3	3.3	1.6	
A01K	75.2	88.5	43	478	62	165	133037	806	71.6	51.4	28.2	16.9	8.3	5.4	
A01M	74.9	89.6	2	129	15	61	53276	873	68.2	54.7	35.8	23.0	10.6	6.6	
A01N	81.3	91.5	713	442	41	277	156975	567	50.8	30.0	9.1	3.7	1.7	1.0	
A21B	67.2	70.0	2	21	9	14	14420	1030	70.5	52.3	18.2	4.5	2.3	2.3	
A21C	58.4	65.8	8	98	51	39	36081	925	66.7	49.1	33.3	15.8	9.7	6.7	
A21D	87.2	92.6	10	50	4	21	7806	372	52.3	30.8	9.2	6.2	3.1	3.1	
A22B	75.0	92.9	13	52	4	17	10625	625	65.8	55.7	34.2	17.7	6.3	2.5	
A22C	76.8	93.1	29	419	31	99	75091	758	68.1	52.6	26.0	13.2	5.6	2.9	
A23B	69.1	67.4	34	95	46	32	19611	613	73.6	56.2	34.3	17.4	9.0	3.9	
A23C	79.6	89.3	58	191	23	46	19778	430	64.7	41.4	16.9	10.8	5.2	2.4	
A23D	60.3	88.8	66	199	25	46	38276	832	44.1	24.2	13.2	3.9	0	0	
A23F	88.2	89.3	22	133	16	27	13153	487	75.2	65.2	32.9	21.1	13.0	7.5	
A23G	81.3	87.2	65	265	39	71	52210	735	63.5	48.9	32.4	18.4	10.4	6.6	
A23J	70.3	84.3	50	43	8	32	13343	417	43.0	24.4	3.5	2.3	1.2	0	
A23K	73.8	86.9	59	93	14	33	31085	942	60.0	37.6	9.7	6.8	3.6	1.6	
A23L	70.6	81.7	243	412	92	170	125090	736	61.0	39.7	16.8	6.6	3.1	1.9	
A23N	64.1	75.0	9	81	30	28	23850	852	75.4	67.7	44.9	32.3	22.8	16.2	
A23P	28.4	60.9	19	28	18	15	11773	785	63.8	43.5	17.4	5.8	4.3	4.3	
A24B	63.9	71.9	27	41	16	21	13803	657	62.2	37.8	22.4	16.3	6.1	6.1	
A24C	70.2	90.9	2	30	3	11	15502	1409	75.0	62.3	17.3	5.8	0	0	
A24D	67.0	87.1	20	74	11	24	32579	1357	63.9	37.6	17.3	4.5	1.5	1.5	
A24F	45.7	65.1	4	28	15	13	18798	1446	65.8	55.3	30.3	18.4	14.5	10.5	
A41B	58.1	75.5	1	40	13	16	18395	1150	79.0	70.4	45.7	34.6	21.0	14.8	
A41D	68.5	81.8	6	90	20	40	60805	1520	75.5	63.4	39.4	27.3	15.3	8.3	
A41H	62.5	69.2	0	45	20	21	21868	1041	76.7	62.2	42.2	31.1	12.2	7.8	
A42B	71.2	89.9	4	80	9	26	16865	649	67.8	46.3	16.1	8.1	4.0	2.7	
A43B	85.7	93.6	13	293	20	120	107380	895	61.5	40.4	17.6	10.3	7.0	4.9	
A43C	90.9	100.0	1	41	0	17	7874	463	56.4	40.0	18.2	10.9	7.3	5.5	
A43D	82.4	87.7	14	57	8	27	25693	952	69.0	45.0	29.0	22.0	14.0	11.0	
A44B	75.0	93.8	17	181	12	77	87428	11355	71.5	55.6	31.5	17.9	10.0	4.7	
A44C	71.1	89.9	1	98	11	45	63207	1405	66.5	55.0	38.0	26.5	20.0	13.0	
A45B	87.7	85.7	22	60	10	25	30468	1219	79.8	67.3	51.0	31.7	13.5	10.6	
A45C	57.4	65.4	26	102	54	48	94962	1978	69.9	54.1	37.6	24.4	14.8	10.5	
A45D	70.3	82.3	36	256	55	102	122888	1205	61.3	48.3	36.2	24.4	13.4	8.7	
A45F	58.9	72.3	4	47	18	20	26701	1335	68.0	46.0	25.0	13.0	6.0	2.0	
A46B	65.6	80.4	31	160	39	77	64767	841	62.0	51.6	33.6	24.4	12.8	8.4	
A46D	62.3	61.7	12	37	23	22	14743	670	60.5	43.2	23.5	14.8	7.4	1.2	
A47B	78.6	83.7	8	440	86	162	206478	1275	70.2	53.6	28.8	13.0	6.4	4.2	
A47C	80.6	87.0	9	307	46	172	154344	897	62.0	47.9	25.3	12.9	7.0	5.3	
A47D	69.8	85.7	2	30	5	21	17105	815	73.0	55.4	27.0	17.6	8.1	5.4	
A47F	64.3	67.7	1	132	63	57	83573	1466	71.6	56.0	30.2	15.9	7.9	5.2	
A47G	62.9	75.5	33	237	77	136	142045	1044	70.3	56.3	38.0	23.1	14.4	10.5	
A47H	75.0	67.7	1	21	10	11	12706	1155	76.7	55.8	34.9	23.3	11.6	9.3	
A47J	81.4	91.1	37	411	40	171	189433	1108	67.3	53.4	32.1	17.5	6.9	4.2	
A47K	68.4	83.9	11	141	27	78	58766	753	68.7	50.3	28.2	16.3	6.8	4.8	
A47L	83.8	88.3	35	310	41	118	124155	1052	65.3	49.3	26.6	12.2	5.9	4.1	
A61B	72.4	81.9	96	1443	319	467	283919	608	48.6	29.9	10.2	5.1	2.6	1.5	
A61C	70.9	84.1	15	312	59	130	72070	554	51.9	32.2	14.3	7.3	4.1	2.7	
A61D	52.4	59.1	0	13	9	7	4204	601	72.0	60.0	32.0	24.0	16.0	16.0	
A61F	74.0	87.0	101	1127	168	389	327482	842	44.4	25.0	9.1	5.5	2.8	1.8	
A61G	61.3	78.7	6	170	46	66	70118	1062	70.9	52.0	27.2	13.9	5.6	4.3	













BUNDESMINISTERIUM FÜR  
WIRTSCHAFTLICHE ANGELEGENHEITEN  
Referat für den gewerblichen Rechtsschutz  
A-1014 WIEN, KOHLMARKT 8-10  
193-GR/93

Wien, am April 27, 1993  
Telefon (0222) 534 24-0  
Telefax (0222) 534 24-520  
Telex 1-36847 OEPA A  
DVR: 0078018

PCIP I 4 MAI 1993  
- 08.5

World Intellectual  
Property Organization (WIPO)  
International Bureau

34, chemin des Colombettes  
CH-1211 Geneva 20  
Switzerland

Re.: PCT-Minimum Documentation;  
PCT, Rule 34

Madam,  
Sir,

With regard to C. PCT 488/081.3 of January 29, 1993 the Austrian Patent Office has prepared some charts which graphically illustrate the frequency (percentage) of cited documents of AT, CH, DE, EP, FR, GB, US published after the 1920 cut -off date.

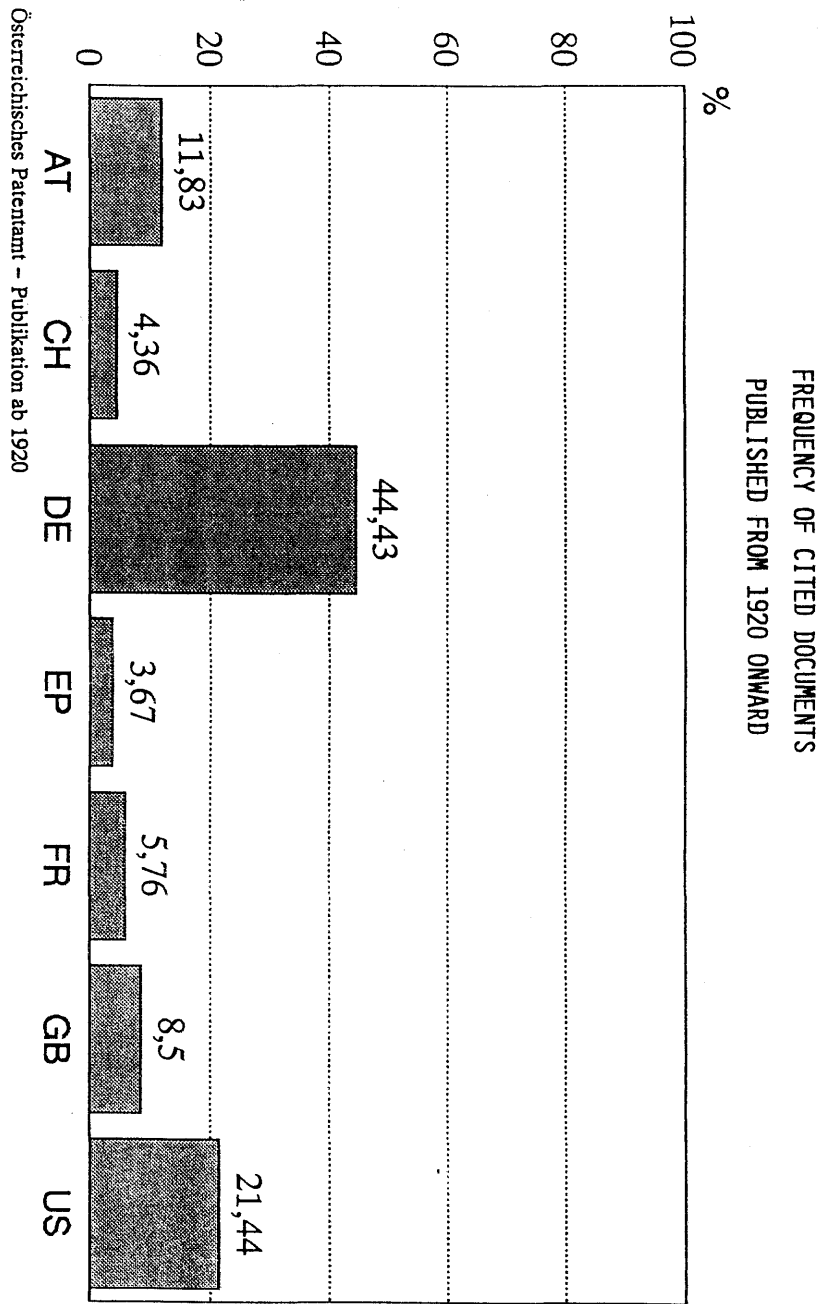
These charts are based on analyses of austrian search reports carried out between 1983 and 1992 and show in an impressive way the frequency of patent documents published within the periods from 1920 onward (annex 1) and splitted up between 1920 and 1949 respectively from 1950 up to now (annex 2).

Furthermore as requested you find also the search file holdings of office (annex 3).

Sincerely yours,

*F. Sohs*  
(F. Sohs)

Encl.

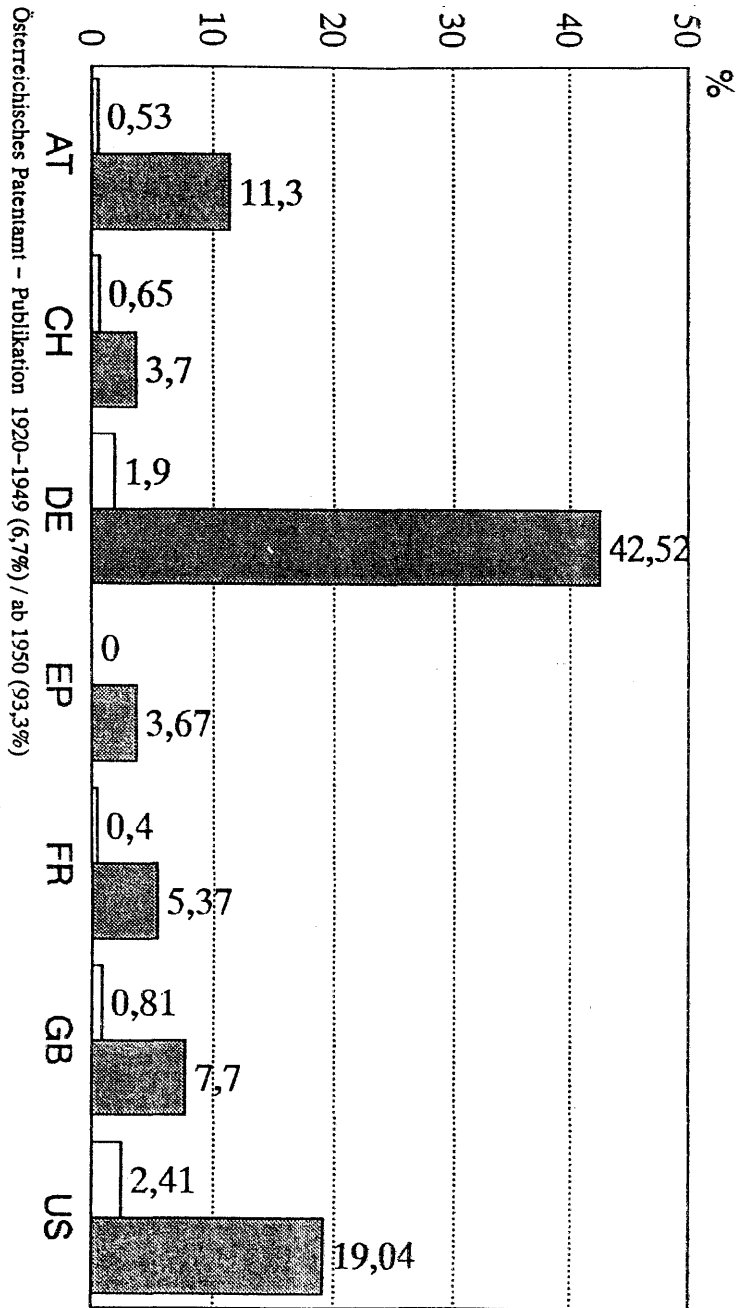


SEARCH FILE HOLDINGS OF THE  
AUSTRIAN PATENT OFFICE

Issuing Office	Publication Year(s)
Austria	1899 up to the present
Germany	1877 "
Switzerland	1888 "
France	1902 "
United Kingdom	1892 "
United States of America	1871 "
Australia	1975 (without priority) up to the present
Canada	1976 ( " ) "
European Patent Office	1979 up to the present
International Bureau of WIPO	1979 "
Japan	1978 (Abstracts in English) up to the present
Soviet Union	1978 ( " ) "

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Annex 12/Annexe 12  
page 2

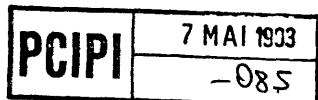
FREQUENCY OF CITED DOCUMENTS  
PUBLISHED BETWEEN 1920 AND 1949  
PUBLISHED FROM 1950 ONWARD



Osterreichisches Patentamt - Publikation 1920-1949 (6,7%) / ab 1950 (93,3%)

May 6, 1993

Mr. F. Curchod  
Deputy Director General  
WIPO  
34, chemin des Colombettes  
1211 Genève 20



Dear Mr. Curchod,

In response to your Circular PCT 488 I have the honor to submit the following comments from the Swedish Patent Office.

We do not have any statistical information of incidence and relevance of citations in patent application search reports or the like during examinations.

A well-known fact is that the novelty claim in PCT as in almost all national patent acts is absolute. From this follows that references to patent documents published 1920 and earlier can be used and are used in the patent process.

Another well-known fact is that when the PCT was agreed upon in 1970 the reason for choosing 1920 as cut-off date was not because it was 50 years back in time, but because some prospective Searching Authorities did not possess in their search files US documents older than from 1920. The cut-off date of 1920 was elaborated by the working group PCT/TCO/SS before 1970.

We have made a study of the search files and their influence on the shelf space. We studied the search files from the time period of 1920-1940 and compared the shelf space for this documentation with the shelf space needed for the documentation for the whole period of 1920-1992. We found that the documentation from 1920-1940 only needed 0,12% of the total amount of shelf meters.

This result means that we do not gain any substantial space if we cut off the minimum documentation 1940. Furthermore, sorting out documents of the early 20-years period will certainly lead to losses in the search quality and seems therefore too risky with regard to the poor 0.12% gain of space as mentioned above.

Additionally, there still exist technical areas for which the oldest material in the search files is very relevant e.g. several mechanical areas - armatures, piping, music instruments, sailing techniques etc.

Finally, we think there is another reason why it is too risky to cut off at a later date, namely that one can never know beforehand which parts of the oldest search file will become active and relevant for search again. "Sleeping" technical areas has waked up before, as everyone knows.

To summarize: In our view no change of the cut-off date should be made.

Yours sincerely,

*Kerstin Bergström*  
Kerstin bergström  
Head, Documentation Division

[End of Annex 13 and of document/  
Fin de l'annexe 13 et du document]