

# WIPO



**PCT/MIA/11/9**  
**ORIGINAL:** English only  
**DATE:** February 1, 2005

# E

**WORLD INTELLECTUAL PROPERTY ORGANIZATION**  
GENEVA

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

**MEETING OF INTERNATIONAL AUTHORITIES**  
**UNDER THE PATENT COOPERATION TREATY (PCT)**

**Eleventh Session**  
**Geneva, February 21 to 25, 2005**

**PCT MINIMUM DOCUMENTATION:**  
**KOREAN PATENT DOCUMENTS**

*Document prepared by the International Bureau*

## SUMMARY

1. The Meeting is invited to make recommendations on a proposal of the Korean Intellectual Property Office to add Korean patent documents to the PCT minimum documentation.

## BACKGROUND

2. In a letter from the Commissioner dated January 25, 2005, reproduced in the Annex, the Korean Intellectual Property Office proposes that the Meeting should discuss the addition of Korean patent documents to the PCT minimum documentation. The extent of the relevant documentation, together with the benefits of including this material in the PCT minimum documentation are set out in the letter.

## LEGAL BASIS

3. The national patent documents which form a part of the PCT minimum documentation are defined by Rule 34.1(c) to (f) as follows:

“(c) Subject to paragraphs (d) and (e), the ‘national patent documents’ shall be the following:

“(i) the patents issued in and after 1920 by France, the former *Reichspatentamt* of Germany, Japan, the former Soviet Union, Switzerland (in the French and German languages only), the United Kingdom, and the United States of America,

“(ii) the patents issued by the Federal Republic of Germany and the Russian Federation,

“(iii) the patent applications, if any, published in and after 1920 in the countries referred to in items (i) and (ii),

“(iv) the inventors’ certificates issued by the former Soviet Union,

“(v) the utility certificates issued by, and the published applications for utility certificates of, France,

“(vi) such patents issued by, and such patent applications published in, any other country after 1920 as are in the English, French, German or Spanish language and in which no priority is claimed, provided that the national Office of the interested country sorts out these documents and places them at the disposal of each International Searching Authority.

“(d) Where an application is republished once (for example, an *Offenlegungsschrift* as an *Auslegeschrift*) or more than once, no International Searching Authority shall be obliged to keep all versions in its documentation; consequently, each such Authority shall be entitled not to keep more than one version. Furthermore, where an application is granted and is issued in the form of a patent or a utility certificate (France), no International Searching Authority shall be obliged to keep both the application and the patent or utility certificate (France) in its documentation; consequently, each such Authority shall be entitled to keep either the application only or the patent or utility certificate (France) only.

“(e) Any International Searching Authority whose official language, or one of whose official languages, is not Japanese, Russian or Spanish is entitled not to include in its documentation those patent documents of Japan, the Russian Federation and the former Soviet Union as well as those patent documents in the Spanish language, respectively, for which no abstracts in the English language are generally available. English abstracts becoming generally available after the date of entry into force of these Regulations shall require the inclusion of the patent documents to which the abstracts refer no later than six months after such abstracts become generally available. In case of the interruption of abstracting services in English in technical fields in which English abstracts were formerly generally available, the Assembly shall take appropriate measures to provide for the prompt restoration of such services in the said fields.

“(f) For the purposes of this Rule, applications which have only been laid open for public inspection are not considered published applications.”

4. For Korean patent documents to be added to the PCT minimum documentation, a decision of the PCT Assembly would be required to amend Rule 34. Any such decision would need to take into account the relevant range of document dates and types which should be included and the date from which it would be practical to bring such a rule change into force.

*5. The Meeting is invited to make recommendations on the proposal of the Korean Intellectual Property Office in the Annex and on the issues which would need to be taken into account by any decision of the PCT Assembly on the proposal.*

[Annex follows]

ANNEX

LETTER FROM THE COMMISSIONER OF THE  
KOREAN INTELLECTUAL PROPERTY OFFICE



대한민국 특허청

Korean Intellectual Property Office

Government Complex-Daejeon Bldg.4  
Dunsan-dong 920, Seo-gu,  
Daejeon Metropolitan City, 302-701  
Republic of Korea  
Phone: (82-42) 481-5084  
Fax: (82-42) 472-3460

January 25, 2005

Mr. Francis GURRY  
Deputy Director General  
PCT and Patents, Arbitration and Mediation Center, and Global  
Intellectual Property Issues  
World Intellectual Property Office  
34, chemin des Colombettes,  
1211 GENEVE 20 (SUISSE)

Dear Mr. Gurry,

At the 11<sup>th</sup> Meeting of International Authorities under the PCT, which is due in February this year, we would like to propose that Korean patent documents be incorporated into the PCT Minimum Documentation. Specifically, we would like to include the Korean Patent Abstracts (KPA) and its patent gazettes from 1979 onwards. We have been pursuing the inclusion of these documents in the PCT Minimum Documentation, and we expect our proposal to be considered positively by the PCT member states.

The KPA is a collection of English abstracts of Korean patents. It has been available in SGML format since 1979, and presently contains about 550,000 abstracts. Our patent and utility model gazettes comprise the following titles: *Unexamined Patents*; *Unexamined Utility Models*; *Registered Patents*; and *Registered Utility Models*. The first two gazettes have been published since 1983, and they contain information on 1,086,000 patents and 494,000 utility models. The last two have been published since 1947, and they contain information on 464,000 patents and 400,000 utility models.

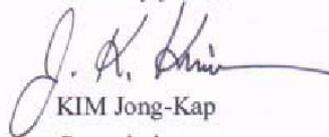
The *Unexamined Patents* gazette contains information on 412,000 patents in image file for the period from 1983 to 1998; it also contains information on 1,058,000 patents in SGML format for the period from 1983 to the present. The *Unexamined Utility Models* gazette has information on 369,000 utility models in image file for the period from 1983 to 1998, as well as information on 129,000 utility models in SGML format for the period from 1983 to the present. The *Registered Patents* gazette has information on 456,000 patents in image file for the period from 1947 to 1998; it also has information on 144,000 patents in SGML format for the period

from 1979 to the present. The *Registered Utility Models* gazette has information on 378,000 utility models in image file for the period from 1947 to 1998, along with information on 144,000 utility models in SGML format for the period from 1979 to the present. In addition, we have 1,110,000 abstracts of patents and 719,000 abstracts of utility models in text format for the period from 1947 to the present, as well as full images of 281,000 rejected patents and 370,000 rejected utility models for the period from 1947 to 1998.

As you may be aware, in the field of information and communication, Korea has developed state-of-the-art technology, especially in areas such as mobile phones, plasma display panels and semiconductors. This development has rapidly increased foreign demand for Korean patent documents. The KPA, for example, is now distributed to about fifty foreign intellectual property offices and other relevant organizations, including eleven PCT International Searching Authorities and International Preliminary Examining Authorities. Furthermore, each year there has been a twofold increase in the number of foreigners who use the free Internet search service of the Korea Industrial Property Rights Information Service (KIPRIS). Moreover, for the convenience of foreign users, the KIPRIS provides information in English on legal status of applications and the KPA. Later this year when we introduce a Korean-English machine translator, the KIPRIS will also provide a high-quality translation service.

If Korean patent documents can be incorporated into the PCT Minimum Documentation, then, with the aid of the electronic search environments such as electronic gazettes, databases and the Internet, examiners will be able to find more relevant prior art and the value of the patents will be maximized.

Sincerely yours,



KIM Jong-Kap

Commissioner

Korean Intellectual Property Office