

Meeting of International Authorities under the Patent Cooperation Treaty (PCT)

**Twenty-Second Session
Tokyo, February 4 to 6, 2015**

**PCT MINIMUM DOCUMENTATION:
DEFINITION AND EXTENT OF PATENT LITERATURE**

Document prepared by the International Bureau

SUMMARY

1. The International Bureau proposes to reactivate the PCT minimum documentation task force to continue work towards updating the patent literature part of the PCT minimum documentation. The Meeting is invited to comment on the appropriate first tasks, which are suggested to be: (i) investigation of whether the “Authority File” format developed by the IP5 Offices¹ could be useful, and (ii) the formats and means of distribution currently used for making national patent document collections available.

BACKGROUND

2. At the nineteenth session of the Meeting of International Authorities and the fifth session of the PCT Working Group, the International Bureau presented documents (PCT/MIA/19/13 and PCT/WG/5/16) suggesting the concept of amending Rule 34 to automatically include the national patent documentation of any PCT Contracting State as part of the PCT minimum documentation, provided that it was made available reliably in a suitable electronic format which would be easy for International Authorities to load into their databases. Certain technical limitations would continue to apply relating to avoiding duplicate documents and searching documents in languages which are inaccessible to the examiner.

¹ IP5 Offices: the European Patent Office (EPO), the Japan Patent Office (JPO), the Korean Intellectual Property Office (KIPO), the State Intellectual Property Office of the People’s Republic of China (SIPO) and the United States Patent and Trademark Office (USPTO).

3. The aim of this initiative was to improve the availability of technical information from patent documents, both in terms of the technical coverage and linguistic coverage and, as a result, to help improve the quality of international search.

4. One of the key initial steps was to properly evaluate the extent of the existing minimum documentation. The inventory in the WIPO Handbook on Industrial Property Information and Documentation had not been updated since November 2001. Since that time, apart from the lists of publications for the Offices represented becoming out of date, two new collections had been added to the list in Rule 34.1(c)(ii) (those of the Republic of Korea and the People's Republic of China) and other States might have made their collections available in accordance with Rule 34.1(c)(vi).

5. A similar exercise to evaluate the extent of patent collections was under way between the IP5 Offices and it was agreed to wait for the file specifications and the "Authority Files" produced by those Offices to become available in order to determine whether the same process would be suitable for use in documenting the PCT minimum documentation.

IP5 AUTHORITY FILES

6. The technical specifications for the IP5 Authority Files and the initial files produced by the Offices have now been made available on the IP5 website².

7. An Authority File is intended to provide "a definitive list of all patent documents issued by a patent office" and is described as follows:

"The primary purpose of authority files is to enable patent offices and third party patent information providers to assess the completeness of their collections of publications of other patent offices.

"In order to allow consistency checks an authority file provides all publication numbers for patent documents of which the numbers were published at least once. This therefore also includes numbers for which no published document is available (e.g. as is the case for USPTO applications withdrawn late, for destroyed documents) or for which the publication concerned only the publication of bibliographic data."

8. The specifications for the Authority File indicate that the file should include the following data items for each publication made by the Office preparing the file.

- (a) the publication number with the following three elements: the WIPO Standard ST.3 country code, the number of publication and the ST.16 kind code;
- (b) the publication date;
- (c) optionally, a publication indicator (to indicate withdrawn or missing documents); and
- (d) optionally, the priority number(s) and date(s) of said publication.

9. The specifications set out definitions of various terms (some strict, others as preferences) and provides recommendations concerning file structures in CSV and XML formats and the frequency with which the files should be updated (at least annually). Each of the IP5 Offices has provided a set of Authority Files describing their published patent documents in accordance with the specifications.

² See <http://www.fiveipoffices.org/activities/globaldossier/authorityfiles.html>.

PROPOSED NEXT STEPS

10. The International Bureau intends to reactivate the PCT minimum documentation task force, and invite it to begin by investigating and making recommendations in the following areas:

(a) *Documenting National Collections*

(i) Is the IP5 Authority File specification a suitable basis for a recommendation on how other national Offices should document their national patent collections if they wish them to be included in the PCT minimum documentations?

(ii) Are any of the specific formats used by the different IP5 Offices particularly suitable to be the basis of a more specific recommendation, to ensure that Authority Files from a wide variety of different Offices can be processed reliably?

(iii) Is it a problem that the format is intended specifically for assessing the completeness of document collections and does not help address the question of identifying equivalent publications to reduce duplication (as per existing Rule 34.1(d))?

(b) *Making National Collections Available*

(i) What formats and distribution means do national Offices currently use to make their national collections available to International Searching Authorities, the International Bureau and database providers?

(ii) Are any of the formats particularly helpful in allowing the documents and data associated with the patent publications to be loaded easily and effectively into databases for search purposes?

(iii) Are there any significant difficulties with standards which should be brought to the attention of other bodies for consideration as soon as possible?

11. The intention of this phase of work is to collect sufficient information on which to base the development of:

(a) effective recommendations and standards which are reasonable for national Offices to adhere to in order to have their national collections included in the PCT minimum documentation and allow International Authorities and database providers to easily load the necessary information in a timely and reliable fashion; and

(b) new draft legal texts to define what is necessary for a patent collection to become part of the PCT minimum documentation and the extent to which Authorities should be expected to include and search documents where they are in different languages or have equivalent technical disclosures to other patent documents.

12. The Meeting is invited to comment on the proposed next steps for the PCT minimum documentation task force and to recommend any additional issues which should be the subject of the coming investigatory phase of work.

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