

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

Twenty-Fourth Session
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eSEARCHCOPY

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SUMMARY

1. The eSearchCopy service is now in regular use between a large number of receiving Offices (ROs) and International Searching Authorities (ISAs) and is functioning well. The International Bureau (IB) seeks to encourage more pairs of Offices to use this route for sending search copies. In particular, ISAs should seek to implement this route for receiving search copies from the IB as RO so that legacy systems can be decommissioned and improved systems put in place to ensure the correct delivery of search copies, operating consistently across as wide a range of RO–ISA pairs as possible.

USE OF THE ESEARCHCOPY SERVICE

2. At the start of 2017, the eSearchCopy service linked 30 ROs with 12 ISAs in 63 total combinations, with several more due to begin in early 2017. Use of the service accounted for around 21 per cent of search copies being sent from one Office as RO to a different Office as ISA.

3. There remain 294 pairs of RO and ISA between which search copies are presently transmitted by different means. Annex I lists, for each ISA, the receiving Offices which do and do not deliver search copies using the eSearchCopy service as at January 1, 2017. The following table summarizes the extent to which, at January 1, 2017, different ISAs receive search copies from other Offices as RO using eSearchCopy; it does not take into account

international applications where the same Office acts as both RO and ISA. The final column, showing the proportion of search copies delivered using eSearchCopy, is an approximation based on whether transmissions between any particular RO and ISA are now sent using eSearchCopy, weighted according to the actual numbers of search copies transmitted between those pairs in the first three quarters of 2016. There will be some minor differences in practice where there have been changes in competence of an ISA for ROs, or if patterns of usage have changed significantly for other reasons.

ISA	ROs other than self for which ISA is competent	Number of ROs sending by eSearchCopy	RO/IB sends by eSearchCopy	Proportion of search copies using eSearchCopy
AT	37	8	Yes	88.9%
AU	24	11	Yes	97.8%
BR	8	0		
CA	5	0		
CL	11	2	Yes	63.6%
CN	10	1	Yes	82.1%
EG	8	3	Yes	100.0%
EP	116	7	Yes	20.0%
ES	14	0		
FI	1	0		
IL	3	2	Yes	100.0%
IN	2	0		
JP	11	8	Yes	99.3%
KR	16	0		
RU	32	10	Yes	93.0%
SE	20	3		13.7%
SG	6	3	Yes	96.9%
UA	1	0		
US	23	0		
XN	5	0		
XV	5	5	Yes	100.0%

4. The largest of the remaining pairs of Offices not yet using eSearchCopy by volume of international applications transmitted are those from the United States Patent and Trademark Office (USPTO) as RO to the European Patent Office (EPO) and the Korean Intellectual Property Office (KIPO) as ISAs and from the United Kingdom Intellectual Property Office (UKIPO) as RO to the EPO as ISA. Together, those transfers represent around 60 per cent of the transmissions of search copies from one Office to another.

5. These high volume flows are already well automated. Inclusion of these flows into the eSearchCopy service is unlikely to make any significant impact on the overall performance of the PCT system in the short term, but may be a priority for some of the Offices concerned in order to allow consolidation of IT systems and related processing.

6. The biggest benefit to the PCT system as a whole in the short term is expected to come from the take-up of eSearchCopy by Offices which currently transmit search copies on paper. Noting that most record copies are transmitted to the International Bureau electronically (and that easy systems are in place to allow other receiving Offices to move to electronic transmission), this should significantly reduce times to the receipt of search copies, as well as reductions in costs of printing and mailing for ROs and of scanning and document classification for ISAs.

7. It should also be noted that a pilot is under way for transferring search fees from the USPTO as RO to the EPO as ISA via the IB and it is intended to extend this pilot to a number of additional ROs and ISAs in the course of 2017. If this pilot is successful, it has significant potential synergies with the eSearchCopy system, ensuring that data is collected in a timely and consistent manner for both purposes, allowing further improvements to timeliness and accuracy of search copy processing, reductions in administrative costs for ROs and ISAs and a greater ability for the IB to manage costs caused by variations in exchange rates.

MEASURING THE EFFECTIVENESS OF THE SERVICE

Timeliness of Receipt of Search Copy

8. An analysis made in mid-December 2016 compared the time from the international filing date to the date of receipt of the search copy for the 50 last search copies sent between the two Offices prior to the use of eSearchCopy with the most recent 50 search copies sent by using the eSearchCopy service (or all relevant search copies for international applications of either type filed on or after January 1, 2014, where this number is lower).

9. For all of the pairs involved save six, the average time to receipt of the search copy had reduced. For those with more than 20 search copies, the reduction in average time ranged from two days to over a month (some larger figures appeared for pairs with lower numbers, but the statistical fluctuations make the comparisons less relevant). This is in addition to any internal efficiencies which can be achieved by the ISA because the copies are delivered in electronic form with their document types consistently coded so that there is no need for manual scanning and document classification before the search copy can be forwarded to the examiner.

10. Also importantly, the fact that the International Bureau has a better view of the overall picture and is able to follow up on apparent anomalies at an earlier stage means that the number of international applications where the time for delivery of the search copy is greater than three months from the international filing date appears to have dramatically reduced and the problem of search copies being lost in the post and only being delivered much later (in some cases over a year later) after follow-up by either the applicant or the International Bureau is essentially eliminated.

11. Of those pairs of Offices where the average time for transmission increased, the main issue appears to be around delivery of translations for the purpose of international search. Changes have been made to address this both in IT systems and in practices at the International Bureau and it is expected that significant improvements will be seen in the course of 2017. Other issues are still being investigated but appear to be due mainly to transitional problems for individual receiving Offices which should no longer be relevant or else technical problems which have now been resolved. In the longer term, as well as making further improvements to the ePCT system for clarity and ease of use, it is intended to offer additional training and improved reporting services to help ensure that ROs do not overlook essential actions to trigger the forwarding of the search copy, particularly in relation to notification of the payment of the search fee, which is the most common reason for delay in release of the search copy.

Quality of Search Copies

12. The International Bureau does not have the data to measure the actual quality of search copies as received by examiners before and after use of the eSearchCopy service. However, as part of its pilot of the service, the EPO has conducted quality evaluations and found that, in general, the quality of search copies is equal to or better than those previously received on paper. It was noted that various long-standing issues around quality of search copies remain to

be resolved, most notably concerning drawings with small text or including color and greyscale, but these have in some cases been improved and at least not made worse by the alternative service.

13. Following feedback from several ISAs, the international Bureau has made a number of improvements to the bibliographic data packages that are being delivered by the system, and is in the process of implementing the delivery of translations for the purposes of search with the sections of the application body indexed, and the delivery of an early OCR of page image applications to assist examiners.

14. For ROs uploading record copies through the ePCT browser-based service, the system provides warnings in many cases where there are likely to be problems with a scanned document and offers the RO the ability to see the results of any conversions before the record copy (which will also be used as the eSearchCopy) is transmitted. This allows the possibility of seeking to make improvements in scanned paper at source. The hosted e-filing service also offers the opportunity for those Offices still only accepting paper filings to move to e-filing (and subsequent participation in the eSearchCopy service) without local development and maintenance costs, eliminating the need for local scanning.

NEXT STEPS

15. The IB would like to encourage all ISAs which do not currently use the eSearchCopy service to evaluate it and to make efforts towards supporting it as a means of receipt of search copies. The IB would like to decommission its legacy systems for transmitting search copies from RO/IB to ISAs as soon as possible. This would both reduce maintenance costs for the parallel systems currently being supported and allow the IB to concentrate efforts on a single service which can be effectively monitored to ensure that search copies are delivered to ISAs quickly and accurately from all ROs for which the ISA is competent.

16. The main change requests which have been received in 2016, but do not yet have a schedule for implementation are listed in Annex II. The International Bureau is interested to hear from ISAs prioritization requests, and/or any further requirements, or improvements, that they would like to see implemented in the eSearchCopy system.

17. Further information concerning the intended extension of the pilot for transfer of search fees via the International Bureau will be sent out in a PCT Circular in due course.

18. The Meeting is invited to note the contents of this document.

[Annex I follows]

ANNEX I

ROUTES OF SEARCH COPIES

The following table shows the ROs which do and do not use eSearchCopy to deliver search copies to each ISA as at January 1, 2017. The ROs are listed in descending number of search copies sent to the ISA in the first three quarters of 2016. Underlined codes represent Offices which have, at the time of writing, been configured to begin using eSearchCopy later in January 2017. Several further routes are under discussion or testing and are expected to be added shortly.

ISA	ROs delivering using eSearchCopy	ROs not delivering using eSearchCopy
AT	IB ZA IN DZ BR SG CO DJ	KR KE VN AE AO AP BB BH CU EG GE GH GT KP LC LR LS LY MA MG <u>MX</u> OA OM PE ST SY TT ZM ZW
AU	US NZ IB SG MY IN TH ZA BN ID PH	KR AE GH KE LC LK LR NG OM PG VC VN ZW
BR		<u>IB</u> PE AO <u>CO</u> CU GT PA ST
CA		<u>IB</u> BZ NG SA VC
CL	IB CO	<u>MX</u> PE EC SV CR CU DO GT PA
CN	IB	TH IN KP KE AO GH IR LR ZW
EG	SA IB DJ	KW OM QA SD SY
EP	IB JP FI IT IL ES NO	US GB FR DE NL TR AT SE DK IN PL CZ CH HU BR BE GR SG RU MY PT ZA HR SI BG IS IE RO UA MA SK EG RS TH PH AM ID NZ SM CL EE CU CY GE OA QA TN BA LT LU LV MD MK OM SA VN AL AO AP AZ BB BH BN BW BY BZ CO CR DJ DO DZ EA EC GH GT HN IR KE KG KW KZ LA LC LK LR LS LY MC ME MG MN MT MW MX NG NI PA PE SC SD ST SV SY TJ TM TT UZ VC ZW
ES		<u>MX</u> IB PE CL CO DO PA CR CU EC GT HN NI SV
FI		IB
IL	US IB	GE
IN		IB IR
JP	US IB SG TH MY ID PH BN	KR LA VN
KR		US IB SG MY AU NZ PH TH CL ID LK MN MX PE SA VN
RU	US IB BG EA LV SA AZ CO ID HU	UA KZ BY RO GE MD LT UZ VN AM CU IR KG KP MA MG MN OA SY TJ TM ZW
SE	FI BR IN	IB NO <u>DK</u> AP BB GH IS KE LK LR MA MG <u>MX</u> OA TT VN ZM
SG	US IB JP	ID <u>MX</u> VN
UA		IB
US		IB IL IN BR NZ MX CL TH ZA EG BB BH DO GE GT LC OM PA PE PH QA TT VC
XN		<u>NO</u> <u>DK</u> <u>IB</u> IS SE
XV	HU PL CZ IB SK	

[Annex II follows]

ANNEX II

REQUESTED IMPROVEMENTS
TO THE eSEARCHCOPY SERVICE

Description	Status
<p>Request [from EPO] for the batch to send replacement sheets indexed by section.</p> <p>The IB's systems do currently do not hold section indexing for replacement sheets; part of the implementation of this change will be to gain the necessary section indexation from applicants, Offices and through indexing at the IB.</p>	Long term action
<p>Currently the search fee payment data XML specification indicates that the data is non-mandatory, but the existing system requires this value; it is proposed to update the documentation and DTD to make this mandatory.</p>	Consultation to be prepared
<p>Currently the eSearchCopy system does not automatically handle the scenario of the change of ISA once the Search Copy has already been transmitted.</p> <p>Somehow the system needs to record the document ID and ISA in the transmission history and thus if the ISA is changed, the system will register that all the previously sent documents (to the former ISA) need to be sent to the newly nominated ISA.</p>	In investigation
<p>Update the eSearchCopy batch to use an improved IASR generator (2.3).</p> <p>This ticket is to improve the IASR to address the deficiencies observed by KR, JP and EPO. Relates to extending the data subset that is included. However, this uses a common service which will affect users of several other external systems if changed.</p> <p>A way forward to deploy a new version needs to be identified (workarounds are in place for the data deficiencies).</p>	Long term action
<p>At the point when the PCT system manages colour drawings, enable the delivery to ISA of the color drawings that are available for applications.</p> <p>This is pending agreement by the member states for a way forward on color drawings.</p>	Long term action
<p>Implementation of logic to support the July 2017 Rule changes (Rule 23bis) in relation to the transmission of earlier search reports.</p>	In investigation

[End of Annex II and of document]