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PATENT COOPERATION TREATY

INTERIM COMMITTEE ON TECHNICAL COOPERATION

Second Session : Geneva, October 6 to 9, 1972

DEVELOPMENTS DURING THE
PERIOD FEBRUARY 1971 - OCTOBER 1972

Report prepared by the International Bureau

SUMMARY

This document contains a summary of the developments of interest to the Interim Committee for Technical Cooperation since its first session (February 1971) to October 1972, inclusive.

It invites the Interim Committee for Technical Cooperation to advise the International Bureau on the said matters.

Background

1. It is recalled that in its first session held in February, 1971, the Interim Committee for Technical Cooperation (hereinafter referred to as the "Interim Committee") arrived at the following conclusions as to its program and that the program was endorsed by the Executive Committee of the Paris Union when it met in September and October 1971 (see documents PCT/TCO/I/6, paragraph 30; P/EC/VII/5, Annex A, Part I; P/EC/VII/21, paragraph 17).

A. "Minimum Documentation"

The International Bureau, under the guidance of the Interim Committee and with the advice of the Standing Subcommittee of that Committee, should:

(i) prepare a detailed inventory of the patent documents to be included in the PCT minimum documentation (the inventory should comprise also the status of abstracts of Japanese and Russian language documents referred to in Rule 34.1(e) and those English, French and German language documents which, under Rule 34.1(c)(vi) of the PCT Regulations, may be expected to be included in the minimum documentation; the inventory should refer to document numbers in terms of "from No..... to No....." only rather than listing all the numbers and without necessarily identifying scattered numbers not used);

(ii) carry out a survey, to the extent considered useful by the Standing Subcommittee, on the question which of the patent documents of the minimum documentation are missing in any of the prospective International Searching and Preliminary Examining Authorities (hereinafter referred to as "the prospective Authorities"), and recommend measures (exchange of documents, microforms, etc.) to fill any gaps by the time the Patent Cooperation Treaty comes into effect;

(iii) carry out a survey of existing abstracting and translation services of patent documents likely to be of direct usefulness to the prospective Authorities (the survey should encompass, irrespective of geographical location, government-operated services, services offered for sale to the general public, and services which are private and restricted) and recommend measures to fill any gaps by the time the Patent Cooperation Treaty comes into effect;

(iv) study the possibilities of coordination and cooperation among the abstracting and translating services referred to in the preceding subparagraph, as well as the possibilities for the use of such services by the prospective Authorities;

(v) study the most efficient methods, differing possibly for each of the prospective Authorities, by which the said Authorities may promptly acquire patent documents, abstracts, and translations of such documents and abstracts, in the desired most practical form (paper, microfilm, microcard, etc.) from national Offices, public or private documentation services, and other possible sources, on a continuing basis before and after the entry into force of the Patent Cooperation Treaty, it being understood that, where satisfactory bilateral or other arrangements exist, those should be used;

(vi) to the extent that previous surveys do not provide the required information, carry out, with a view to establishing the list referred to in Rule 34.1(b)(iii) of the PCT Regulations, a survey to identify the kind of non-patent literature items which are now systematically used by the prospective Authorities;

(vii) prepare the material necessary for formulating proposals as to what should be included in the list referred to in the preceding subparagraph and in what form (abstracts, etc.);

(viii) study the possibilities of alerting prospective Authorities to and, subject to respecting the applicable copyright laws, enabling them to exchange or otherwise acquire non-patent literature items which might be included in the said list but presently are missing in the collections of the prospective Authorities.

B. "Information Meetings on Searching Techniques; Test Searches (Proposal by the German Patent Office)"

The Standing Subcommittee should study the merits, costs, feasibility, usefulness and possible timetable of information meetings on searching techniques and of test searches (see document PCT/TCO/I/2, paragraphs 23 to 26) and report to the Interim Committee. The study should also deal with the question to what extent the information meetings could be replaced or preceded by an exchange of information in written form (through a survey based on a questionnaire) and by an exchange program of examiners. The advice of non-governmental organizations should be sought on the question what documents (fictitious or real applications) any test searches should be carried out on and, if they are to be carried out on fictitious applications, such organizations should be invited to assist in drafting them and in submitting test searches based upon the documentation available in industry; they should also be invited to comment on the results of the tests. The study should include exploring also the feasibility of methods other than information meetings and test searches to attain the objectives which such meetings and tests were intended to achieve.

Before the latter study starts, the International Bureau should invite the members of the Standing Subcommittee and the interested non-governmental organizations to make concrete proposals for methods other than the said information meetings and test searches for achieving the said objectives.

C. "Patent Families and Bibliographic Data"

The Interim Committee, after due preparation by the International Bureau and the Standing Subcommittee, should:

(i) take stock of the existing facilities, whether government-operated or privately operated, for indexing bibliographic data appearing on patent documents, particularly as an aid to identifying those which relate to the same invention;

(ii) study the possibilities of creating standardized, compatible--and, consequently, exchangeable and mutually usable--computer tapes carrying the bibliographic data of patent documents;

(iii) study the possibilities of the creation or extension of a centralized service--whether operated as a cooperative enterprise of the prospective International Searching and Preliminary Examining Authorities and WIPO, or of WIPO, the said Authorities and commercial or other independent enterprises--for assembling, processing and disseminating the said bibliographic data primarily for the purpose of identifying "patent families."

D. "Priorities"

The Interim Committee agreed that work on the items "Minimum Documentation" and "Patent Families" was more urgent than work on the items "Information Meetings on Searching Techniques; Test Searches" and the patent information services (other than patent families)."

2. It is further recalled that the Interim Committee at its first session established the Standing Subcommittee of the Interim Committee (hereinafter referred to as the "Standing Subcommittee") consisting of the prospective International Searching and Preliminary Examining Authorities (hereinafter referred to as the "prospective Authorities"). The members of the Standing Subcommittee are the Patent Offices of Austria, Germany (Federal Republic), Japan, Netherlands, Soviet Union, Sweden, United Kingdom, United States of America, and the International Patent Institute, with Brazil participating as observer. The Standing Subcommittee held its first session in December, 1971, and its second session in April 1972. It will hold its third session from October 2 to 5, 1972.

PROGRESS MADE IN THE PERIOD FEBRUARY 1971 TO OCTOBER 1972

Minimum Documentation (Patent Documents)

3. The Standing Subcommittee at its first session considered a detailed inventory of national patent documents to be included in the PCT minimum documentation of the prospective Authorities under Rule 34, prepared by the International Bureau (see document PCT/TCO/SS/I/2), and invited the International Bureau to improve said inventory in light of the observations made during that session and to keep the information contained in the inventory up to date (see report of first session contained in document PCT/TCO/SS/I/17, paragraph 15).

4. An improved and more detailed version of that inventory was prepared by the International Bureau in cooperation with the national Offices of France, Germany (Federal Republic), Switzerland, the United Kingdom, and the United States of America and, together with the lists of unused numbers of patent documents, was submitted to the third session of the Standing Subcommittee in document PCT/TCO/SS/III/4.

5. The total number of relevant documents to be included in the PCT minimum documentation has been estimated at about 7,000,000 without taking into account any documents under Rule 34.1(c)(vi), i.e., non-priority patent documents in English, French and German, published by countries other than the seven "minimum documentation countries."

6. The Standing Subcommittee at its first session further considered the results of a survey conducted by the International Bureau (see Annex J of document PCT/TCO/SS/I/2 and document PCT/TCO/SS/I/9) with a view to establishing the inventory of those English, French, and German language documents which, under Rule 34.1(c)(vi) of the PCT Regulations, may be expected to be included in the PCT minimum documentation. In the said survey, the countries publishing English, French or German language patent documents not forming part of the PCT minimum documentation were asked whether they were interested in having their non-priority patent documents included as part of the PCT minimum documentation. The Standing Subcommittee invited the International Bureau to complete the survey so far undertaken (see report of first session contained in document PCT/TCO/SS/I/17, paragraph 16). At the time of the first session of the Standing Subcommittee, approximately one-half of the countries referred to above had responded to the inquiry of the International Bureau. No further responses from the remaining countries have been received so far. The envisaged completion of the survey could therefore not yet be undertaken.

Minimum Documentation (Non-Patent Literature)

7. The Standing Subcommittee in its first session considered a survey conducted by the International Bureau to identify the kind of non-patent literature items which are now used by the prospective Authorities with a view to establishing a minimum list of periodicals to be included in the PCT minimum documentation under Rule 34.1(b)(iii). The overall number of periodicals

reported under that survey to be in use with the prospective Authorities was 6,680. A draft "first list" of 599 periodicals was established by eliminating from the overall number of 6,680 periodicals all those not listed by more than 2 prospective Authorities (see document PCT/TCO/SS/I/3, paragraph 5 and Annex).

8. During consideration of the "first list" the Standing Subcommittee discussed the question of what the term "systematically used" should mean in regard to the use of non-patent literature, and what the criteria for selection of periodicals should be. A working group of the Standing Subcommittee then drafted a questionnaire related to this subject matter, whereas the delegation of Germany (Federal Republic) proposed an alternative draft questionnaire (both draft questionnaires were contained in document PCT/TCO/SS/I/15). In view of these differences of opinion, the Standing Subcommittee decided that the International Bureau should communicate with the prospective Authorities in order to gather information on the principal methods by which such Authorities selected non-patent literature for examiners and channelled it to them. With this information at hand the International Bureau should then elaborate a final questionnaire.

9. Following this invitation of the Standing Subcommittee, the German Patent Office, in its letter dated March 20, 1972, proposed that the working out of a questionnaire should be discontinued and that the "first list" should be refined by the prospective Authorities. The latter should be asked to indicate which primary and secondary publications identified in the Annex to document PCT/TCO/SS/I/3 should be considered for inclusion in the minimum documentation, and which periodicals or publications, if any, not indicated in the said document, should also be included. The members of the Standing Subcommittee were advised about the proposals of the German Patent Office and a majority of them agreed in writing with this new approach. Their comments are contained in document PCT/TCO/SS/III/7, which was submitted to the third session of the Standing Subcommittee. A supplementary document to be addressed to the third session of the Standing Subcommittee (document PCT/TCO/SS/III/8) will contain an evaluation of the replies of the prospective Authorities on the questions formulated by the German Patent Office.

Statistics on Citations of Non-Patent Literature

10. The Standing Subcommittee at its first session entrusted the International Bureau with the task of collecting or establishing statistics concerning the number of citations of non-patent literature and the ratio of that number to the number of citations of patent documents in sample groups of searched or examined patent documents pertaining to different "old" and "recent" technological fields (see report of the first session in document PCT/TCO/SS/I/17, paragraph 25). The only information so far received by the International Bureau was furnished by the United States Patent Office. This information, which was the result of a study of citations in examined applications, was submitted to the third session of the Standing Subcommittee in document PCT/TCO/SS/III/9. With Circular Letter No. 1462, the International Bureau requested any additional pertinent information available on this topic or comments on the information already submitted.

Minimum Documentation (Non-Patent Literature) PAL System of INSPEC

11. In May 1971, the "Information Services in Physics, Electrotechnology, Computers and Control" (INSPEC) of the Institution of Electrical Engineers, a United Kingdom professional society, submitted to the International Bureau proposals concerning a service for identifying and supplying abstracts, indexes and magnetic tape data bases for Patent Associated Literature (PAL system), i.e., non-patent technical literature likely to be relevant for patent searches. Initially this service would cover the fields of physics, electrical and electronics engineering, computers and control, and later the mechanical engineering and chemical fields.

12. The International Bureau distributed copies of the proposals to members of the Standing Subcommittee, and at its first session the Standing Subcommittee considered the proposals and the observations made thereon by its members and concluded that the proposals merited further study (see document PCT/TCO/SS/I/6 and its Annex).

13. Representatives of the International Bureau and INSPEC conducted meetings during May and June 1972 with representatives of several national Offices, members of the Standing Subcommittee, to evaluate and elicit suggestions for the modifications of, or additions to, the original PAL proposals and system definition. The results of these meetings have been reflected in the Agreed Notes of Discussion contained in Annexes A to G of document PCT/TCO/SS/III/10, which was submitted to the third session of the Standing Subcommittee. A supplementary document (PCT/TCO/SS/III/11) dealing with the copyright questions, the future INSPEC plans, and the role of the International Bureau, will later be submitted to the said session.

Minimum Documentation: Abstracting Services for Patent Documents

14. The Standing Subcommittee at its first session considered a survey (see document PCT/TCO/SS/I/4) prepared by the International Bureau concerning existing abstracting services which publish--either as their only activity or as one of their activities--abstracts of patent documents in the English, French, German, Japanese or Russian languages, covering one or more countries and some or all fields of technology. The coverage of the survey was essentially limited to official gazettes and abstracting services dealing exclusively with patent documents.

15. At its first session the Standing Subcommittee invited the International Bureau to continue the survey on abstracting services with a view to updating the information collected (see report of first session contained in document PCT/TCO/SS/I/17, paragraphs 34 and 35). On the basis of a questionnaire, the International Bureau evaluated the responses received from over 100 abstracting services. The results so far obtained under the survey are reproduced in document PCT/TCO/SS/III/5, which was submitted to the third session of the Standing Subcommittee.

Minimum Documentation: Translation Services for Patent Documents

16. The Standing Subcommittee at its first session considered a survey prepared by the International Bureau concerning existing translation services which keep--either as their only activity or as one of their activities--collections of translations of patent documents or their abstracts in the English, French, German, Japanese or Russian languages, covering one or more countries and some or all fields of technology. The coverage of the survey mainly concentrated on those 200 services which have transactions with the European Translation Center, Delft (Netherlands) and the National Translation Center, Chicago (USA) (see document PCT/TCO/SS/I/4, paragraphs 14 to 16 and Annex IV).

17. The Standing Subcommittee invited the International Bureau to continue the survey on translation services with a view to updating the information collected (see report of first session contained in document PCT/TCO/SS/I/17, paragraph 35). In compliance with this invitation, the International Bureau has updated the survey of translation services on the basis of information requested and received since document PCT/TCO/SS/I/4 was prepared. A document on this subject was presented to the third session of the Standing Subcommittee (document PCT/TCO/SS/III/6).

Patent Families and Bibliographic Data

18. In the framework of the program of the Interim Committee, the Executive Committee of the Paris Union, at its September/October 1971 session, conferred on the Standing Subcommittee the powers of advising the Director General of WIPO in his negotiations concerning an international patent documents service and of approving any arrangement that might result from such negotiations (see the report of the Executive Committee, document P/EC/VII/21, paragraph 67, referring to document P/EC/VII/10, paragraphs 8 to 19). At the same time the Executive Committee laid down the principles and considerations which must guide the Director General and the Standing Subcommittee, as well as the procedure to be followed.

19. Pursuant to this decision, the Standing Subcommittee considered at its first session three proposals (from the Austrian Government, the International Patent Institute and Derwent Publications Limited, London) for operating a patent documents service and a comparative analysis of them (document PCT/TCO/SS/I/8) and decided that the further study of the matter should be continued on the basis of the proposal of the Austrian Government. (For details of the decision see paragraph 52 of document PCT/TCO/SS/I/17).

20. Thereafter several months of negotiations and consultations with the Austrian Authorities and of the latter and WIPO with several national Offices, the International Patent Institute and Derwent (London) led to the preparation of a detailed project of the Austrian Government to establish an International Patent Documentation Center (INPADOC), in Vienna.

21. A general discussion of the plans of the Austrian Government and of the draft agreement between WIPO and the Austrian Government in this respect took place at the second session of the Standing Subcommittee, at which France and Switzerland had also been invited, in view of their active participation in the preparatory work of the session (see documents PCT/TCO/SS/II/2 and 3).

22. As a result, the Standing Subcommittee authorized the Director General of WIPO to enter into an agreement with the Austrian Authorities on the establishment of INPADOC (see the report contained in document PCT/TCO/SS/II/7). The Agreement between the Austrian Government and WIPO was signed in Vienna on May 2, 1972, by the Director General of WIPO and the Minister of Trade, Commerce and Industry of Austria, Mr. J. Staribacher.

23. Since, at the time of writing this report, the preparations for the establishment of INPADOC continue and some elements for a complete picture are still missing, a separate and more detailed report concerning INPADOC will be prepared later. It is intended to be circulated in August or September 1972.

Cooperation with the International Atomic Energy Agency

24. The International Bureau and the International Atomic Energy Agency (IAEA) organized a meeting held in November 1971, at the headquarters of WIPO in Geneva, of a Joint ad hoc Group for Patent Information in Nuclear Science and Technology. The Group, which included representatives of the IAEA, national organizations for nuclear energy, national Patent Offices and the International Patent Institute, discussed the services provided by the IAEA through its International Nuclear Information System (INIS). The report of the Joint ad hoc Group was submitted to the Standing Subcommittee at its first session (document PCT/TCO/SS/I/11). The Standing Subcommittee noted the report with approval and agreed that the exploration of the possibilities of cooperation between WIPO, the International Bureau and the IAEA should continue.

25. In order to assess the potential use of INIS by patent offices, as a search tool particularly for non-patent literature, the International Bureau and the International Patent Institute sent representatives to an INIS indexing training course in Vienna, from June 19 to 23, 1972. A document prepared by the International Bureau reporting on the INIS system, the indexing training course, and the INIS abstracts, and drawing some preliminary conclusions, was submitted to the Standing Subcommittee at its third session (document PCT/TCO/SS/III/14).

Isolated Searches

26. The Standing Subcommittee at its first session discussed the proposals (see documents PCT/TCO/SS/I/7 and PCT/TCO/SS/I/10) concerning the establishment of uniform search methods for the prospective Authorities and noted with appreciation the offers received from the Patent Office of Germany (Federal Republic) and the International Patent Institute (IIB) to establish reports on their experiences in performing "Isolated Searches" as such searches would

be similar to the international searches under the PCT (see report of the first session contained in document PCT/TCO/SS/I/17, paragraphs 56 and 57). The report of the Patent Office of Germany (Federal Republic) was communicated to the third session of the Standing Subcommittee as an Annex to document PCT/TCO/SS/III/12. The IIB report has not yet been submitted.

Establishment of Uniform Search Methods

27. The Standing Subcommittee at its first session considered the proposals (see documents PCT/TCO/SS/I/7 and PCT/TCO/SS/10) submitted by its members in response to an inquiry circulated by the International Bureau concerning the establishment of uniform search methods for the prospective Authorities. The Standing Subcommittee invited the International Bureau to extract the information on the search methods of various examining Offices compiled within the framework of ICIREPAT which might be useful for the establishing of uniform search methods among the prospective Authorities and to present such information to the Standing Subcommittee (see report of the first session contained in document PCT/TCO/SS/I/17, paragraph 58). The Annex to document PCT/TCO/SS/III/12, which was submitted to the third session of the Standing Subcommittee contains a summary of two such ICIREPAT surveys which were conducted in 1969 and 1970.

Bilateral Examiner Exchange

28. The Standing Subcommittee at its first session considered a proposal of the Swedish Patent Office relating to bilateral examiner exchange programs (see document PCT/TCO/SS/I/10) submitted in response to an inquiry circulated by the International Bureau concerning the establishment of uniform search methods for the prospective Authorities. The Standing Subcommittee invited the International Bureau to collect information concerning the experience obtained from bilateral exchange programs carried out by certain national Offices in recent years (see report of the first session contained in document PCT/TCO/SS/I/17, paragraph 55). The responses so far received to a circular letter communicated by the International Bureau requesting such information were submitted to the third session of the Standing Subcommittee as Annexes to document PCT/TCO/SS/III/13. Further replies are expected and will be submitted to the Standing Subcommittee in due course.

Draft Forms and Explanatory Memorandum on the Utilization of the Forms

29. The International Bureau prepared the draft Forms to be employed in the communications involving the receiving Offices, the International Searching Authorities, and the International Bureau under Chapter I of the PCT which are contained in document PCT/TCO/SS/III/2, and the Explanatory Memorandum on the Utilization of the Forms which is contained in document PCT/TCO/SS/III/3. They were first submitted to the third session of the Standing Subcommittee for its advice. The Forms are of interest to the members of the Standing Subcommittee in several capacities: as prospective receiving Offices as well as prospective International Searching and/or Preliminary Examining Authorities. The draft Forms and the Explanatory Memorandum on the Utilization of the Forms, together with the advice of the Standing Subcommittee, will, however, also be considered by the third session of the PCT Interim Advisory Committee on Administrative Questions in connection with the examination of the Draft Administrative Instructions (document PCT/AAQ/III/2).

Conclusion

30. The Interim Committee is invited to consider this report and to advise the International Bureau on the matters treated in it or on any other matters within the Interim Committee's competence.

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