

## **Patent Cooperation Treaty (PCT) Working Group**

**Fifteenth Session**  
**Geneva, October 3 to 7, 2022**

### **PCT ONLINE SERVICES**

*Document prepared by the International Bureau*

#### **SUMMARY**

1. The online services delivered by the International Bureau to support the operation of the PCT are functioning well and offer the opportunity for applicants and Offices to use and administer the system effectively. Recent development has focused primarily on delivery of changes required to support Rule changes (notably the implementation of WIPO Standard ST.26 for sequence listings) and the consolidation and modernization of underlying services.
2. Future priorities include increasing the use of XML for search reports, written opinions and application bodies, optimizing machine-to-machine services and interfaces for national Offices, and completing services to allow secure and efficient delivery of communications from Offices to applicants in order to phase out the use of paper and email as delivery mechanisms.

#### **ePCT SERVICES**

3. The International Bureau provides online services for Offices and applicants, including for the processing of electronic filings and post-filing documents, arrangements for the transmission and receipt of eSearchCopies and other documents, preparing international search reports, written opinions and international preliminary reports on patentability in XML format, task allocation, management and monitoring reports, and production of administrative forms. This allows a complete service to be managed by an Office, provided that all staff concerned have WIPO Accounts, set up with the appropriate access rights.
4. The ePCT system has been updated to implement the use of WIPO Standard ST.26 for international applications filed on or after July 1, 2022 (see document PCT/WG/15/3). The system uses the international filing date of each application to determine the applicable WIPO Standard for the format of any sequence listing received, and for generating appropriate

versions of forms when communicating with applicants. This ensures that Offices processing international applications using ePCT and the International Bureau communicate appropriately when dealing with post-filing documents during a period when Offices are processing applications with sequence listings both according to WIPO Standards ST.25 and ST.26.

5. The ePCT system processes documents and data both for international applications filed at Offices using local processing systems, and for those filed at Offices using the ePCT system. The use of batch transmission systems to connect the local systems to the International Bureau results in a slightly delayed availability of documents in ePCT for applicants compared to when the Office processing is conducted in ePCT or is transmitted to the International Bureau using the ePCT machine-to-machine services (ePCT M2M). Moreover, the PCT Electronic Data Interchange (PCT-EDI) batch transfer infrastructure is becoming increasingly constrained by maintenance and security requirements, which have led to limitations such as a new maximum batch file size of 2 gigabytes. Offices using PCT-EDI are therefore invited to transition away from batch transfers to ePCT M2M services to enable real-time transactions and are encouraged to contact the International Bureau to plan this transition.

6. While the ePCT user interface for applicants and receiving Offices is well developed, the International Bureau is continuing to improve the functions available and provide validations that assist in the filing and processing of applications. Furthermore, several International Authorities are continuing to work with the International Bureau to make the interface for creation of reports more efficient in the hope that this will assist in encouraging all International Authorities to move to the delivery of reports in XML format, including any subsequent corrected versions. The next improvements will see the alignment of the user interface for the Chapter I reports with that implemented for the Chapter II reports, and also include the entry, manipulation and validation of data manually on-screen and support for improved import of citation information from examiners' search tools.

## **SEARCH COPIES**

7. The eSearchCopy system now provides for the communication of all search copies where the International Searching Authority (ISA) is not the same Office as the receiving Office. Through this system, search copies are delivered, on average, 9.8 days after the receipt of the record copy: 8.8 days where no translation is required to be provided by the applicant for international search, and 21.7 days where a translation is required and is received from the applicant for forwarding to the ISA as part of the search copy. The International Bureau is working on its own internal procedures to eliminate delays due to record copy processing issues, and also with receiving Offices to further improve performance concerning processing of search fee information and translations.

8. The eSearchCopy system relies on the bibliographic information received by the International Bureau and the timeliness of notification of any changes, in particular, to the data held for the specification of the ISA, this information being important in the running of this system.

9. The implementation of the eSearchCopy system has recently been improved to provide search copies via ePCT M2M services in addition to the legacy PCT-EDI batch delivery. This enables International Authorities to obtain the latest documents and data available from the International Bureau from the moment the search copy is available, including checking in real time for new documents as required, for example, at the moment the examiner begins work on the application.

## **SEARCH REPORTS AND WRITTEN OPINIONS IN PATENTSCOPE**

10. For international applications in PATENTSCOPE, over 85 per cent of international search reports and almost as many written opinions are included in XML format in the publicly-available file, covering nine International Authorities. This improved availability of the reports in XML

format has enabled a significant improvement in the ability of PATENTSCOPE to deliver on-demand machine translation of reports into any of the 10 PCT languages of publication. Furthermore, the improved availability enables the provision of reference material links, such as International Patent Classification, cited documents and patent family documents in the international search report. The International Bureau is ready to receive and process reports in XML format from the remaining International Authorities when that format becomes available.

### **ELIMINATING PAPER COMMUNICATIONS**

11. Since early in the COVID-19 pandemic, the International Bureau has ceased the sending of communications on paper, moving instead to email communication. In parallel, ePCT users have for many years been able to be notified of the availability of documents in the ePCT system and have securely downloaded them from there. Such a service can also be automated using web services and a few test users have set up automatic links to their patent management systems, ensuring that documents are downloaded immediately and data and addresses are checked and synchronized.

12. With effect from January 1, 2022, Circular C. PCT 1631 promulgated modifications to the PCT Administrative Instructions (notably Sections 102 and 709) allowing for such services to be offered as an official means of communication of documents to the applicant, entirely replacing paper and email, provided that this is requested by the applicant. Work is ongoing on systems in order to make such services practical and reliable for official delivery of documents via ePCT from both the International Bureau and from national Offices in their capacity as receiving Offices or International Authorities.

### **FULL TEXT PROCESSING**

13. The International Bureau continues to support the move towards full text processing of applications. The aim is that:

(a) applicants should be able to submit full text formats of their application bodies in the international application as filed and for any corrections, rectifications and amendments, and see immediately how this will be presented in the published application, or as amendments annexed to an international preliminary report on patentability (Chapter II); and,

(b) designated Offices and third parties should see full text versions of the application showing all accepted corrections, rectifications and amendments clearly marked up to distinguish between original and modified content, similar to the “Replacement sheet” markings of the current system, but at the level of paragraphs and drawings, rather than pages.

14. While some national Offices have been processing applications in WIPO Standard ST.36 format for many years (or, more recently, ST.96) based on a variety of systems that allow applicants to create the necessary application bodies, the International Bureau believes that support for the extraction of data from uploaded DOCX files will provide the most effective solution for applicants. The technical issues and applicant concerns that remain to be addressed before this is universally accepted and fully effective are further considered in document PCT/WG/15/14.

### **NEXT STEPS**

15. Comments are invited on any priorities that should be taken into account in the further development of online services, especially on particular aspects of PCT processing that affect the current or future processes supported by PCT online services.

*16. The Working Group is invited to comment on the issues set out in document PCT/WG/15/15.*

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