

Patent Cooperation Treaty (PCT) Working Group

Eighth Session
Geneva, May 26 to 29, 2015

COLOR DRAWINGS

Document prepared by the International Bureau

SUMMARY

1. The proposals to allow the international phase processing of color drawings, discussed and endorsed by the Working Group in 2014, have encountered technical difficulties and will not be ready for implementation in 2016. The International Bureau would welcome technical discussions, outside of the meeting, with national Offices which have already implemented systems for processing color drawings in patent applications, including as priority documents, as well as with International Authorities which are in the process of developing new systems for that purpose.

BACKGROUND

2. At its seventh session, the Working Group endorsed a proposal (documents PCT/WG/7/10 and paragraphs 339 to 355 of document PCT/WG/7/30) to allow electronic filing of international applications containing color drawings, which would then be processed in color for at least the international phase, including for the purposes of international search and international publication. Arrangements would be made to permit the centralized submission of black and white versions of drawings for use in such designated Offices as required by them for national phase processing.

3. At that meeting, the International Bureau had indicated that it believed that arrangements for such a system could be in place in 2016, though the actual start would be dependent on when International Searching Authorities would be able to handle international applications to at least a sufficient extent so as to allow examiners to view the color versions.

4. Following discussions with the International Authorities, both informally and during the twenty-second session of the Meeting of International Authorities Under the PCT (see paragraphs 84 to 86 of document PCT/MIA/22/22, reproduced in the Annex to document PCT/WG/8/2), it is clear that several of the International Authorities will not be able to be ready within that timescale.

5. Moreover, while preparing its detailed technical proposals, the International Bureau discovered unexpected difficulties with the originally intended method of handling international applications. While the intended approach appeared effective for international applications filed in XML format, and referencing individual images in PNG or JPEG format for each figure (as distinct from images of full pages which might contain more than one image), it would have resulted in significant additional costs for handling international applications filed in PDF format. These costs involved either additional infrastructure at the International Bureau (and potentially also at other Offices receiving the international application at a later stage), or else the need to convert the PDF document into XML format immediately on receipt by the International Bureau, fast enough and to the high degree of accuracy required for use in the international search and for international publication.

6. Consequently, it will not be possible to begin offering the intended service in 2016 – a revised date will depend on finalizing a practical specification of technical standards and processing requirements which the International Bureau and International Authorities can use as the basis for the necessary system development.

NEXT STEPS

7. The International Bureau remains committed to the concept of allowing the electronic filing and effective processing of color drawings in cases where this improves the quality of the disclosure. However, further technical work is required to design a system which will provide the intended results, without introducing significant new ongoing costs to the International Bureau or national Offices in any of their roles as receiving Office, International Searching or Preliminary Examining Authority or designated or elected Office.

8. The International Bureau would welcome informal discussions, outside of the Working Group, with Offices which have implemented national systems for processing color drawings in patent applications filed in PDF format. The International Bureau would also welcome comments from International Searching Authorities on any preferences which they might have concerning the file formats in which search copies containing color drawings should be sent for effective processing.

9. The International Bureau also notes that the acceptance of international applications including color drawings implies the need to prepare and accept color priority documents. The International Bureau would welcome, outside of the Working Group, information from any national Offices which already have systems in place for the creation or receipt of color priority documents, or else indications of how they deal with black and white priority documents which represent applications originally filed in color.

10. The Working Group is invited to take note of the contents of this document.

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