

# **THE PATENT COOPERATION TREATY (PCT)**

**Presentation to the Standing Committee on Information  
Technologies**

**Agenda Item 10**

**Geneva, June 24, 1998**

# **The Patent Cooperation Treaty (PCT)**

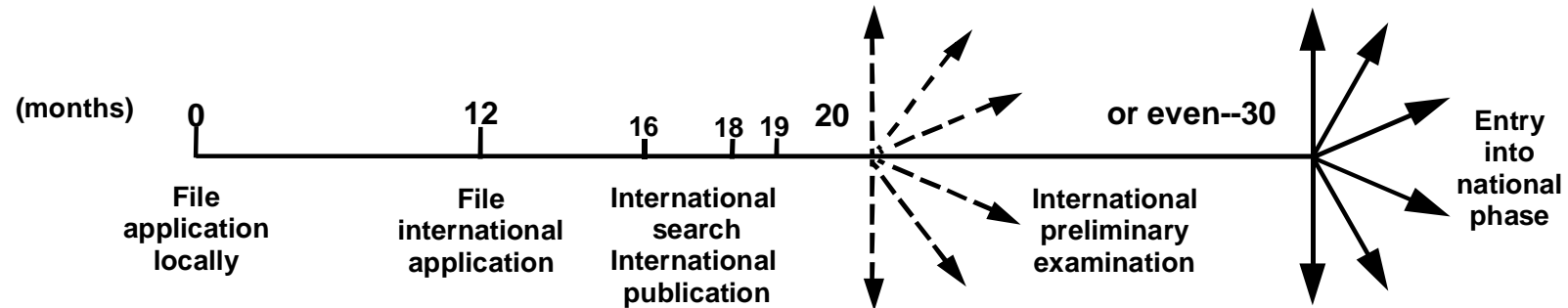
## **(1)**

- **Done at Washington on June 19, 1970; entered into force on January 24, 1978 with an initial 18 Contracting States**
- **Currently there are 96 PCT Contracting States**
- **The PCT system is a patent “filing” system, not a patent “granting” system. There is no “PCT patent”.**
- **Only inventions may be protected via the PCT by applying for patents, utility models and similar titles.**
- **Design and trademark protection cannot be obtained via the PCT. There are separate international conventions dealing with these types of industrial property protection. (The Hague Agreement and the Madrid Agreement, respectively).**

## **The Patent Cooperation Treaty (PCT) (2)**

- **The PCT establishes an international system which enables the filing of a single application in one language having effect in each of the countries party to the PCT an applicant names in his or her application**
- **The PCT provides for**
  - **an international phase comprising**
    - **filing of the international application**
    - **international search**
    - **international publication and**
    - **international preliminary examination**
  - **a national/regional phase before designated Offices**
- **The decision on granting patents is taken exclusively by national or regional Offices in the national phase**

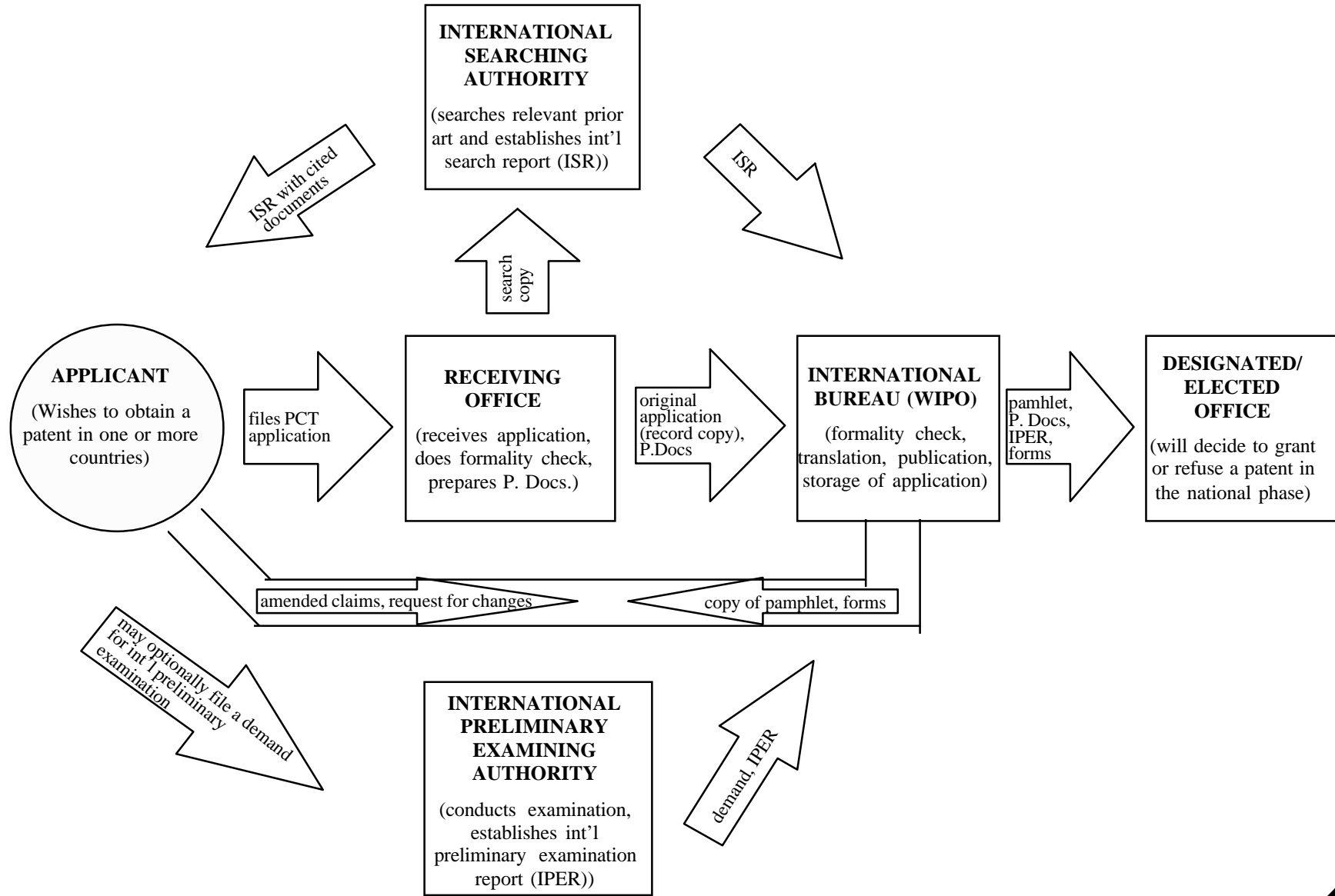
## PCT system



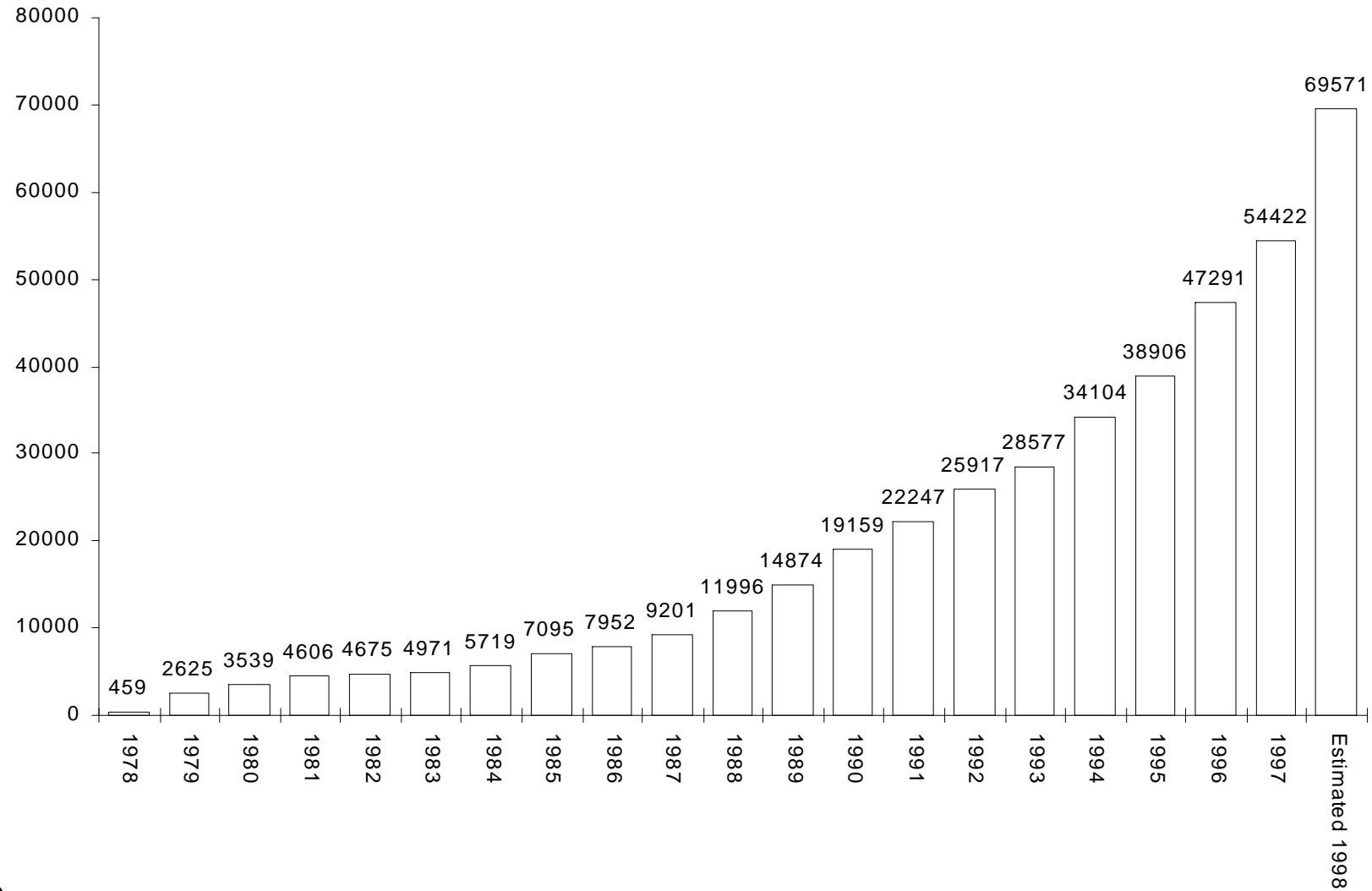
**Local patent application followed within 12 months by international application under the PCT, claiming Paris Convention priority, with “national phase” commencing at 20 or 30 months:**

- one set of formality requirements
- international search
- international publication
- international preliminary examination
- international application can be put in order before national phase
- translations and national fees required at 20 or 30 months, and only if applicant wishes to proceed

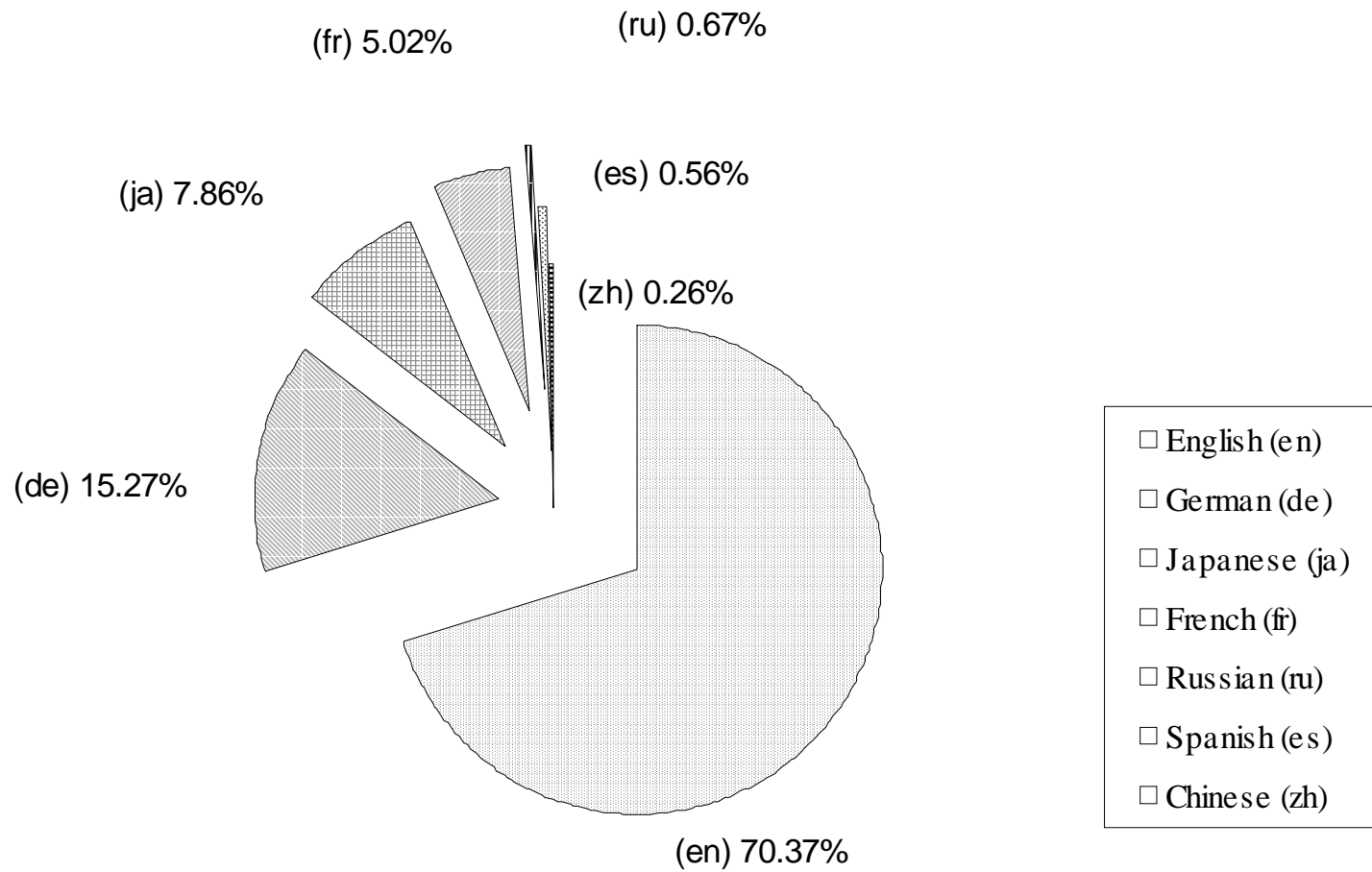
# Processing of International Applications within the PCT System



## Number of international applications received since 1978



## Languages of Publication in 1997



# **AUTOMATION OF THE PCT SYSTEM**



## **AUTOMATION OF THE PCT SYSTEM – MANDATE**

**On 27 March 1998, the Assemblies of the Member States of WIPO approved the proposed project for the automation of the PCT system and authorized the financing of that project by the Special Reserve Fund for Additional Premises and Computerization. The project had been proposed:**

- to cope with the rapid growth in filings of international applications and demands for international preliminary examination,**
- to facilitate communications between PCT Offices, and**
- to permit a more effective form of information dissemination to PCT users, while at the same time minimizing the need for growth of staff, office and storage space requirements.**

## **The main features of the project are as follows**

- (1) automation of the PCT operations of the International Bureau with the introduction of an electronic document management system**
- (2) the further development of an electronic filing software (“PCT-EASY” (Electronic Application SYstem))**
- (3) the communication between the PCT Offices and the International Bureau of documents, notifications and information**

## **Beneficiaries of the automated PCT system (1)**

- (1) applicants—by permitting them to file international applications in electronic form, check data in their application for errors, and pay lower fees (PCT costs should be reduced since PCT operations will, as a result of the automation, be less labor-intensive, less office space will be needed, and publication costs, including paper, printing and mailing costs, will be reduced);**
- (2) receiving Offices—by permitting them to process incoming international applications electronically, including automatic formality checks, and to electronically transmit those applications, and other documents, to the International Bureau and to International Searching Authorities;**

## **Beneficiaries of the automated PCT system (2)**

- (3) the International Bureau—by permitting the electronic processing of international applications, including their publication, in an automated fashion, by receiving through electronic means international search and preliminary examination reports, and by allowing the automatic communication to designated and elected Offices of all information and documents needed for the national processing of an international application either in paper or electronic form**

## **Beneficiaries of the automated PCT system (3)**

- (4) all Offices of or acting for the PCT Contracting States—which will be in a position to better and more economically cope with their workload resulting from the increasing number of applications and to receive, for the national phase, only the information they need when it is needed; and finally,**
- (5) the general public—for whom access to PCT information in electronic form and in searchable form will be further enhanced.**

## **BACKGROUND**

### **Terms of Reference of the PCT Evaluation Study carried out from July to December, 1997 by Deloitte & Touche Consulting (Praxis)**

- **Analysis of current PCT processes and tools**
- **Analysis of future requirements**
- **Identification of opportunities for greater efficiency through document automation**
- **Functional and technical recommendations for future systems, including key products**
- **Recommendations for achieving smooth transition from old to new environments**
- **Recommended global implementation plan**

## Approach and Methodology

- **Balance human & technical viewpoints**
- **Use models that Users can relate to**
- **Integrate *Process, Data & Documents***
- **Start analysis without a solution in mind, but**
- **Provide route to realistic technical solutions**
- **Draw upon best experience available**
- **Recommend solutions based on COTS**

**(COTS = Commercial Off The Shelf)**

## Process Modeling with Role Activity Diagrams (RAD-s)

### Main features of RAD-s:

- **ROLE**: a part that a person, group or machine plays in a process
- **ACTIVITY**: an action that a role performs on its own
- **INTERACTION**: an action that two or more roles perform together

### Other RAD elements:

- Alternative actions
- Parallel actions
- Inputs and Outputs

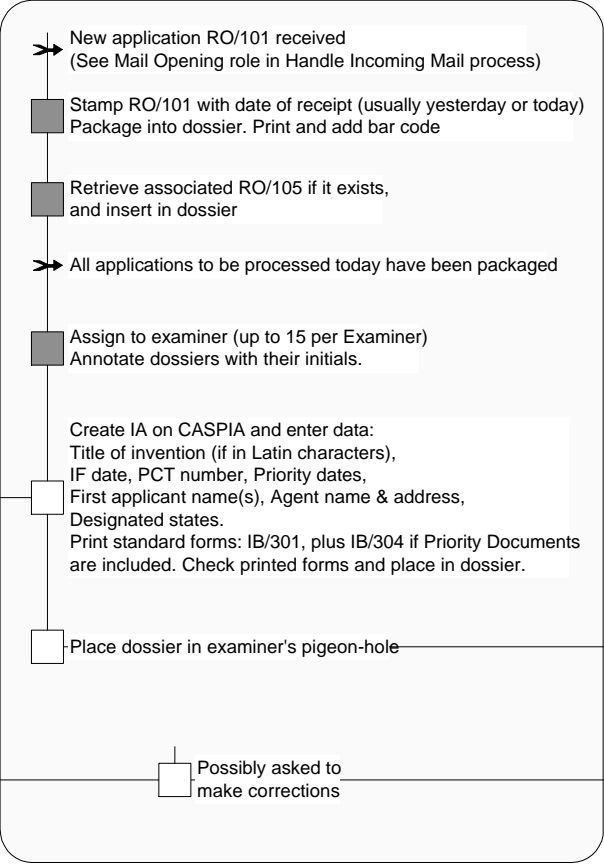


# Handle New International Application

drawing1 15:44 05/12/97

## Data Entering

Data Entry Clerk

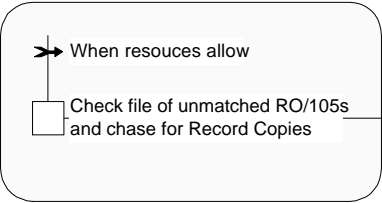


CASPIA

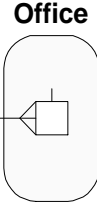


## Record Copy chasing

Examinations Section

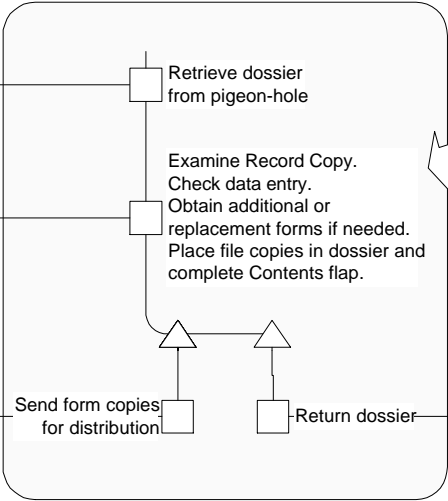


## Receiving Office



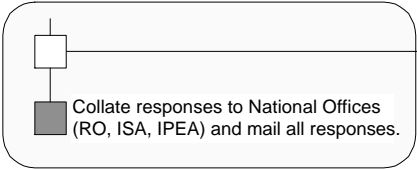
## Formality Checking

Examiner

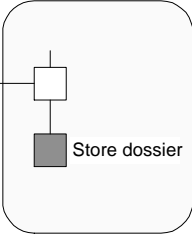


Other forms used include:  
 IB/313 for defects (to RO)  
 IB/314 for errors in Priority Document (to Applicant, and  
 destroy already printed IB/304)  
 IB/316 if priority claim is invalid (to RO and Applicant)  
 IB/321 if IFD should not have been accorded (to RO)  
 IB/345 for non-313 issues (to RO)  
 Yellow slip for ex-officio corrections (to RO)

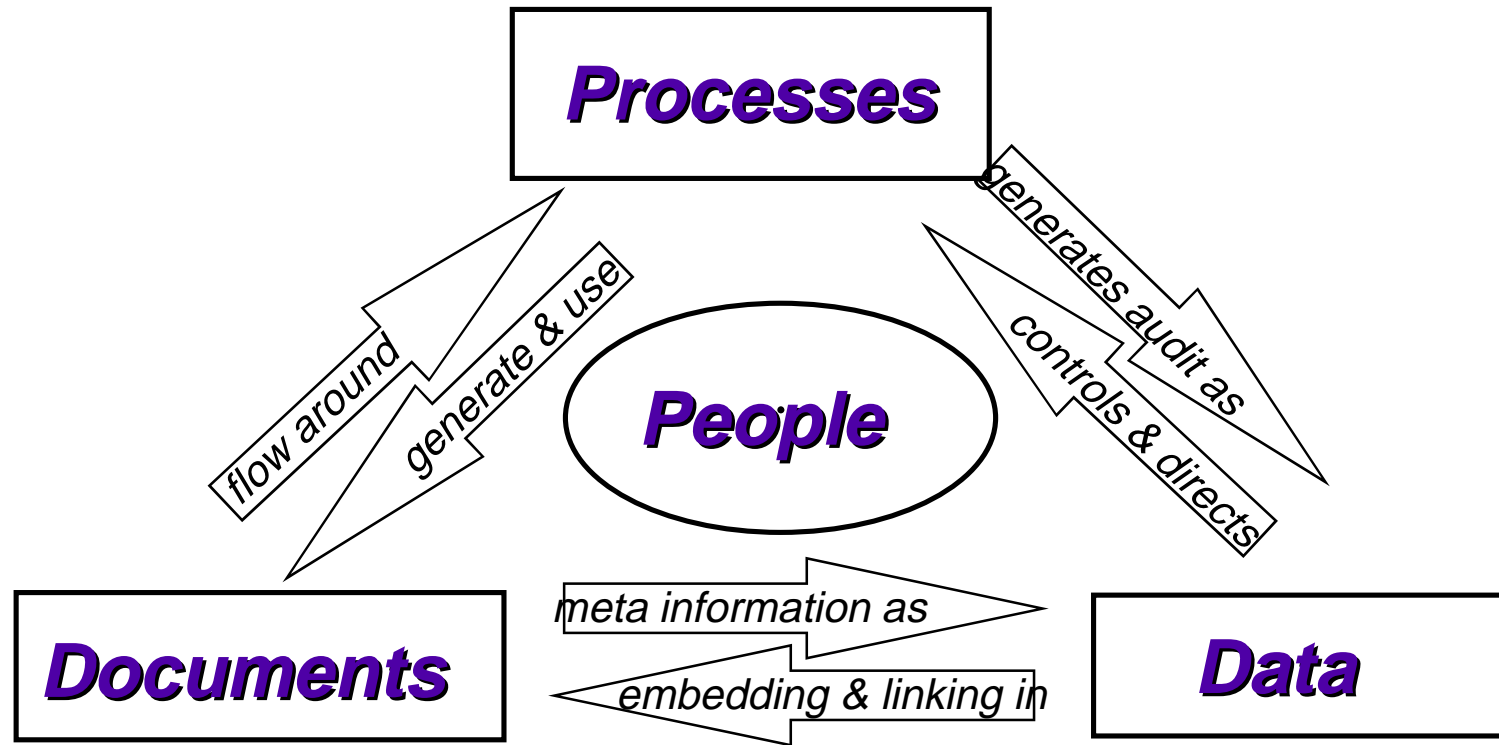
## Response Sending



## Compactus



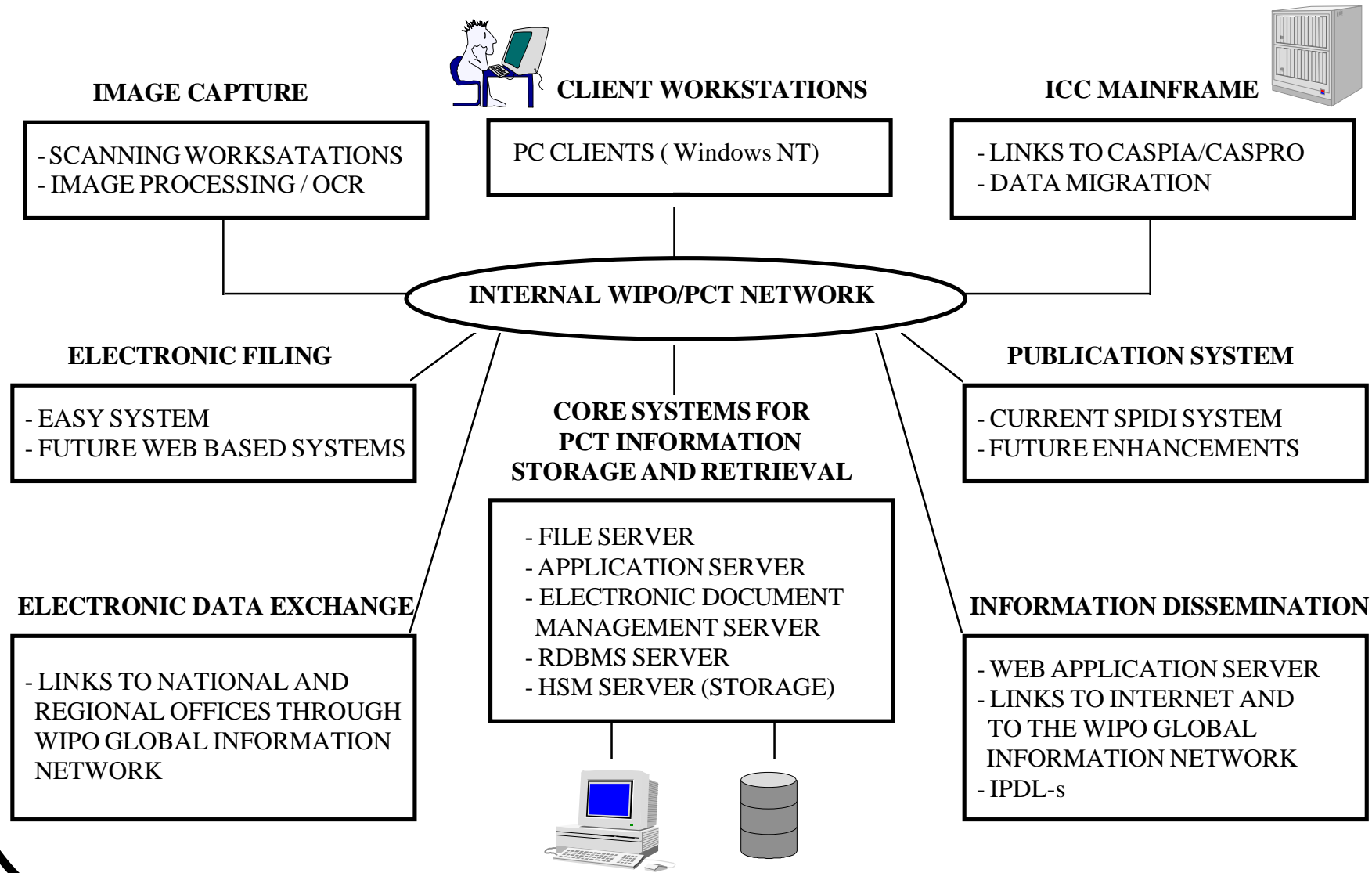
# Interaction between Processes, Data and Documents



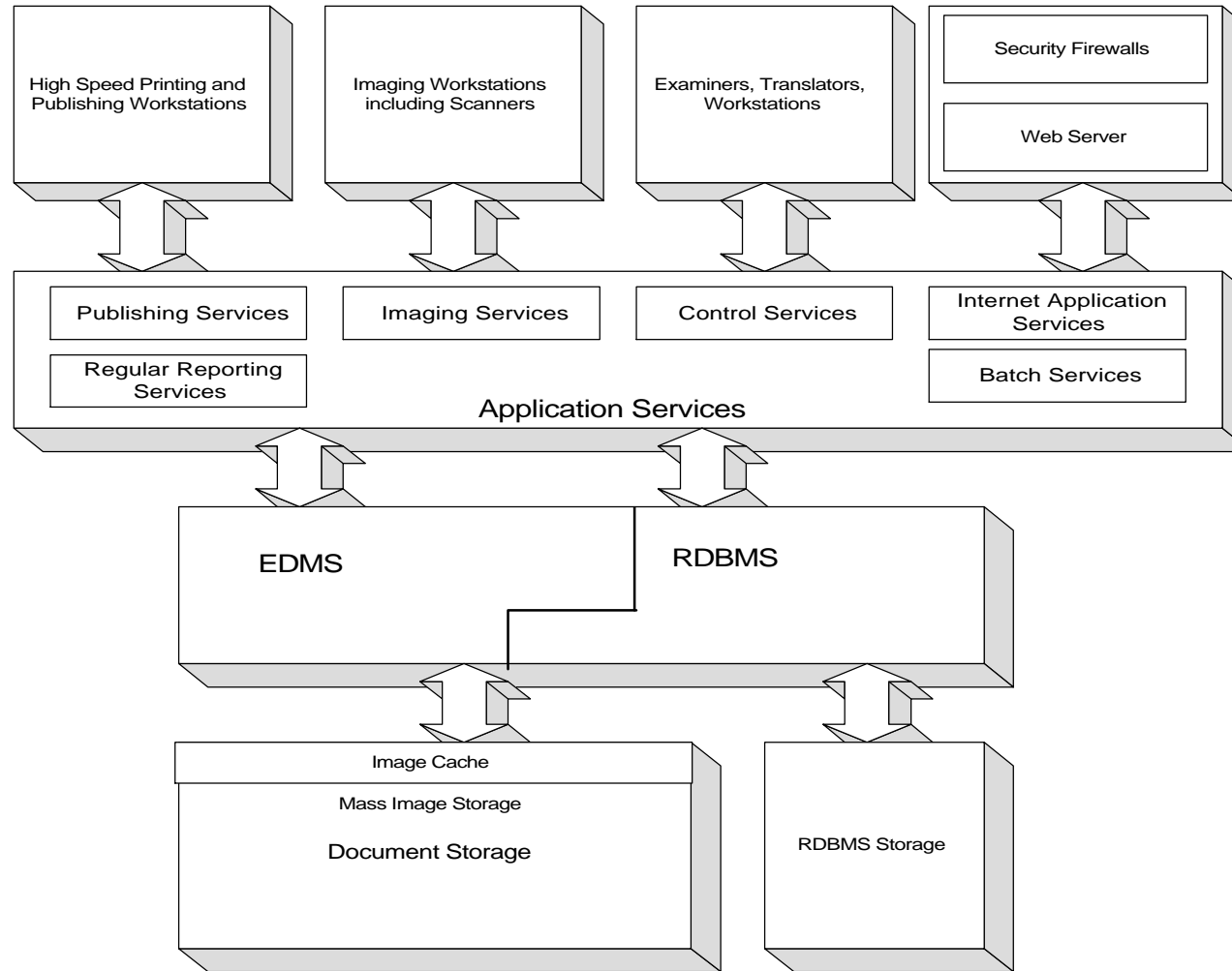
# OVERVIEW OF PROPOSED ARCHITECTURE

- **Logical Architecture**
- **Software Architecture**

# Logical Architecture



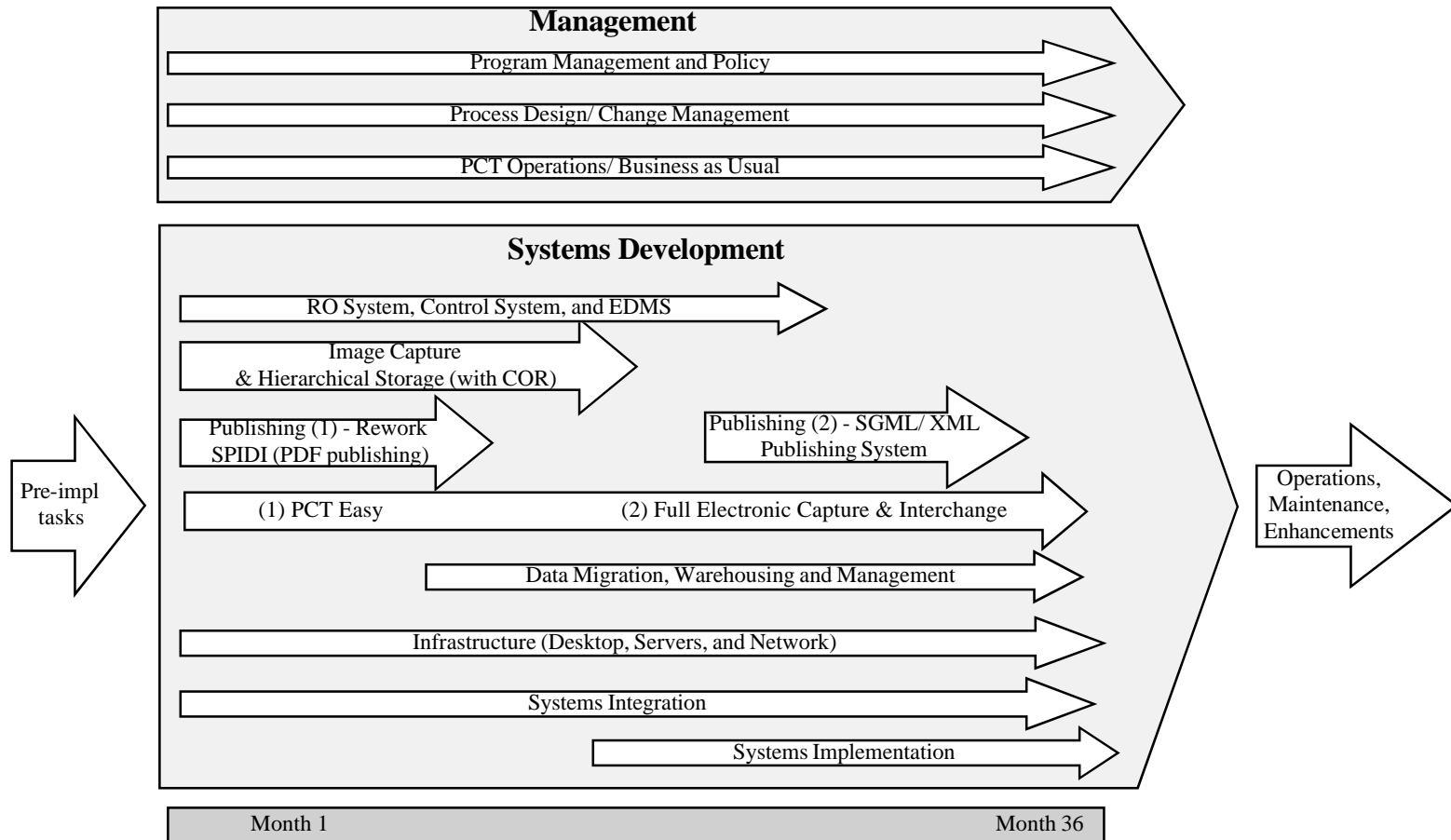
# Software Architecture



## **IMPLEMENTATION PROGRAM**

- **Program contains two streams: Management and Systems Development**
- **Each stream in turn contains a number of individual projects**
- **A number of implementation scenarios are being considered. The recommended scenario is described in the following slides**

# Program Schedule



## **NEXT STEPS**

<b>July 1998</b>	<b>Select company to assist in the Requests for Proposals (RFPs)</b>
<b>September 1998</b>	<b>Complete pre-qualification of potential bidders</b>
<b>September 1998</b>	<b>Mail RFP for Systems Integrator</b>
<b>November 1998</b>	<b>Receive response from Systems Integrator bidders</b>
<b>January 1999</b>	<b>Select Systems Integrator</b>
<b>February 1999</b>	<b>Start development of system</b>



## **CONCLUSION**

- **PCT Automation should be viewed as an ongoing process, and not a single monolithic effort**
- **The essential core systems will have to be designed and implemented in a coherent, coordinated and timely manner requiring the availability of a critical mass of highly specialized expertise at the start**
- **The PCT Automation project will form an integral part of the WIPO IT strategy and will be consistent with the WIPO Global Information Network**

# **PCT-EASY PROJECT**

## **What Is PCT-EASY**

- **Software designed to create PCT request forms (ultimately, complete applications) in validated electronic form**
  - **Over 165 validation checks, easily updated**
- **Software built on a core platform, with common look, interface and shared development costs**
- **(Ultimately) facilitated transfer of electronic applications by electronic means to receiving offices**

## **Aims of Beta Release**

- **Test use of validated PCT application (request form) data in electronic form**
- **Large body of users assess strengths and weaknesses of user interface**
- **Determine suitability of EASY request form printout and receiving office (RO) module**
- **Upload electronic request form data (SGML) into International Bureau system**

## **Scope of Beta Release**

- **150 experienced users in several countries to file with participating receiving offices (RO/AU, RO/CA, RO/EP, RO/GB, RO/IB, RO/US)**
- **Duration 1 April – 1 July 1998 with subsequent version and expanded use due by end date**
- **Beta release in English (future production version in other languages (e.g. French and German)); non-Latin character set version also**

## **Status of Beta Release**

- **Ongoing beta test has resulted in at least 15 filings to date (slight delay because of normal RO processing) (RO/AU, RO/CA, RO/EP, RO/GB, RO/US)**
- **Software successfully installed on at least 100 PCs (no problems reported with Windows 95/NT, some difficulties with certain Windows 3.11 configurations)**
- **Positive reaction from PCT applicants**
- **Dialogue with receiving Offices, applicants and on-line users survey providing useful information which will be reflected in future releases**
- **At least 50 hits on WIPO website to update software. No problems reported with update**

## **How Will Receiving Offices Receive PCT-EASY Beta Release Filings**

- **Entire application still in paper form (legal copy)**
- **PCT-EASY request form printout replaces current printed request form for EASY filings filed with participating receiving Offices**
- **Paper filings accompanied by PCT-EASY diskette containing request form data and abstract**

## **How Receiving Offices Can Process PCT-EASY Beta Release Filings**

- **PCT-EASY beta release applications only required to be processed by receiving Office (RO) in paper form**
- **PCT-EASY RO module can be used to review submitted diskettes and add RO data for transfer to the IB**
- **PCT-EASY electronic output (SGML) can be uploaded into RO systems**



## **International Bureau Treatment of PCT-EASY Filings**

- **PCT-EASY electronic output (from diskettes) will shortly be uploaded into International Bureau's (IB) computer system (CASPIA) along with abstract**
  - **Test reliability, fine tune and revise electronic output**
  - **Eliminate keying in of data by IB**

## **Future Changes Relating to the Electronic Filing of International Applications**

- **PCT rules have already been amended (new rules 89bis and 89ter) subject to implementing administrative instructions which would contain an electronic filing standard**
- **File format standards to be agreed upon for electronic files containing the body of the application**
- **Confidentiality, integrity, authentication and non repudiation issues to be addressed and resolved**

## **Future Transfer of PCT-EASY Applications by Electronic Means**

- **Off-line creation / on-line transfer of PCT-EASY filings**
  - **Pilot project on website capable of receiving application data created using PCT-EASY**
- **Establish transparent standards for creation of electronic applications by other means**
- **(Ultimately) on-line creation and transfer of PCT filings**

## **Future Goals of PCT-EASY**

- **PCT-EASY compatible with national and regional EASY systems**
  - **Possibility of greatly simplified procedures for foreign protection**

## **PCT-EASY Current/future Milestones**

- **Begin beta test- 04/98**
- **On-line user survey - 05/98**
- **Pilot production version incorporating PCT Rule changes and user preferences (download from WWW) – 07/98**
- **Client/server functionality– 09/98**
- **Beta French, German, Spanish releases 09-11/98**
- **Beta non-Latin alphabet, Chinese, Japanese, Russian releases 10/98-01/99**
- **Test dial-up server and/or on-line filing of PCT-EASY applications 09-12/98+**