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GENEVA

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STANDING COMMITTEE ON INFORMATION TECHNOLOGIES

STANDARDS AND DOCUMENTATION WORKING GROUP

Sixth Session
Geneva, September 19 to 22, 2005

INFORMATION ABOUT ENTRY INTO THE NATIONAL (REGIONAL) PHASE OF
PUBLISHED PCT INTERNATIONAL APPLICATIONS ACCESSIBLE THROUGH THE
EPIDOS PATENT REGISTER SERVICE (PRS) (TASK No. 23)

Document prepared by the Secretariat

1. The Standards and Documentation Working Group (SDWG) of the Standing Committee on Information Technologies (SCIT), according to Task No. 23, monitors the inclusion of information about the entry, and, where applicable, the non-entry into the national (regional) phase of published PCT international applications in the EPIDOS/PRS database. In order to inform the SDWG on the progress made on making available such information through the said database, the European Patent Office (EPO) prepared a status report that was addressed to the International Bureau (IB) for its presentation at the sixth session of the SDWG. Annex I to this document contains the said status report by the EPO.
2. Within the framework of Task No. 23, the Patent Documentation Group (PDG), in a letter addressed to the IB, dated July 11, 2005, proposed to place special emphasis on the information regarding the non-entry into the national (regional) phase of published PCT international applications, since the members of the patent information community have also need of such information. The letter of the PDG is reproduced as Annex II to this document.

3. *The SDWG is invited:*

(a) to note the information contained in the status report by the EPO on Task No. 23 reproduced as Annex I to this document;

(b) to note the above-mentioned letter of the PDG, which is reproduced in Annex II to this document; and

(c) to consider the proposal on placing special emphasis on the information about the non-entry into the national (regional) phase of published PCT international applications referred to in paragraph 2, above.

[Annexes follow]

ANNEX I



**Europäisches
Patentamt**

**European
Patent Office**

**Office européen des
brevets**

Direktion 4.5.1
Zusammenarbeits-
programme und INPADOC

Directorate 4.5.1
Co-operation programmes
and INPADOC

Direction 4.5.1
Programmes de coopération et
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**World Intellectual Property Organisation
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SUISSE**

Zeichen/Reference/Référence

GP/pp_07/05_IN

Datum/Date/Date

05 August 2005

Subject: SCIT/SDWG Task No. 23

Dear Mr López Solanas,

Following your request of 7 July 2005, please find enclosed the status report on the project mentioned above. It will be a pleasure to present the report for the Task No. 23 at the SCIT Standards and Documentation Working Group (SDWG), in September 2005.

We highly appreciate your support in the promotion of the project.

Yours sincerely,

**Dr Georg Pantoglou
Director
Co-operation Programmes and INPADOC**

STATUS REPORT ON SCIT/SDWG TASK No. 23
“INFORMATION ABOUT THE ENTRY INTO THE NATIONAL PHASE OF
PCT INTERNATIONAL APPLICATIONS”

1. BACKGROUND

This is an update to the status report provided in December 2002. Over the past three years significant progress has been made concerning the number of contributing patent offices and the completeness and timeliness of the data supply.

By the end of June 2005, 19 patent issuing authorities contributed to the project by regularly supplying updates on the information about the entry into the national phase of PCT international applications. On this occasion we wish to express our appreciation and convey the thanks of the users' community to these authorities for the considerable efforts put in place to establish this service.

Some more patent offices have declared their willingness to contribute and have supplied test data but still have to invest in the creation of appropriate procedures in order to extract the required information from their EDP systems.

Besides the statistical report about the current situation of legal status and in particular the situation of the PCT entry and non-entry, launched on the EPO's Internet site in 2002, a new table was established that reports about the changes within the last six months. Both tables can be found at http://www.european-patent-office.org/inpadoc/statistics_dwld.htm.

2. PRESENT STATUS

Most of the contributing patent offices send their updates in the form of e-mail attachments, either monthly or weekly, depending on their internal update schedules. Some offices, such as the IP Australia, the German Patent and Trade Mark Office and the EPO, have this kind of information as part of their patent gazettes or bulletins.

When evaluating the timeliness of the updates, one has to take into consideration that the dates indicated below are the effective dates of the entry into the national phase. In order to avoid incorrect information in general, a grace period of approximately six months is given until the definite decision is taken whether the application did enter the national phase or not.

The situation relating to the 19 countries now present in the system is as follows:

Austria: Data entering the national phase is regularly (monthly) delivered via Internet and entered into INPADOC-PRS without problems. Last delivery date was in week 10/2005.

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- Australia: The backlog that had been accumulated is now treated partly from the electronic version of the patent gazettes (2003 to current) and from the paper gazettes for the period March 2000 through December 2002. It is foreseen that the backlog will be covered until the end of 2005.
- Bulgaria: There are regular monthly updates. The latest data received are from February 2004.
- Canada: There was a complete reload of the legal status data for Canada in 2004. There are regular monthly updates. The latest data received are from week 15/2005.
- Germany: There are regular weekly updates which are part of the normal weekly publication tape. The latest data received are from the current week.
- EPO: There are regular weekly updates on entry and non-entry which are part of the Official Bulletin. The particularity in the data about entry into the regional phase is the fact that this notification does not automatically mean that all requirements for the entry into the regional phase have already been met. This is confirmed by the publication of the EP-A document about six months later. It has also to be noted that for Belgium, Cyprus, France, Greece, Ireland, the Netherlands and Portugal PCT designations have to pass via the European route.
- United Kingdom: There are regular weekly updates on entry and non-entry. The latest data received are from June 2005.
- Georgia: There are regular monthly updates. The latest data received are from April 2005.
- Japan: Regular monthly updates are made for entry and non-entry. The latest data received are from July 2005.
- Kenya: Data delivery has been resumed in November 2004. PCT data are now covered until end 2003.
- Republic of Korea: The latest data received are of December 2000. Since no data were received since week 39/2001, reminders have been sent to the patent office of the Republic of Korea.
- Lithuania: Data for entry into the national phase is sent monthly. Latest data were received in week 26/2005.
- Latvia: Data for entry into the national phase is sent bi-monthly. Latest data are from June 2004.

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- Romania: Quarterly updates have been foreseen. Latest updates were received in week 35/2004.
- Russian Federation: Regular monthly updates are made for entry. The data extraction procedure for non-entry has been stopped due to technical problems. The latest data received are from April 2005.
- Slovenia: Latest data received in week 27/2005 contain PCT entry data from 2004 until now.
- Slovakia: Latest data received in week 27/2005 contain PCT entry data until May 2005.
- United States of America: Data entering the national phase is regularly (monthly) delivered via Internet and inserted into the INPADOC legal status database. A complete reload, as it was done for Canada, would also be advisable for the United States of America.
- Uzbekistan: Quarterly updates are foreseen. The delivery that had been interrupted was resumed in week 38/2004.

3. FUTURE PLANNING

For those countries for which irregular deliveries have been experienced, activities have been launched in order to reanimate the data flow.

For some of the countries with high numbers of designations like US or RU it would be helpful to get also the non-entry data. This was expressed at several occasions at different conferences, as, e.g., ACEP, EPO annual conference, etc.

The EPO would like to invite the countries who have not joined the project so far to deliver data in order to further enhance the INPADOC database with this essential information about the status of PCT applications in the different countries.

[Annex II follows]

ANNEX II

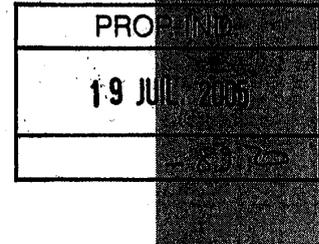
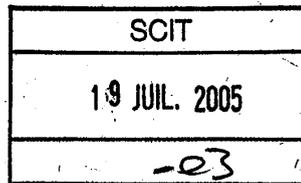
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 Switzerland



Date. 11 July 2005

Our ref. WIPO20050711

Encl.

Dear Mr. Lopez Solanas,

Since the decision on WIPO level in November 1995 during the PCIPI/Executive Coordination Committee meeting, to collect data in order to supplement the existing EPIDOS Register Service (INPADOC database of EPO) with information regarding the entry, and where available, the non-entry into the national (regional) phase of PCT international applications, significant progress has been made. For a number of offices the corresponding information is now easily available via the INPADOC database. This database makes a steady stream of new information available. In addition progress has been made in the timeliness of the data supply.

Task No. 23 of the Standards and Documentation Working Group titled "Monitor the inclusion of information about entry into the national (regional) phase of published PCT international applications in the EPIDOS/PRS database", is of an informational nature. The last report on Task No. 23 was given during the second Session of the SDWG meeting on December 2 to 6, 2002. As a result, additional offices offered their data for inclusion into the EPIDOS/PRS service.

The PDG has been involved in this process since the beginning. On one hand the PDG supports the process by identifying those countries the PDG feels should be included into the EPIDOS/PRS files, in order of priority. On the other hand the PDG has discussed and continues to discuss this matter on a WIPO level, to convince offices to add their information to the database. PDG fully understands problems of offices who could not include their data, especially on non-entry cases, into the database. However, in the patent information community, there is an intense need to have this non-entry information for at least the major offices like the US, EPC countries, RU, JP, KR, CN, IN, AU, BR, MX, EA and others.

In order to make progress in this task the PDG would like to propose the following:

If not already planned, use the next SDWG meeting for an update report by the EPO on the present situation and progress made on Task No. 23. Special emphasis should be placed on non-entry data, which is sometimes missing in the data set of offices. PDG is prepared to explain the importance of timely data from more offices on entry and non-entry information from the point of view of the user community.

In order to prepare this proposal, we are also sending this letter to the EPO and requesting that the EPO supports our proposal.

Yours sincerely,

Patent Documentation Group
Secretary General



Ralf Behrens

cc. EPO Mr. Pilch

[End of Annex II and of document]