

List of suggested changes (PFRs/PFCs) to ST.36 and/or Annex F DTDs

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Instead of individual PFRs/PFCs below is a condensed list of proposed changes which we can go through in the meetings in November. Once there is agreement or not the EPO will compose more complete documents and indicate all affected DTDs. The list is no particular order.

Note: Several changes are in the search report area where, it is believed, modifications can be made at this stage since no office is in production with this so far.

	Element	Notes
1	Modify the element <i>classification-ipcr</i>	<p>Change the order of sub-elements to conform to WIPO Standard ST.8</p> <p>From: <code><!ELEMENT classification-ipcr ((ipc-version-indicator,classification-level?,section,class,subclass,main-group?,subgroup?,symbol-position?,classification-value?,action-date?,generating-office?,classification-status?, classification-data-source?) text) ></code></p> <p>to: <code><!ELEMENT classification-ipcr ((section,class,subclass,main-group?,subgroup?,ipc-version-indicator, classification-level?,symbol-position?,classification-value?,action-date?,classification-status?,classification-data-source?,generating-office?) text) ></code></p>
2	Modify the element o (overscore) attribute	<p>Change the name of the attribute <i>stye</i> to <i>ostyle</i></p> <p><code><!ELEMENT o (#PCDATA b i smallcaps sup sub)* ></code></p> <p>From: <code><!ATTLIST o style (single double dash dots leftarrow rightarrow leftrightarrow) 'single' ></code></p> <p>to: <code><!ATTLIST o ostyle (single double dash dots leftarrow rightarrow leftrightarrow) "single" ></code></p> <p>Reason: element u has "style" with different values</p>

<p>3</p>	<p>Modify the element <i>srep-for-pub</i></p> <p>Add the element <i>srep-declaration</i> and its sub-elements</p> <p>See Annex 1 for more detail</p>	<p>Change the element to add the sub-element <i>srep-declaration</i></p> <p>From: <!ELEMENT srep-for-pub (doc-page+ (classification-ipc?,classifications-ipcr?,classification-national?,srep-fields-searched,srep-citations,srep-incomplete-search?,srep-admin?,srep-patent-family?)) ></p> <p>to: <!ELEMENT srep-for-pub (doc-page+ (classification-ipc?,classifications-ipcr?,classification-national?,srep-fields-searched,srep-citations,srep-incomplete-search?,srep-declaration?,srep-admin?,srep-patent-family?)) ></p> <p>Add: <!ELEMENT srep-declaration ((srep-declaration-subject-matter?, srep-declaration-part?,srep-declaration-sequence-listing?, additional-info?) (heading?, p+)) ></p> <!ATTLIST srep-declaration phase CDATA "PCT">
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Reason: elements missing from search report - used/required by PCT and EPO (Form PCT/ISA/203)

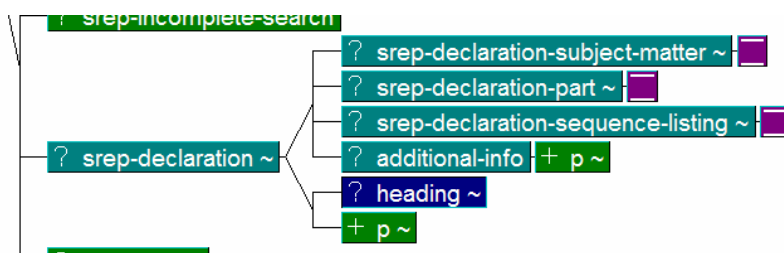
4	<p>Modify the element <i>srep-figure-to-publish</i></p>	<p>Change the element attribute values of <i>figinfo</i>:</p> <pre><!ELEMENT srep-figure-to-publish (figure-to-publish?)></pre> <p>From</p> <pre><!ATTLIST srep-figure-to-publish figinfo (1 2 3 4) #REQUIRED ></pre> <p>to</p> <pre><!ATTLIST srep-figure-to-publish figinfo (by-applicant none-suggested by-examiner none) #REQUIRED ></pre> <p>Reason: suggestion of WIPO, more explicit, clearer.</p>
5	<p>Modify the element <i>search-fee-protest</i></p>	<p>Change the element attribute values of <i>protest</i></p> <pre><!ELEMENT search-fee-protest EMPTY ></pre> <p>From</p> <pre><!ATTLIST search-fee-protest protest (1 2 3) #REQUIRED ></pre> <p>to</p> <pre><!ATTLIST search-fee-protest protest (fee-paid fee-not-paid none) #REQUIRED ></pre> <p>Reason: suggestion of WIPO, more explicit, clearer.</p>
6	<p>Modify the elements <i>maths</i> and <i>chemistry</i></p> <p>Add the element <i>formula-text</i></p>	<p>Change the elements <i>maths</i> and <i>chemistry</i> to add the new sub-element <i>formula-text</i></p> <p>From</p> <pre><!ELEMENT maths (img (math,img?)) ></pre> <p>to</p> <pre><!ELEMENT maths (img formula-text (math,img?)) ></pre> <p>From</p> <pre><!ELEMENT chemistry (img (chem,img?)) ></pre> <p>to</p> <pre><!ELEMENT chemistry (img formula-text (chem,img?)) ></pre> <p>Add:</p> <pre><!ELEMENT formula-text (#PCDATA b i u o sup sub smallcaps)* ></pre> <p>Reason: formula-text allows the data entry of very simple formulae without the verbosity of full mark up of maths and when available for chemistry. Agreed at Trilateral level.</p>
7	<p>Modify the element <i>amended-claims</i></p>	<p>Change the element to add the sub-element <i>heading</i></p> <p>From:</p> <pre><!ELEMENT amended-claims (doc-page+ (claim+ , amended-claims-statement*))+></pre> <p>to</p> <pre><!ELEMENT amended-claims (doc-page+ (heading?, claim+ , amended-claims-statement*))+ ></pre> <p>Reason: Better handling of different PCT and EPO headings without relying on a style sheet.</p>

8	Modify the element <i>limitation-of-search</i> element	<p>Change the element to add attributes</p> <p>From: <!ELEMENT limitation-of-search (text? , claims-searched* , claims-searched-incompletely* , claims-not-searched* , reason-limited-search*)></p> <p>to: <!ELEMENT limitation-of-search (text? , claims-searched* , claims-searched-incompletely* , claims-not-searched* , reason-limited-search*)></p> <pre><!ATTLIST limitation-of-search sequence CDATA #IMPLIED reason-type CDATA #IMPLIED ></pre> <p>Reason: Require a sequence indicator and the type of limitation</p>
9	Modify the element <i>reason-limited-search</i>	<p>Change the element to add the sub-element <i>heading</i></p> <p>From: <!ELEMENT reason-limited-search (p+)></p> <p>to: <!ELEMENT reason-limited-search (heading?,p+)></p> <p>Reason: Do not rely on style sheet for heading text.</p>
10	Modify the element <i>srep-search-opinion</i>	<p>Change the element to correct syntax:</p> <p>From: <!ELEMENT srep-search-opinion (doc-page+ , (heading* , p+))></p> <p>to: <!ELEMENT srep-search-opinion ((doc-page+) (heading*,p+)) ></p> <p>Reason: incorrect syntax in xx-pat-doc</p>
11	Modify the element <i>translation-of-appl</i>	<p>Change the element to add the attribute <i>translation</i></p> <p><!ELEMENT translation-of-appl EMPTY></p> <p>From: <!ATTLIST translation-of-appl lang CDATA #IMPLIED ></p> <p>to: <!ATTLIST translation-of-appl translation (yes no) 'no' lang CDATA #IMPLIED ></p> <p>Reason: to better handle PCT form 237.</p>
12	Modify the element <i>book</i>	<p>Change the order of sub-elements</p> <p>From: <!ELEMENT book (text (author* , (book-title+ conference) , (subtitle? , subname* , edition? , imprint? , descrip? , series? , absno? , location* , isbn* , pubid? , vid? , bookno? , notes? , class* , keyword* , cpyrt? , refno* , doi? , ino? , issn?)))></p> <p>to: <!ELEMENT book (text (author*,(book-title+ conference),(subtitle?,subname*,edition?,imprint?,vid?,ino?,descrip?,series?,notes?,absno?,location*,pubid?,bookno?,class*,keyword*,cpyrt?,doi?,issn?,isbn*,refno*)) ></p> <p>Reason: better bibliographic practice</p>

13	Modify the element <i>online</i>	<p>Change the order of sub-elements</p> <p>From: <!ELEMENT online (text (author* , online-title* , hosttitle? , subname* , edition? , (serial book)? , imprint? , pubdate? , history? , series? , hostno? , location? , notes? , avail , class* , keyword* , cpyrt? , issn? , isbn? , datecit? , srchterm* , srchdate? , refno* , vid? , ino? , doi? , absno?))></p> <p>to: <!ELEMENT online (text (author*,online-title*,hosttitle?,subname*,edition?,(serial book)?,imprint?,pubdate?,vid?,ino?,history?,series?,hostno?,absno?,location?,notes?,avail*,class*,keyword*,cpyrt?,doi?,issn?,isbn?,datecit?,srchterm*,srchdate?,refno*)) ></p> <p>Reason: better bibliographic practice</p>
14	Modify the element <i>serial</i>	<p>Change the order of sub-elements</p> <p>From: <!ELEMENT serial (sertitle , alttitle? , subname* , issue? , imprint? , pubdate? , descrip? , notes? , isbn? , issn? , pubid? , vid? , ino? , cpyrt? , doi?)></p> <p>to: <!ELEMENT serial (sertitle,alttitle?,subname*,issue?,imprint?,pubdate?,descrip?,notes?,pubid?,vid?, ino?,doi?,issn?,isbn?,cpyrt?) ></p> <p>Reason: better bibliographic practice</p>
15	Modify the name of the element <i>incomplete-search</i>	<p>Change the element name of <i>incomplete-search</i> to <i>srep-incomplete-search</i>. This name change should also apply to the element <i>srep-for-pub</i> which uses the element <i>incomplete-search</i>.</p> <p>From: <!ELEMENT incomplete-search (text limitation-of-search+)></p> <p>to: <!ELEMENT srep-incomplete-search (text limitation-of-search+)></p> <p>From: <!ELEMENT srep-for-pub (doc-page+ (classification-ipc? , classifications-ipcr? , classification-national? , srep-fields-searched , srep-citations , incomplete-search? , srep-admin? , srep-patent-family?))></p> <p>to: <!ELEMENT srep-for-pub (doc-page+ (classification-ipc?,classifications-ipcr?,classification-national?,srep-fields-searched,srep-citations,srep-incomplete-search?,srep-declaration?,srep-admin?,srep-patent-family?)) ></p> <p>Reason: consistency of element names. This proposal influence PFR ST.36/2008/005 regarding “earlier search request” which is under consideration.</p>

16	<p>Modify the element <i>srep-claims-info</i></p> <p>Add the elements <i>clms-incurring-fees-1</i>, <i>clms-incurring-fees-2</i></p>	<p>Change the element to add optional sub-elements:</p> <p>From <!ELEMENT srep-claims-info (clms-reason-1? , clms-reason-2? , clms-reason-3?)></p> <p>to <!ELEMENT srep-claims-info (clms-reason-1?,clms-reason-2?,clms-reason-3?, clms-incurring-fees-1?,clms-incurring-fees-2?) ></p> <p>Add <!ELEMENT clms-incurring-fees-1 (claim-num+) > <!ELEMENT clms-incurring-fees-2 EMPTY ></p> <p>Reason: Required for EPO</p>
17	<p>Modify <!ENTITY % name_group</p> <p>Add the elements <i>first-last-name</i> and <i>second-last-name</i></p> <p>Agreed by Trilateral and Spanish PO</p>	<p>Change the entity to add the sub-elements <i>first-last-name</i> and <i>second-last-name</i></p> <p>From <!ENTITY % name_group "((name (prefix?,(last-name orgname),first-name?, middle-name?, suffix?,iid?,role?,orgname?,department?,synonym*)), registered-number?)" ></p> <p>to <!ENTITY % name_group "((name (prefix?,(last-name orgname),first-name?,middle-name?,first-last-name?, second-last-name?, suffix?,iid?,role?,orgname?,department?,synonym*)), registered-number?)"></p> <p>Add: <!-- First last name (father's family surname), for some countries (such as Spain) is legally mandatory. --> <!ELEMENT first-last-name (#PCDATA) ></p> <p><!--Second last name (mother's family surname), for some countries (such as Spain) is legally mandatory. --> <!ELEMENT second-last-name (#PCDATA) ></p> <p>This is a proposal to modify the PFR ST.36/2008/002 ("second last name"). This revised proposal suggests the following - any office, such as the Spanish Office, where two last names are required do the following: use <last-name> to store the complete name; eg. <last-name>Carreras Durbán</last-name> use the optional two new sub-elements <first-last-name> and <second-last-name> to capture each last name element separately which then gives no ambiguity as to which is which. Most offices use only <last-name> - they will be able to store this data "as is" during receipt of data from offices and ignore the secondary data (if required)</p>

Annex 1: srep-declaration



These elements allow the current Form PCT/ISA/203 (April 2005) to be marked up in XML.

DTD:

```
<!-- srep-declaration
*****
SR - DECLARATION
*****
```

PCT USAGE:

Form PCT/ISA/2003 (April 2005)

If no search is to be carried out the search examiner will complete Form PCT/ISA/203 (Declaration of Non-Establishment of International Search Report), see PCT INTERNATIONAL SEARCH AND PRELIMINARY EXAMINATION GUIDELINES, 9.03.

Where the subject matter of all claims constitutes a subject excluded from the search where no meaningful search is possible for all of the claimed subject matter, a declaration of non-establishment of the international search report is issued pursuant to Article 17(2)(a) on Form PCT/ISA/203, see PCT INTERNATIONAL SEARCH AND PRELIMINARY EXAMINATION GUIDELINES, paragraph 9.40.

When the information in the declaration cannot be formatted or additional information is needed, the information will be formatted as text using the <additional-info> element.

The phase attribute contains the code of the procedure, e.g. PCT, EP, US, ... and permits the reuse of the present DTD in national phases. Its values has been defaulted to PCT.

For regional/national phases, the elements srep-declaration-subject-matter, srep-declaration-part, srep-declaration-sequence-listing, additional-info will probably be irrelevant. Therefore the alternative use of elements <heading> and <p> enable the entry of text specific to the regional/national phases.

Form Layout:

This International Searching Authority hereby declares, according to Article 17(2)(a), that no international search report will be established on the international application for the reasons indicated below.

1. () The subject matter of the international application relates to:
 - a. () scientific theories
 - b. () mathematical theories
 - c. () plant varieties
 - d. () animal varieties
 - e. () essentially biological processes for the production of plants and animals, other than microbiological processes and the products of such processes

- f. () schemes, rules or methods of doing business
- g. () schemes, rules or methods of performing purely mental acts
- h. () schemes, rules or methods of playing games
- i. () methods for treatment of the human body by surgery or therapy
- j. () methods for treatment of the animal body by surgery or therapy
- k. () diagnostic methods practised on the human or animal body
- l. () mere presentations of information
- m. () computer programs for which this International Searching Authority is not equipped to search prior art

2. () The failure of the following parts of the international application to comply with prescribed requirements prevents a meaningful search from being carried out:

- () the description () the claims () the drawings

3. () A meaningful search could not be carried out without the sequence listing; the applicant did not, within the prescribed time limit:

- () furnish a sequence listing on paper complying with the standard provided for in Annex C of the Administrative Instructions, and such listing was not available to the International Searching Authority in a form and manner acceptable to it.
- () furnish a sequence listing in electronic form complying with the standard provided for in Annex C of the Administrative Instructions, and such listing was not available to the International Searching Authority in a form and manner acceptable to it.
- () pay the required late furnishing fee for the furnishing of a sequence listing in response to an invitation under Rule 13ter.1(a) or (b).

4. () A meaningful search could not be carried out without the tables related to the sequence listings; the applicant did not, within the prescribed time limit, furnish such tables in electronic form complying with the technical requirements provided for in Annex C-bis of the Administrative Instructions, and such tables were not available to the International Searching Authority in a form and manner acceptable to it.

5. Further comments:

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```
<!ELEMENT srep-declaration ((srep-declaration-subject-matter?, srep-declaration-part?,srep-declaration-sequence-listing?, additional-info?) | (heading?, p+)) >
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```
<!ATTLIST srep-declaration phase CDATA "PCT">
```

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<!--
```

Form PCT/ISA/203 (April 2005)

When it has been established that the subject-matter of the international application falls into one of the exceptions set out in Rule 39, point 1. of Form PCT/ISA/203 (April 2005) is completed by selecting the exception.

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Form Layout

(see comment of srep-declaration for detailed description of the form)

Whenever the tag <srep-declaration-subject-matter> is present box 1 is crossed.

Whenever the value of the following attribute is 'yes', the associated box should be crossed.

attribute

box


```

scientific-theories      1.a
mathematic-theories     1.b
plant-varieties         1.c
animal-varieties        1.d
bio-processes           1.e
business                1.f
mental-act              1.g
games                   1.h
treatment-human         1.i
treatment-animal        1.j
diagnostic-methods      1.k
presentation-information 1.l
computer-program        1.m

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<!ELEMENT srep-declaration-subject-matter EMPTY>

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<!ATTLIST srep-declaration-subject-matter
  scientific-theories ( yes | no ) #IMPLIED
  mathematic-theories ( yes | no ) #IMPLIED
  plant-varieties ( yes | no ) #IMPLIED
  animal-varieties ( yes | no ) #IMPLIED
  bio-processes ( yes | no ) #IMPLIED
  business ( yes | no ) #IMPLIED
  mental-act ( yes | no ) #IMPLIED
  games ( yes | no ) #IMPLIED
  treatment-human ( yes | no ) #IMPLIED
  treatment-animal ( yes | no ) #IMPLIED
  diagnostic-methods ( yes | no ) #IMPLIED
  presentation-information ( yes | no ) #IMPLIED
  computer-program ( yes | no ) #IMPLIED>

```

```

<!--
Form PCT/ISA/203 (April 2005)

```

Point 2. of Form PCT/ISA/203 (April 2005) indicates which part(s) of the international application are subject to the issuance of the declaration under Article 17(2)(a).

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Form Layout
(see comment of srep-declaration for detailed description of the form)

Whenever the tag <srep-declaration-part> is present box 2 is crossed. The corresponding box of each attribute should be crossed when its value is 'yes'.

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<!ELEMENT srep-declaration-part EMPTY>

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<!ATTLIST srep-declaration-part
  description ( yes | no ) #IMPLIED
  claims ( yes | no ) #IMPLIED
  drawings ( yes | no ) #IMPLIED >

```

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<!--
Form PCT/ISA/203 (April 2005)

```

Points 3. and 4. of Form PCT/ISA/203 (April 2005) indicate deficiencies of the international application related to sequence listings which are subject to

the issuance of the declaration under Article 17(2)(a) for non compliance with Rules 13ter.1(c) and (d).

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Form Layout

(see comment of srep-declaration for detailed description of the form)

Whenever an attribute is set to 'yes' the following boxes should be crossed:

attribute	box(es)
paper	3 and "furnish a sequence listing on paper ..."
electronic	3 and "furnish a sequence listing in electronic form ..."
late-furnishing-fee	3 and "pay the required late furnishing fee ..."
table	4

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<!ELEMENT srep-declaration-sequence-listing EMPTY>

<!ATTLIST srep-declaration-sequence-listing
paper (yes | no) #IMPLIED
electronic (yes | no) #IMPLIED
late-furnishing-fee (yes | no) #IMPLIED
table (yes | no) #IMPLIED

<!-- end of srep-declaration -->