

PCT/EF/PFC 19/001
 ORIGINAL: FRANÇAIS / ENGLISH
 SITUATION AT: MARCH 12, 2019
 SITUATION AU : 12 MARS 2019

**Administrative Instructions Under the
 Patent Cooperation Treaty (PCT)
 Standard for the Electronic Filing and Processing of International Applications**

**Instructions administratives du
 Traité de coopération en matière de brevets (PCT)
 Norme concernant le dépôt et le traitement électroniques**

PROPOSAL FOR CHANGE FILE/
 DOSSIER RELATIF A LA PROPOSITION DE MODIFICATION

SUBJECT: Changes to Annex F, Appendix I, section 3.6 (modification of the DTD for the PCT Demand (IPEA/401))		PROPOSED BY: IB	
SUJET : Modifications de la section 3.6 de l'appendice I de l'annexe F (modification de le DTD de la Demande d'examen préliminaire international (IPEA/401))		PROPOSÉES PAR : IB	
HANDLING: Expedited cycle TRAITEMENT : Cycle accéléré		PROPOSED DATE OF ENTRY INTO FORCE: 01.04.2019 DATE PROPOSÉE D'ENTRÉE EN VIGUEUR :	
Annex/ Annexe	Content/Contenu	Origin/ Origine	Date
1	Modification of the DTD for the DTD for the PCT Demand (IPEA/401) Modification de le DTD de la Demande d'examen préliminaire international (IPEA/401)	IB	15.01.2019
2	Comments from the National Center of Registries (CNR) of El Salvador	SV	28.01.2019
3	Comments from the United Kingdom Intellectual Property Office (UKIPO)	GB	06.02.2019
4	Comments from the National Institute of Industrial Property of Chile (INAPI)	CL	13.02.2019

5	Comments from the European Patent Office (EPO)	EP	22.02.2019
6	Comments from the Canadian Intellectual Property Office (CIPO)	CA	27.02.2019
7	Comments from the Japan Patent Office (JPO)	JP	06.03.2019
8	Comments from the Mexican Institute of Industrial Property (IMPI)	MX	06.03.2019
9	Comments from the Intellectual Property Office of the Philippines (IPOP HL)	PH	06.03.2019
10	Comments from the National Institute for the Defense of Competition and Protection of Intellectual Property of Peru (INDECOPI)	PE	06.03.2019
11	Comments from the Turkish Patent and Trademark Office (TURKPATENT)	TR	08.03.2019
12	Comments from the Intellectual Property Corporation of Malaysia (MyIPO)	MY	11.03.2019
13	Comments from the Superintendence of Industry and Commerce of Colombia	CO	11.03.2019
14	Comments from the International Bureau	IB	12.03.2019

Next action:	Entry in to Force	By:	01.04.2019
Prochaine action :	Entrée en vigueur	Pour le :	

[Annex I follows/
L'annexe I suit]

Item 1	
Location:	Annex F, Appendix I, section 3.6, demand DTD
Change:	<p>FROM:</p> <pre><!ELEMENT concerning-amendments (the-application? , the- description? , the-sequence-listing? , the-claims? , the- drawings? , reverse-art19-amendment? , postpone-examination? , begin-examination-early?)></pre> <pre><!-- The applicant may elect to have the examination to start earlier than at the expiration of the applicable time limit under Rule 54bis.1(a) (Demand Box IV 4) --></pre> <pre><!ELEMENT begin-examination-early EMPTY></pre> <pre><!-- "The applicant wishes the start of the international preliminary examination to be postponed until the expiration of 20 months from the priority date unless the International Preliminary Examining Authority receives a copy of any amendments made under Article 19 or a notice from the applicant that he does not wish to make such amendments (Rule 69.1(d)) --></pre> <pre><!ELEMENT postpone-examination EMPTY></pre> <p>TO:</p> <pre><!ELEMENT concerning-amendments (the-application? , the- description? , the-sequence-listing? , the-claims? , the- drawings? , reverse-art19-amendment? , postpone-examination? , begin-examination-early?, postpone-examination-amendment- time-limit?, postpone-examination-demand-time-limit?)></pre> <pre><!-- The applicant may elect to have the examination to start earlier than at the expiration of the applicable time limit under Rule 54bis.1(a) (Demand Box IV 4) This option will no longer be available from July 1, 2019, but is retained in the DTD for backwards compatibility. --></pre> <pre><!ELEMENT begin-examination-early EMPTY></pre> <pre><!-- "The applicant wishes the start of the international preliminary examination to be postponed until the expiration of 20 months from the priority date unless the International Preliminary Examining Authority receives a copy of any amendments</pre>

	<p>made under Article 19 or a notice from the applicant that he does not wish to make such amendments (Rule 69.1(d))”</p> <p>This element was named without a descriptor for the relevant time limit as being the time limit for amendments to be made and has been superseded by the element “postpone-examination-amendment-time-limit”.</p> <p>This option will no longer be available from July 1, 2019, but is retained in the DTD for backwards compatibility.</p> <pre>--> <!ELEMENT postpone-examination EMPTY> <!-- "The applicant wishes the start of the international preliminary examination to be postponed until the expiration of 20 months from the priority date unless the International Preliminary Examining Authority receives a copy of any amendments made under Article 19 or a notice from the applicant that he does not wish to make such amendments (Rule 69.1(d))" --> <!ELEMENT postpone-examination-amendment-time-limit EMPTY> <!-- "The applicant wishes to postpone the start of the international preliminary examination until the expiration of the applicable time limit under Rule 54bis.1(a)." --> <!ELEMENT postpone-examination-demand-time-limit EMPTY></pre>
Reason:	<p>This change is to identify the relevant time limit after the expiration of which international preliminary examination is requested to be postponed until.</p> <p>The addition of an attribute to the existing element “postpone-examination” was considered as an alternative to creating postponement elements, but was discounted based on the current practice to use the presence of optional empty elements to represent checkboxes on PCT Forms.</p> <p>This proposal is to add two optional elements (“postpone-examination-amendment-time-limit” and “postpone-examination-demand-time-limit”). The new element “postpone-examination-demand-time-limit” represents the new possibility for postponement, while the new element “postpone-examination-amendment-time-limit” has been added to replace the existing element “postpone-examination” as its naming has become unclear with the new possibility to postpone to a second alternative time limit.</p> <p>The addition of the two new elements allows for the four possibilities of :</p> <ul style="list-style-type: none"> - no postponement requested: <ul style="list-style-type: none"> <concerning-amendments> ...

	<pre></concerning-amendments> - postponement requested until the time limit for submitting amendments has expired: <concerning-amendments> ... <postpone-examination-amendment-time-limit/> </concerning-amendments> - postponement requested until the time limit for submitting the demand has expired: <concerning-amendments> ... <postpone-examination-demand-time-limit/> </concerning-amendments> - postponement until both the time limit for submitting amendments has expired and the time limit for submitting the demand has expired: <concerning-amendments> ... <postpone-examination-amendment-time-limit/> <postpone-examination-demand-time-limit/> </concerning-amendments></pre>
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[Annex II follows / L'annexe II suit]

Comments from the National Center of Registries (CNR) of El Salvador

Regarding the content of Annex F of the Administrative Instructions of the PCT, which establishes modifications in the electronic submission and processing of applications under the Patent Cooperation Treaty (PCT), there are no comments, in view of the fact that our Registry Office does not use this tool.

[Annex III follows / L'annexe III suit]

Comments from the United Kingdom Intellectual Property Office (UKIPO)

The UKIPO are happy with the changes proposed in the attached circular. We have no further comments to make.

[Annex IV follows / L'annexe IV suit]

Comments from the National Institute of Industrial Property of Chile (INAPI)

Regarding proposals for changes in the standard for the electronic filing and processing of international applications (Annex F of the Administrative Instructions of the PCT) in connection with the implementation of the modification of PCT Rule 69.1.a) in which our Office is invited to provide comments regarding the PCT application form (IPEA / 401), when an additional indicator is required to indicate the expiration of the extension period of the beginning of the international preliminary examination.

In this regard, having reviewed the proposals made by the International Bureau, we have no comments on them and we agree on their content, as we believe that these effectively aim to facilitate the electronic filing and processing of international applications.

We hope that our comments are of your use, and we are already at your disposal for what you need.

[Annex V follows / L'annexe V suit]

Comments from the European Patent Office (EPO)

The European Patent Office has no further comments to the proposal.

[Annex VI follows / L'annexe VI suit]

Comments from the Canadian Intellectual Property Office (CIPO)

CIPO's technical team has been looking into the DTD changes and we have some questions relevant to it.

From what we understand, some DTD changes should come into force on April 1st, 2019. The code changes are displayed in the Proposal for change file. We were under the impression that a new DTD version would be available for us to use, but it appears that it's the same version that we already have.

We are not looking forward to activate any new feature from those proposed changes, but we need to ensure they will not affect our automated upload service in our database.

[Annex VII follows / L'annexe VII suit]

Comments from the Japan Patent Office (JPO)

The JPO has reviewed and welcomes the IB's proposal on the modifications to the DTD for the Demand as it clarifies the name of one of the elements.

We have no further comments.

[Annex VIII follows / L'annexe VIII suit]

Comments from the Mexican Institute of Industrial Property (IMPI)

Document PCT/EF/PFC 19/001 relating to the Modifications of section 3.6 of Appendix I, of Annex F (Modification of the DTD (Document Type Definition) of the International Preliminary Examination Demand(IPEA / 401)], The Mexican Receiving Office, (RO / MX) is in agreement with the change proposal. While the Mexican Receiving Office is not an International Authority in charge of International Preliminary Examination (IPEA), it does receive requests for International Preliminary Examination (IPE) which must be sent to the International Bureau (IB) or the competent IPEA.

[Annex IX follows / L'annexe IX suit]

Comments from the Intellectual Property Office of the Philippines (IPOP HL)

The IPOP HL commends the PCT Working Group and WIPO's effort to enhance the PCT System in furthering the quality of search and examination that is both beneficial for the PCT users and the Member States. The proposed amendments to Rule 69 of the PCT Regulations would allow ample time for International Authorities to establish preliminary patentability evaluation and proceed with possible dialogue between the examiner and the applicant during the international preliminary examination stage. We find the proposed modifications to be acceptable.

Accordingly, we have no further comments.

[Annex X follows / L'annexe X suit]

Comments from the National Institute for the Defense of Competition and Protection of Intellectual Property of Peru (INDECOPI)

In relation to the C. PCT 1557 and the proposal of modification for the presentation and processing of international applications, we inform you that the Directorate of Inventions and New Technologies of INDECOPI has no comments to submit in relation to document PCT / EF / PFC 19/001.

[Annex XI follows / L'annexe XI suit]

Comments from the Turkish Patent and Trademark Office (TURKPATENT)

In accordance with the Circular C.PCT 1557, TURKPATENT, in its capacity as a RO, ISA, IPEA and/or DO/EO, welcomes the proposals regarding the Standard for the Filing and Processing in Electronic Form of International Applications (proposed changes to Annex F and its appendices) related to the PCT Demand Form (IPEA/401) where an additional indicator is required to indicate the expiry of the postponement of the start of the International preliminary examination and has no further comments on the proposals.

[Annex XII follows / L'annexe XII suit]

Comments from the Intellectual Property Corporation of Malaysia (MyIPO)

With reference to the circular C.PCT 157 dated 23 January 2019, regarding the proposal for change to the Standard for the Filing and Processing in Electronic Form International Applications (Annex F of the Administrative Instructions under the PCT) related to the PCT Demand Form (IPEA/401) where an additional indicator is required to indicate the expiry of the postponement of the start of the international preliminary examination, we, the Intellectual Property Corporation of Malaysia (MyIPO) as the Receiving Office, RO/MY, agree to the proposal.

[Annex XIII follows / L'annexe XIII suit]

Comments from the Superintendence of Industry and Commerce of Colombia

The Superintendence of Industry and Commerce of Colombia, noting the changes in PCT Rule 69, which will enter into force on July 1, 2019, considers that the proposed changes to Appendix I of the PCT Administrative Instructions are acceptable.

[Annex XIV follows / L'annexe XIV suit]

Comments from the International Bureau

The International Bureau would like to express its thanks to the Offices that have reviewed the proposal and provided comments.

Considering the comments received from PCT member states and with no controversial comments outstanding, the International Bureau will adopt the proposal for entry into force on April 1, 2019.

[End of Annex XIV and of document/
Fin de l'annexe XIV et du document]