

PCT/EF/PFC 20/005
ORIGINAL: FRANCAIS / ENGLISH
SITUATION AT: MARCH 1, 2021
SITUATION AU : 1 MARS 2021

**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 3.1 and 5.7 (modification of the package data and IB publication DTDs)		PROPOSED BY: IB	
SUJET : Modifications des sections 3.1 et 5.7 de l'appendice I de l'annexe F (modification de les DTDs du Paquet de données et du IB publication)		PROPOSÉES PAR : IB	
HANDLING: Expedited cycle TRAITEMENT : Cycle accéléré		PROPOSED DATE OF ENTRY INTO FORCE: 01.07.2021 DATE PROPOSÉE D'ENTRÉE EN VIGUEUR :	
Annex/ Annexe	Content/Contenu	Origin/ Origine	Date
1	Modification of sequence-list element to allow the inclusion of sequence listings according to WIPO Standard ST.26 in packages transmitted in filing and processing Modification de l'élément 'sequence-list' pour permettre l'inclusion de listages de séquences selon la norme ST.26 de l'OMPI dans les paquets transmis lors du dépôt et du traitement	IB	15.12.2020
2	Comments	CR	07.01.2021
3	Comments	SG	02.02.2021
4	Comments	JPO	04.02.2021
5	Comments	WIPO	04.02.2021

6	Comments	RU	08.02.2021
7	Comments	KR	16.02.2021
8	Comments	US	17.02.2021
9	Comments	CN	19.02.2021
10	Comments	EP	23.02.2021
11	Comments	IB	01.03.2021

Next action:	Entry into force	By:	01.07.2021
Prochaine action :	Entrée en vigueur	Pour le :	

[Annex I follows/
L'annexe I suit]

Item 1	
Location:	Annex F, Appendix I, section 3.1 package-data and Section 5.7 IB Publication
Change:	<p>FROM:</p> <pre> <!-- SEQUENCE LISTING According to WIPO ST.25: STANDARD FOR THE PRESENTATION OF NUCLEOTIDE AND AMINO ACID SEQUENCE LISTINGS IN PATENT APPLICATIONS: see http://www.wipo.int/scit/en/index.html "The sequence listing as defined in paragraph 2(i) shall, where it is filed together with the application, be placed at the end of the description part of the application. This part shall be entitled Sequence Listing, begin on a new page and preferably have independent page numbering. The sequence listing forms an integral part of the description; it is therefore unnecessary, subject to paragraph 36, to describe the sequences elsewhere in the description." Therefore we create here a separate sub-document for sequence listings, it should follow any drawings or the claims. It should follow the format of Annex C/ST.25 and be an external file --> <!ELEMENT sequence-list EMPTY> <!ATTLIST sequence-list id ID #IMPLIED file CDATA #REQUIRED lang CDATA #IMPLIED carriers (internal-electronic external- electronic paper) #IMPLIED seq-file-type CDATA #FIXED 'ST.25' electronic-format-type (text other) #IMPLIED status CDATA #IMPLIED part-of-application (yes no) #IMPLIED > </pre> <p>TO:</p> <pre> <!-- </pre>

SEQUENCE LISTING

According to WIPO ST.25: STANDARD FOR THE PRESENTATION OF NUCLEOTIDE AND AMINO ACID SEQUENCE LISTINGS IN PATENT APPLICATIONS:
 see <http://www.wipo.int/scit/en/index.html>

"The sequence listing as defined in paragraph 2(i) shall, where it is filed together with the application, be placed at the end of the description part of the application. This part shall be entitled Sequence Listing, begin on a new page and preferably have independent page numbering.

The sequence listing forms an integral part of the description; it is therefore unnecessary, subject to paragraph 36, to describe the sequences elsewhere in the description." Therefore we create here a separate sub-document for sequence listings, it should follow any drawings or the claims.

It should follow the format of Annex C/ST.25 and be an external file

Or According to WIPO ST.26: RECOMMENDED STANDARD FOR THE PRESENTATION OF NUCLEOTIDE AND AMINO ACID SEQUENCE LISTINGS USING XML (EXTENSIBLE MARKUP LANGUAGE)
 See <https://www.wipo.int/standards/en/pdf/03-26-01.pdf>

```
-->
<!ELEMENT sequence-list EMPTY>

<!ATTLIST sequence-list id ID
#IMPLIED
file CDATA
lang CDATA
carriers
(internal-electronic |
external-
electronic |
paper )
#IMPLIED
seq-file-type (ST.25 |
ST.26) #REQUIRED
electronic-format-type
(text | other ) #IMPLIED
status CDATA
#IMPLIED
part-of-application (yes
| no ) #IMPLIED >
```

Reason:

	<p>This change adds the possibility of inserting, in a package for filing or transmitting an application, a sequence listing in WIPO ST.26 format, while preserving the possibility to attach a sequence listing according to WIPO ST.25.</p> <p>The proposed changes are backwardly compatible.</p>
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[End of Annex I /
L'annexe II suit]

Comments from the Permanent Mission of Cost Rica to the United Nations

Costa Rica has no particular comments on this matter.

[Annex III follows /
L'annexe III suit]

Comments from the Intellectual Property Office of Singapore

The team at the Intellectual Property Office of Singapore thanks WIPO for your continued efforts to enhance the PCT regime. In response to Circular C. PCT 1615, we have the following query regarding the proposal for PCT/EF/PFC 20/006. It is uncertain what additional information are intended and how it will be displayed. Therefore, it would be useful to provide guidance or examples for reference.

[Annex IV follows /
L'annexe IV suit]

Comments from the Japan Patent Office

This is the reply from the Japan Patent Office (JPO) to the C.PCT 1615. The JPO would appreciate your giving consideration to the following comments.

Regarding the proposed change of PCT/EF/PFC 20/005, the JPO is aware of the necessity of the proposed change in line with the implementation of WIPO Standard ST.26 from January 1, 2022. The JPO has no objection with the proposed change of PCT/EF/PFC 20/005.

Regarding the proposed changes of PCT/EF/PFC 20/002, 003, 004 and 006, the JPO has not recognized any troubles of the current DTDs and any needs to change from PCT users or JPO examiners. Thus the JPO is not aware of the necessity of the proposed changes. If a majority of contracting parties is aware of the necessity of the proposed changes with any reason, the JPO requests that the use of the proposed DTDs be not mandatory since it would take a large amount of cost and time for the JPO to adopt the proposed DTDs for system conversion.

[Annex V follows /
L'annexe V suit]

Comments from the WIPO Standards Section

PFC-20-005

Relevant DTD: wo-published-application-v1-11, package-data

Change proposed: Include reference to 'st26' as type of application in seq-file-type

Potential impact: Currently in ST.96 pat:Description refers to a free text field to capture sequence listing data. So there is no reference to the type of sequence listing that is filed so this change should have no impact on ST.96.

[Annex VI follows /
L'annexe VI suit]

Comments from the Federal Service for Intellectual Property (Rospatent)

I am writing with regards to Circular C. PCT 1615 concerning Proposed changes to Annex F of the Administrative Instructions under the PCT and its appendices.

Rospatent is not currently using XML to deliver written opinions. At the moment the documents are sent in PDF. At the same time, our Office is planning to start delivering written opinions in XML in near future. Therefore, we do not have any comments regarding the Circular PCT 1615.

[Annex VII follows /
L'annexe VII suit]

Comments by the Korean Intellectual Property Office (KIPO)

Comment from STS (follow up with KIPO): "Potential impact: The proposed change will require a revision to ST.96 version 4.0 component TopUpSearchBasis. However, it is not clear which components should be provided as 1..n: the TopUpSearchAdditionalInformation component or just the TopUpSearchDate. According to the proposed changes to DTD, TopUpSearchAdditionalInformation should be updated, but it may need to change only the date component for business point of view. So it is suggested to discuss with KIPO, proponent of the PFC, what changes they proposed in PCT DTD."

KIPO's feedback

KIPO wants to have multiple dates in top-up-search-carried-out. Under the current written-opinion-components-v1-1.dtd, date is a CDATA attribute of top-up-search-carried-out and it is not so easy to expand multiple dates.

In order to clearly describe multiple dates, KIPO propose to repeat its parent element - top-up-search-carried-out. KIPO welcomes any possible solutions and further discussion on this issue.

```
# written-opinion-components-v1-1.dtd <!ELEMENT top-up-search-carried-out EMPTY>
<!ATTLIST top-up-search-carried-out
  date CDATA #REQUIRED
  document-found (yes | no) #REQUIRED>
```

For your information, ST.96 amendment works along with PFC 20/002, 004, 006 revision under issue-id 676, 677, 678 as attached.

[Annex VIII follows /
L'annexe VIII suit]

Comments by the United States Patent and Trademark Office (USPTO)

After consideration, please be informed that USPTO has no comments on this Circular at this time.

[Annex IX follows /
L'annexe IX suit]

Comments from the State Intellectual Property Office of the P.R.C (SIPO)

CNIPA has not different opinions about the proposed changes to Annex F of the Administrative Instructions under the PCT and its appendices.

[Annex X follows /
L'annexe X suit]

Comments from the European Patent Office

Following the Circular C.PCT 1615 you may find below EPO's feedback to each of the PFCs.

PFC-20-002

The EPO informs that, in Chapter 2 proceedings, its examiners perform one mandatory top-up search. Since the proposed change to the dtd is backwardly compatible, i.e. no IT changes required on IPEA/EP's side, the EPO does not object to this proposal.

PFC-20-003

The EPO supports a flawless processing of PCT Direct letters. It is crucial that, at the time of filing the application, the user be in a position to select the correct document type when uploading the PCT Direct letter. In that respect, the present PFC seems to fall short of any benefits for users. At present, the EPO has an automation in place for PCT Direct letters, under other-doc in other-documents. Therefore, should this PFC be eventually implemented, it is important for the EPO to ensure backward compatibility, i.e. the information that is already in the package data should be kept as is. Further, it must be kept in mind that all Offices will have to update the eOLF servers with the new DTD.

PFC-20-004

There is no comment from the EPO on this PFC.

PFC-20-005

There is no comment from the EPO on this PFC.

PFC-20-006

The EPO informs that its examiners are not following the practice suggested in the PFC. However, since this change is backwardly compatible there is no objection from the EPO. Further, the EPO suggest not encouraging a systematic use of color in filings but clearly indicating that those filings shall be made in color where necessary for a better understanding of the application.

[Annex XI follows /
L'annexe XI 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.

In respect of the comments received, the international Bureau advises that it has reviewed the comments and concluded that no controversial points were raised.

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 July 1, 2021.

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