



C. PCT 827
– 07.2

April 4, 2002

Madam,
Sir,

*Standard for the electronic filing and processing of international
applications: Change procedures for future modifications*

Proposed modifications of the Administrative Instructions under the PCT

1. This circular concerns proposed modifications of the Administrative Instructions under the Patent Cooperation Treaty (PCT). It is being sent, for the purposes of consultation pursuant to Rule 89.2(b) of the Regulations under the PCT, to the national and regional patent Offices of, or acting for, all PCT Contracting States, including all receiving Offices, International Searching Authorities, International Preliminary Examining Authorities, and designated and elected Offices, and to interested intergovernmental organizations, as well as to certain non-governmental organizations representing users of the PCT system.
2. The promulgation, with effect from January 7, 2002, of modifications of the Administrative Instructions under the Patent Cooperation Treaty (PCT) designed to enable the implementation of electronic filing and processing of international applications under the PCT, was announced in Circular C. PCT 815 dated December 20, 2001. The modifications (see document PCT/AI/1 Rev.1 Add.2) added new Part 7 and new Annex F to the Administrative Instructions containing, respectively, the necessary legal framework and technical standard. (See also *PCT Gazette Special Issue S-04/2001*.)
3. As indicated in Circular C. PCT 815, paragraphs 14 and 15, the present Circular proposes special procedures for the proposal, consideration and implementation of future modifications of the standard for electronic filing and

/...

processing of international applications. Those special procedures would be introduced by way of a modification of Annex F to add a new section 2.5, as set out in the Annex to this Circular.

4. It will be necessary to modify the standard from time to time in the light of practical experience and of new technical developments. It must be borne in mind that the standard will be used for the operation of existing systems and development of new systems by a variety of developers, including some patent Offices. The procedures for modification need to be flexible while ensuring transparency and certainty for Offices, applicants and others affected by the standard.

5. The special change procedures would constitute the usual means for consultation pursuant to Rule 89.2(b) concerning proposals to modify the standard. They would provide for the publication of proposals on WIPO's Web site.

6. The International Bureau would create a Web site, including an electronic forum, through which the system for processing proposals would be managed. Each proposal received by the International Bureau would be published on the Web site for comments. In addition, generally at a later stage in the procedure, all Offices and PCT Authorities would receive a written circular inviting comments and advising that paper copies of the proposals were also available.

7. Any Office, PCT Authority, intergovernmental organization or non-governmental organization that is invited to participate in PCT meetings would be able to register via the electronic forum, at any time, as a member of a Consultative Group which would be particularly involved in the consideration of proposals.

8. Each proposal for modification of the standard for electronic filing and processing of international applications would be dealt with under either a (standard) annual change management cycle or an expedited procedure, depending on the proposal concerned. The procedures would be used primarily for modifications of Annex F (including its Appendices), but would also be used where appropriate for related changes to Part 7 and other parts of the Administrative Instructions.

9. Further details of the proposed procedures are set out in the Annex to this Circular containing proposed new section 2.5 of Annex F.

/...

10. The International Bureau would appreciate receiving any comments on the proposed modifications set out in the Annex by May 10, 2002, following which new section 2.5 would be promulgated after any revision necessary in the light of comments received. Comments, as well as inquiries, may be sent to the International Bureau by letter, by fax to 41-22-338 8040 or by e-mail to pct.efiling@wipo.int. Telephone inquiries should be directed to Mr. Karl Kalejs on 41-22-338 9642.

11. Note that some specific proposals for change to the standard contained in Annex F and related changes to Part 7 are under separate consideration as the subject of Circular C. PCT 830, also dated April 4, 2002.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'Francis Gurry', written in a cursive style.

Francis Gurry
Assistant Director General

Enclosure: Annex containing proposed new section 2.5 of Annex F of the Administrative Instructions under the PCT

ANNEX TO CIRCULAR C. PCT 827

PROPOSED MODIFICATIONS OF THE ADMINISTRATIVE INSTRUCTIONS UNDER THE PCT

ANNEX F STANDARD FOR THE ELECTRONIC FILING AND PROCESSING OF INTERNATIONAL APPLICATIONS

2. THE E-PCT STANDARD: OVERVIEW AND VISION

2.1 to 2.4 [No change]

2.5 Change procedure [New]

2.5.1 Scope

It is necessary to modify the standard from time to time in the light of practical experience and of new technical developments, and bearing in mind that the standard will be used for the operation of existing systems and development of new systems by a variety of developers, including some patent Offices. The change procedure outlined in this section constitutes the usual means for consultation pursuant to PCT Rule 89.2(b) concerning proposals to modify Annex F (including its Appendices) and, where appropriate, related provisions of Part 7 and other parts of the Administrative Instructions (“proposals for change”).

2.5.2 Web site; information list; Consultative Group

The International Bureau maintains a Web site through which a system for processing proposals for change will be managed.

The Web site provides for interested persons to register their e-mail addresses on the electronic e-filing information list of persons who wish to be informed when proposals for change (or other materials relating to PCT electronic filing) are made available on the site.

Any Office, PCT Authority, intergovernmental organization or non-governmental organization that is invited to participate in PCT meetings may register, via the Web site and at any time, as a member of a Consultative Group which is particularly involved in the consideration of proposals for change. The International Bureau is a member of the Consultative Group. All persons representing members of the Consultative Group are also automatically included on the e-filing information list.

2.5.3 Proposals for change

Proposals for change may be submitted to the International Bureau, preferably via the Web site, at any time during the year.

Each proposal for change should set forth the requested modifications, a list of items that may be impacted, the reason, including processing or policy issues involved, and the proposed date of implementation, including, if appropriate, a request for expedited handling, and should also, if possible, include a draft implementation (for example, a new XML DTD).

Consideration of proposals for change would ordinarily proceed under the (standard) annual change management cycle in accordance with section 2.5.4. If needed, generally on request by the proposer, the International Bureau may determine, after consultation with the Consultative Group, that consideration of a proposal for change should be expedited in accordance with section 2.5.5. It is to be understood that consideration of any proposal for change resulting from a change to a PCT Contracting State's national law relating to the standards contained in this Annex would be expedited.

2.5.4 Annual change management cycle

1. Each proposal for change received by the International Bureau is published on the Web site, forthwith after its receipt, in a "Proposal for Change" (PFC) file together with an indication that comments on the proposal may be sent to the International Bureau. That publication is promptly notified by e-mail to the e-filing information list.
2. Any comments received following the publication and notification of a proposal for change referred to in section 2.5.3 are promptly published on the Web site in the PFC file and notified by e-mail to the e-filing information list.
3. Further consideration of the proposal does not take place until the following February, unless expedited consideration is accorded to the proposal under section 2.5.5.
4. On or promptly after February 15, the International Bureau publishes on the Web site a list of all pending standard proposals for change and comments, with an indication that comments may be sent to the International Bureau by March 31, and sends a notification by e-mail to the e-filing information list. The International Bureau also sends a written circular to all PCT Offices and Authorities, interested intergovernmental organizations and certain non-governmental organizations representing users, referring to the Web site, inviting comments by March 31 and advising that paper copies of the proposals for change are available from the International Bureau.

5. Any further comments received by the International Bureau are published, forthwith after their receipt, in the PFC file on the Web site and notified by e-mail to the e-filing information list.
6. Promptly after March 31, the International Bureau invites the Consultative Group to consider the pending proposals for change and comments, and the Consultative Group makes recommendations to the International Bureau by May 15. The recommendations are published forthwith in the PFC file on the Web site and notified by e-mail to the e-filing information list.
7. Taking into account the comments received and the recommendations of the Consultative Group, and after any necessary revision, the International Bureau publishes on the Web site, by June 30, modifications intended to come into force on January 1 of the following year, and sends a notification by e-mail to the e-filing information list.
8. The usual procedures for promulgation of modifications of the Administrative Instructions apply (written circular and publication in the *PCT Gazette*).
9. If applicable, new or revised requirements of Offices are notified to the International Bureau, as provided for in Section 710 of the Administrative Instructions, for publication in the *PCT Gazette*.

2.5.5 Expedited consideration of change proposals

1. At any time, after consulting the Consultative Group, the International Bureau may decide that a proposal for change should be accorded expedited consideration, even if the proposal for change has so far been treated as standard.
2. Each proposal for change which is accorded expedited consideration is published on the Web site for comment and notified by e-mail to the e-filing information list, as outlined in section 2.5.4, paragraphs 1 and 2, except that comments are invited within six weeks. At the same time as that publication, the International Bureau sends the written circular referred to in section 2.5.4, paragraph 4, inviting comments within six weeks. Any comments received are published, forthwith after their receipt, in the PFC file on the Web site and notified by e-mail to the e-filing information list.
3. At the end of the period for comments, the International Bureau invites the Consultative Group to consider the proposal for change and comments, and the Consultative Group promptly makes recommendations, including a recommendation as to the appropriate date of entry into force of the proposed modifications. The recommendations are published forthwith in the PFC file on the Web site and notified by e-mail to the e-filing information list.

4. Taking into account the comments received and the recommendations of the Consultative Group, and after any necessary revision, the International Bureau publishes the modifications, and their date of entry into force, on the Web site, and sends a notification by e-mail to the e-filing information list.

5. The modifications are promulgated, and any new requirements of Offices are notified and published, as outlined in section 2.5.4, paragraphs 8 and 9.

2.5.6 Version handling

The adoption and implementation of modifications must take into account any requirement for different versions of certain aspects of the standard (notably, DTDs and the interoperability protocol) to operate simultaneously for a period. In such cases, version numbers, and the status of versions in terms of their period of applicability, must be clearly identified in the modifications and, if appropriate, in the relevant parts of Annex F and its Appendices and other relevant parts of the Administrative Instructions which are being modified.

[End of Annex]