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February 6, 2003

Madam,
Sir,

This circular is addressed to States and organizations which are invited to participate as members or observers of the Working Group on Reform of the Patent Cooperation Treaty (PCT). It is recalled that the Working Group has referred certain matters relating to quality maintenance and consistency of PCT search and examination work to a “virtual” task force which would carry on its work via a new electronic forum to be established on WIPO’s website. The necessary pages for the task force are now available at:

<http://www.wipo.int/pct/reform/qualityframework/>

Background

1. At the third session of the Working Group, which was held in Geneva in November 2002, the United Kingdom presented proposals for “a program for sustained quality and efficiency” (see document PCT/R/WG/3/4). Following discussion (see the Summary of the Session by the Chair in document PCT/R/WG/3/5 at paragraphs 101 to 111), the Working Group agreed that work should continue along the following two paths:

(a) The standards to which PCT search and examination should conform would be established in the PCT International Search and Preliminary Examination Guidelines. Work would continue on revision of those Guidelines, which would be needed by January 1, 2004, when the recently adopted enhanced international search and preliminary examination system comes into effect. This work is now under way in the forum of the Meeting of International Authorities under the PCT (PCT/MIA), whose seventh session will be held in February 2003.

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(b) A “virtual” task force would be established to consider which of the other matters in the United Kingdom’s paper, together with matters suggested by other delegations during the Working Group’s session, including quality maintenance and consistency, should be taken forward and how. The work of the task force would be coordinated by the United Kingdom Patent Office. The results of the work of the task force would be reported to the Working Group and to PCT/MIA, the first such report being requested by the end of April 2003.

Issues for Discussion

2. The mandate of the task force (see paragraphs 102(ii) and (iii), 110 and 111(b) of document PCT/R/WG/3/5) broadly relates to considering the need for, and form of:

(a) quality management criteria for ensuring that the quality standards defined by the PCT International Search and Preliminary Examination Guidelines are achieved and maintained; and

(b) a review mechanism for assessing whether the quality management criteria are being applied and the quality standards met.

3. A further discussion paper has now been provided by the United Kingdom Patent Office and is available on the website at the above address. Comments are welcome, via the electronic forum, on that paper or any other issue which is considered to fall within the mandate of the task force.

Participation and Timetable

4. All States and organizations which are invited to participate as members or observers in the Working Group are invited to participate in the work of the task force. Information about how to participate and to be kept informed of the work of the task force is available on the website.

5. Comments are invited on the discussion paper or other relevant matters by *March 14, 2003*. The United Kingdom Patent Office will then draft a progress report to be considered by the Working Group at its fourth session to be held in Geneva from May 19 to 23, 2003, and by PCT/MIA at its eighth session which is also expected to be held in May 2003.

Sincerely yours,



Francis Gurry
Assistant Director General