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November 14, 2003

Madam,
Sir,

1. The purpose of this circular is to remind PCT Offices and certain users of PCT data that, as from January 1, 2004, new formats will be in effect for PCT and WO numbers as well as for dates. Questions have come to the attention of the International Bureau concerning the new formats and their appropriate use. This Circular attempts to answer some of those questions, in particular:

- What is the legal basis for the new formats?
- What are the new formats, and how do they compare with the old ones?
- Who should use the new formats?
- Should numbers and dates appear in their original formats or in the new formats?
- What are the consequences, if any, for failure by PCT applicants and agents to use the new format?
- Where can further information be obtained?

What is the legal basis for the new formats?

2. Sections 110, 307, and 404 of the Administrative Instructions under the Patent Cooperation Treaty, pertaining respectively to dates, PCT application numbers, and WO publication numbers, have been modified with effect from January 1, 2004, following consultation under PCT Rule 89.2(b). The modified text of these sections was promulgated by way of circular C.PCT 808 (dated October 26, 2001); see page 3 of document PCT/AI/1 Rev.1 Add.1, which was enclosed with that circular (available on the Internet at http://www.wipo.int/pct/en/texts/pdf/ai_1rev1_add1.pdf).

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The text was also published in the PCT Gazette, No. 47/2001, on November 22, 2001, at page 21586 (available on the Internet at <http://pctgazette.wipo.int/pdf/472001-4.pdf>). See also the PCT Newsletter, Issue No. 11/2001 (available on the Internet at http://www.wipo.int/pct/en/newslett/2001/2001_11/11-03.htm#P13_3528).

What are the new formats, and how do they compare with the old ones?

3. The formats are as prescribed in the modified Administrative Instructions, which should be consulted for guidance. As an aid to understanding, however, the following brief summary is given: prior to July 1, 2002, the format of PCT numbers was PCT/XX02/12345, and the format of WO numbers was WO 02/12345. With effect from July 1, 2002, the format of WO numbers changed to WO 02/123456. With effect from January 1, 2004, the format of PCT numbers will change to PCT/XX2004/123456, and the format of WO numbers will change to WO 2004/123456. (Here and throughout this Circular, “XX” represents the two-letter code representing a country or other entity, as set forth in WIPO Standard ST.3.).

4. As for dates, prior to January 1, 2004, the acceptable formats were 20.03.99, 20/03/99, and 20-03-99; in all of these, the year was represented as two digits. With effect from 1 January 2004, the acceptable formats will change to 20.03.2004, 20/03/2004, and 20-03-2004; in all of these, the year will be represented as four digits.

Who should use the new formats?

5. The new number and date formats are to be used by the International Bureau and by PCT Offices for all official communications, publications, and other official documents and correspondence, whether in paper or electronic form.

6. Preferably, the new number and date formats likewise should be used by applicants, agents, members of the public, and others when communicating with the International Bureau or with PCT Offices. However, it is envisioned that a person or entity who uses one of the older number formats to request or to refer to a document will not be penalized for so doing, so long as the usage is unambiguous. (For more on this point, see paragraphs 8 and 9 below.)

Should numbers and dates appear in their original formats or in the new formats?

7. In general, as from January 1, 2004, all PCT and WO numbers and all dates preferably should appear in the new format, regardless of whether the international applications or publications to which they refer are old (that is, pre-2004) or new (that is, 2004 or later). From a practical standpoint, it is not expected for the International Bureau or PCT Offices to update large volumes of existing paper documents or scanned document images. Thus, for applications filed or publications made before January 1, 2004, the original application or publication documents, as well as photocopies thereof, scanned or facsimile images thereof, and the like generally will retain numbers and dates in the old formats. However, later-issued documents and correspondence pertaining or referring to the same applications or publications should use the new formats.

What are the consequences, if any, for failure by applicants and agents to use the new format?

8. As from January 1, 2004, applicants and agents, as well as members of the public and all other persons and entities, preferably should use the new PCT and WO number formats and new date formats when communicating with the International Bureau or with PCT Offices in regard to any and all international applications and publications, whether old (that is, pre-2004) or new (that is, 2004 or later). However, it is envisioned that failure by an applicant or agent to use the new formats will not result in any penalty, so long as the meaning of the communication is unambiguous. Only where there is genuine doubt as to which application, publication or date is intended should any correction on the part of the applicant or agent be required.

9. Ordinarily, neither an international application nor any form or other official paper submitted in connection with an international application should be rejected or otherwise found defective solely on the grounds that such application or paper includes one or more PCT or WO numbers or dates in an old format. Insofar as is practical, the International Bureau or a PCT Office should make *ex officio* corrections as needed and then treat the paper thus corrected as if it had been originally submitted with the corrections already made. If, however, the use of an old number or date format renders unclear the meaning of a communication, then the International Bureau or PCT Office should seek appropriate clarification from the applicant or agent before taking any action.

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Where can further information be obtained?

10. For further information on how to convert old-format numbers and dates into new-format numbers and dates, please see Annex I. Several examples illustrating the use of the new number and date formats may be found in Annex II. A discussion of how information technology (IT) systems can be adapted to the new formats appears in Annex III.

11. Please address your questions on this matter to the PCT Information Service which will direct your call to the appropriate service or person at: telephone: (41-22) 338 83 38, facsimile: (41-22) 338 83 39, e-mail: pct.infoline@wipo.int.

Sincerely yours,



Francis Gurry
Assistant Director General

Enclosures: Annex I – Converting numbers and dates from old to new format

Annex II – Examples illustrating the use of the new number and date formats

Annex III – Information technology systems and the new formats

CONVERTING NUMBERS AND DATES FROM OLD TO NEW FORMAT

A PCT number can be converted from old to new format as follows:

- Insert the two additional digits representing the century, placing these two additional digits immediately ahead of the two digits representing the year (or, in other words, immediately following the two-letter code that represents the country or region); AND
- Insert a leading zero (“0”) immediately ahead of the final five digits.

For example, consider an application filed in 2002 and originally assigned the international application number PCT/XX02/12345. To convert from old format to new, the part of the international application number that represents the year is extended from two digits to four (in this example, from 02 to 2002), and the part of the number that represents the order in which the application was received is extended from five digits to six by the addition of a leading zero. Thus, in the new format, the international application number is represented as PCT/XX2002/012345.

In like manner, a WO number can be converted from the pre-July 1, 2002 format to the new format by inserting the two digits representing the century immediately ahead of the two digits representing the year, and further inserting a leading zero immediately ahead of the final five digits. For example, the publication number WO 99/12345 is represented in the new format as WO 1999/012345. A WO number can be converted from the format in effect as from July 1, 2002 to the new format by inserting the two digits representing the century immediately ahead of the two digits representing the year. For example, the publication number WO 03/123456 is represented in the new format as WO 2003/123456.

Dates can be converted from old to new format by inserting the two digits representing the century immediately ahead of the two digits representing the year. For example, the date 20 March 1999, which in the old format was represented as 20.03.99, 20/03/99, or 20-03-99, is represented in the new format as 20.03.1999, 20/03/1999, or 20-03-1999.

[Annex II follows]

EXAMPLES ILLUSTRATING THE USE OF THE NEW NUMBER AND
DATE FORMATS

In general, as from January 1, 2004, all PCT and WO numbers and all dates preferably should appear in the new format, regardless of whether the international applications or publications to which they refer are old (that is, pre-2004) or new (that is, 2004 or later). To see how this general principle applies in particular cases, consider the following illustrative examples:

(a) An international application filed prior to 1 January 2004 but published as from 1 January 2004 will have a publication number (WO number) in the new format. Also, the international application number (PCT number) will appear in the new format in the text of the publication.

(b) To be more specific, suppose that an international patent application filed on December 18, 2002 in an Office whose two-letter code is "XX" has the international application number PCT/XX02/55555. If the application is first published on June 24, 2004, the International Bureau publication will have an international publication number in the new format, for example, WO 2004/333333. Moreover, the published application will refer to the international application number in the new format, that is, as PCT/XX2002/055555.

(c) An international application first published before 2004 and then republished in 2004 will be republished with new number format. To be more specific, suppose that a PCT application filed in 2001 with international application number PCT/XX01/44444 and originally published in 2003 with international publication number WO 03/022222 is to be republished in 2004. The International Bureau will use for the republication the new format, WO 2003/022222. The text of the republication will refer to the PCT application number in the new format, as PCT/XX2001/044444, and will likewise refer to the original publication number in the new format, as WO 2003/022222.¹

¹ It will be noted that this approach is analogous to that taken for applications originally published prior to July 1, 2002, and republished on or after July 1, 2002; in this regard, please see the PCT Gazette 47/2001, Section IV, November 22, 2001, at page 21584.

(d) The first WO publication number issued in the new 2004 format will be WO 2004/000001. The first publication date for 2004 will be December 31, 2003, which is the date that the International Bureau will begin its 2004 PCT publication year.² The publications of 31 December 2003 will include some so-called first publications, that is, PCT applications that are being published for the first time; and also, quite likely, some republications, that is, PCT applications that had been published previously and are being republished in 2004. The new 2004 numbering system will be used throughout.

(e) In official correspondence from the International Bureau and from PCT Offices dating as from 1 January 2004, the new formats are preferably to be used for all international application numbers and publication numbers and all dates, regardless of when the applications were originally filed or when the publications originally appeared. For example, when the International Bureau or an Office responds to applicant or agent correspondence relating to an application filed in 2002, the application number should be specified in the new format, that is, as PCT/XX2002/055555. Similarly, the filing date of the application should be referred to in the new format. For example, if the application was filed on December 18, 2002, the filing date should be referred to as 18/12/2002, 18.12.2002, or 18-12-2002.

(f) To be more specific, suppose that in December 2001 an applicant filed a PCT application with the application number PCT/XX01/56789. Then, in January 2004 (that is, within the 30-month period), the applicant writes to an International Bureau or to an appropriate Office in regard to this application, for example to check on the status of the application. The applicant's letter refers to the application by its original number, that is, as PCT/XX01/56789. The response from the International Bureau or from the Office preferably should indicate the application number in the new format, that is, as PCT/XX2001/056789. Furthermore, the International Bureau will provide, and it is recommended that the Office concerned provide, some explanation for convenience of the applicant, by adding words to the text of the response along the lines of "Your application PCT/XX2001/056789 (originally numbered as PCT/XX01/56789)..."

² Note that WIPO will be officially closed on Thursday, January 1, 2004 and Friday, January 2, 2004, thereby causing the "default" publication date for that week to be the immediate preceding day, that is, Wednesday, 31 December 2003.

(g) In an International Search Report (ISR), the new format is preferably to be used for both the number of the PCT application to which the ISR pertains and the numbers of any WO documents cited in the ISR. To be specific, suppose that in June 2002 an applicant files a PCT application with the application number PCT/XX02/34567, for which an Office in its capacity as International Searching Authority issues an International Search Report (ISR) in January 2004. The ISR cites various documents as pertinent against the subject application, including a first published PCT application whose publication number was originally WO 99/12345, and a second whose publication number was originally WO 03/123456. In the ISR, the Office preferably should use the new format for all application and publication numbers and all dates. Thus the ISR preferably should refer to the subject PCT application as PCT/XX2002/034567, and preferably should refer to the publication numbers of the cited references respectively as WO 1999/012345 and WO 2003/123456.

(h) It is to be noted that certain documents published by the International Bureau in CD-ROM and DVD-ROM form as from about September 2002 and continuing throughout the year 2003 have, in anticipation of the upcoming changes for 1 January 2004, already introduced the new 2004 number and date formats, but only for the searchable data fields on the CD-ROMs and DVD-ROMs. The images of digitized (scanned) paper documents included on the CD-ROMs and DVD-ROMs necessarily retain the number and date formats that appear in the original paper documents. As from 1 January 2004, the paper documents, and thus their digitized counterparts on CD-ROM and DVD-ROM, will also use the new number and date formats.

[Annex III follows]

INFORMATION TECHNOLOGY SYSTEMS AND THE NEW FORMATS

It is recommended that the Information Technology (IT) systems provided by the International Bureau and PCT Offices should accommodate, in as flexible and user-friendly a manner as possible, a range of user preferences as to WO and PCT number formats and date formats. This is in keeping with the notion that failure by an applicant or agent to use the new formats will not result in any penalty, so long as the meaning of the communication is unambiguous.

In particular, it is envisioned that a PCT Office's computer-based patent search and retrieval system or other patent database system should generally accept as input any of the formats, old or new, insofar as the selected format is applicable and the meaning is clear. In other words, leading zeroes may either be included in or omitted from the input serial number, and the two digits representing the century may either be included in or omitted from the input year. The table on the next page provides some illustrative examples. In each example, it will be appreciated that any of the proposed inputs makes it equally clear to the computer system just what document is being sought by the user. The user—whether an applicant or agent, a member of the public, or a PCT Office staff member—should not need to be concerned with remembering the various dates on which the various format changes were instituted. Instead, the user should simply enter the request in whichever format seems most convenient, and the system should accommodate accordingly.

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If the user wishes to find the document numbered ...	Then the IT system should accept equally any of the following inputs ...
WO 99/12345	WO 99/12345 WO 99/012345* WO 1999/012345 WO 1999/12345*
PCT/XX99/12345	PCT/XX99/12345 PCT/XX99/012345* PCT/XX1999/012345 PCT/XX1999/12345*
WO 02/012345 (dated on or after 1 July 2002)	WO 02/12345 WO 02/012345 WO 2002/012345 WO 2002/12345*
WO 02/123456	WO 02/123456 WO 2002/123456
WO 2004/012345	WO 04/12345 WO 04/012345 WO 2004/012345 WO 2004/12345*
WO 2004/123456	WO 04/123456 WO 2004/123456
PCT/XX2004/012345	PCT/XX04/12345 PCT/XX04/012345 PCT/XX2004/012345 PCT/XX2004/12345*
PCT/XX2004/123456	PCT/XX04/123456 PCT/XX2004/123456

[End of Annex III]

* This last format has never been at any time the official format. Even so, its inclusion is well to be considered in order to maximize the flexibility and ease of use of the computerized patent database search system.