



C. PCT 1139/C. SCIT 2649
– 07.2

April 10, 2008

Madam,
Sir,

1. This circular is addressed to offices in their capacity:

(i) as a receiving Office, International Searching Authority, International Preliminary Examining Authority and/or designated or elected Office under the Patent Cooperation Treaty (PCT) with regard to proposed modifications of the Administrative Instructions under the PCT; and/or

(ii) as a member of the Standards and Documentation Working Group of WIPO's Standing Committee on Information Technologies (SCIT) with regard to WIPO Standard ST.36 "Recommendation for the Processing of Patent Information using XML".

2. This circular is also being sent to interested intergovernmental organizations as well as certain non-governmental organizations representing users of the PCT system or which are represented as observers in SCIT.

3. This circular concerns proposals for changes to the standard for the electronic filing and processing of international applications under the Patent Cooperation Treaty (PCT) which will, if adopted, result in modifications of Annex F of the Administrative Instructions under the PCT and corresponding changes to the International Common Elements referred to in WIPO Standard ST.36.

DESCRIPTION OF CHANGES

4. Proposed changes to the DTDs and International Common Elements are set out in the following proposal for change (PFC) file (see http://www.wipo.int/pct/efiling_standard/en/pfc_files.htm):

- PCT/EF/PFC 08/008 (*Common Application Format*)
proposals by the European Patent Office, the Japan Patent Office and the United States Patent and Trademark Office.

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5. The changes to the DTDs relate to a joint initiative of the European Patent Office, the Japan Patent Office and the United States Patent and Trademark Office to harmonize the structure of the body part of a patent application (the so-called “Common Application Format (CAF)”). Consultation on proposed modifications to the Administrative Instructions to implement the CAF will be the subject of a separate PCT Circular, which will be sent in due course. The envisaged date of entry into force of these modifications is January 1, 2009.

CONSULTATIONS

6. Consultations under PCT Rule 89.2 are being conducted in accordance with the procedure set out in Section 2.5 of Annex F of the PCT Administrative Instructions. Preliminary consultations in relation to the updating of the equivalent International Common Elements which form part of WIPO Standard ST.36 are being conducted simultaneously through the same mechanism.

7. The International Bureau would appreciate receiving any comments on the proposals in PCT/EF/PFC 08/008 by May 23, 2008. Comments should preferably be made via the “Submit comments” facility on the Website (at http://www.wipo.int/efiling_standard/en/submit_comment.htm), but may alternatively be made in writing by letter or by fax to +41-22-338 8040. Comments will be included as Annexes to the relevant PFC file. Copies of the proposals on paper are available from the International Bureau on request. Inquiries concerning the proposals should be directed to the International Bureau via a mailbox: pct.efiling@wipo.int.

FURTHER PROCESS

8. Once the Consultative Group established under Section 2.5 of Annex F of the PCT Administrative Instructions has made its recommendations, the International Bureau will promulgate any necessary changes to the PCT Administrative Instructions together with information on entry into force of the changes and the changes will be submitted to the SCIT ST.36 Task Force for a recommendation on adoption of the equivalent changes in the International Common Elements under WIPO Standard ST.36.

Yours sincerely,



Francis Gurry
Deputy Director General