



C. PCT 1482

September 20, 2016

Madam  
Sir,

*PCT Search and Examination Reports using ePCT*

This Circular is addressed to your Office in its capacity as an International Searching and Preliminary Examining Authority under the Patent Cooperation Treaty (PCT). Its purpose is to inform you of the availability of new ePCT tools designed to support International Authorities and to invite feedback from your Office on those tools.

Version 3.3 of ePCT, released on May 30, 2016, included a new “action” within the browser-based ePCT interface allowing International Searching Authorities to create international search reports and written opinions of the International Searching Authority in any of the ten languages of publication. The ePCT demo environment also included a new action to demonstrate the possibility of supporting collaborative search and examination among International Authorities, the third pilot project for which is expected to begin between the IP5 Offices (the State Intellectual Property Office of the People’s Republic of China, the European Patent Office, the Japan Patent Office, the Korean Intellectual Property Office and the United States Patent and Trademark Office) next year (see document PCT/WG/9/20).

In principle, using such tools for the generation of search reports and written opinions may be advantageous to International Authorities, designated Offices, applicants and patent information users alike. It offers an opportunity to prepare consistent XML citation information from any Authority, ensures that bibliographic data is completed with the latest information on file (including any changes under Rule 92*bis*), enables instantaneous access to completed reports for applicants, permits collaboration with applicants and amongst a geographically dispersed work force and eliminates local maintenance costs involved in keeping report forms up to date.

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The report generation system in ePCT version 3.3 is a starting point aimed at showcasing the potential of ePCT, but has not yet been optimized for large-scale use. Some improvements are already planned for ePCT version 4.1, expected in the first half of 2017. Other changes require feedback from International Authorities on whether and how they might use the system to allow the International Bureau to properly specify further developments and to determine what level of investment in development can be justified. Further information about the ePCT interface for report generation and how to use it is provided in the Annex to this Circular.

Your Office is invited to review the ePCT interface for report generation in the demo environment and comment to the International Bureau on the following questions:

1. Would your Office as International Searching and Preliminary Examining Authority be interested in using the browser-based ePCT interface for creating its reports? If so, would your Office be likely to use this interface in all cases, or in specific circumstances (such as applications subject to collaborative search and examination, should this become relevant to your Office)?
2. Please explain (preferably with a diagram) the workflow within your Office for allocating international applications to individual examiners or groups of examiners for international search and any peer review or quality control procedures which occur before the international search report and written opinion are issued.
3. Do the search tools used by your examiners provide results in standard formats which could be imported into ePCT to assist in preparing the international search report, through cut and paste, upload of files or otherwise (if so, please provide details or samples, particularly if these include structured data formats, such as XML)?
4. Are there any requirements for import or export of structured data other than those referred to in question 3, above or in paragraph 21(e) of the Annex (ePCT to allow import of XML from earlier national search reports; ePCT to directly allow cloning of data to form the basis of corrected Chapter I reports or new Chapter I or II reports on the same or related international applications; export of XML to use in national systems as the basis of national phase reports).
5. What classification tools do your examiners use and is there any need for arrangements to allow selection of terms from a list, pasting of multiple classification terms simultaneously from another system or improved feedback on the definition of terms entered to confirm that they are as intended?
6. What additional collaboration features would be desirable to ensure that examiners are able to work together effectively on an application, whether in different Offices (collaborative search and examination) or in the same Office (trainer-trainee, peer-review, etc.)?
7. Are there any other key features of a report generating system which should be taken into account?
8. If your Office is not interested in using the browser-based ePCT interface for creating international search reports and written opinions, are there any related functions or data which you would like to see made available as real time machine to machine services to assist in preparing consistent, high quality reports in XML format or to reduce maintenance costs in ensuring that reports are always able to meet the current requirements?

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Your Office is invited to provide its response to this Circular, giving feedback on all issues raised, by November 30, 2016. Comments should either be posted on the relevant page in the electronic forum of the Quality Subgroup of the Meeting of International Authorities under the PCT, or else be sent, to Mr. Claus Matthes, Senior Director, PCT Legal and International Affairs Department, preferably by e-mail: [claus.matthes@wipo.int](mailto:claus.matthes@wipo.int); or by fax: (+41-22) 338 7150. Any comments received by this date will be taken into account in preparation of future versions of the report generation software, as well as in preparation of possible discussion documents for the Meeting of International Authorities at its twenty-fourth session, envisaged to take place in January/February 2017. Comments sent to Mr. Matthes will, unless requested otherwise, also be posted on the electronic form of the Quality Subgroup.

Any technical problems or queries encountered in testing the software may be directed to the PCT eServices Helpdesk by email to [epct@wipo.int](mailto:epct@wipo.int).

Yours sincerely,

A handwritten signature in blue ink, appearing to read "John Sandage".

John Sandage  
Deputy Director General

Annex: PCT Search and Examination Reports Using ePCT

## PCT SEARCH AND EXAMINATION REPORTS USING ePCT

### GETTING STARTED

1. The actions to prepare international search reports and written opinions can be tested in the ePCT demo environment, available at <https://pctdemo.wipo.int/ePCT>. Testers can be certain that they are in the Demo environment and not the live environment because each screen has a “Demo” label at the top and each document created has a “Demo” watermark on it.
2. Test users will need to have a WIPO account enabled for use as an Office account and with ePCT-ISA access rights. The accounts and rights are shared between the live and demo environments, so testing should be performed only by users permitted to access ISA records. User accounts can be created and rights assigned by the admin users for International Authorities which manage their own ePCT accounts (new digital certificates will likely need to be requested from the International Bureau). Other Authorities which require new accounts to be authorized should direct a request to [epct@wipo.int](mailto:epct@wipo.int) through their designated contact point for the purpose. New users needing general information about the ePCT system can use links on the ePCT demo environment login page to “Getting Started” and more general user guides.
3. The report generating system can be tested using any demo application which has the appropriate Office indicated as the competent International Searching Authority and is not in the “receiving Office phase” (that is, the record copy has been transmitted to the International Bureau so that the application is visible to the International Bureau’s main systems and not only to users at the relevant receiving Office). This includes applications which already have an international search report on file. Some of the data in the demo system is unrealistic or invalid in some manner. This should not affect the testing of the system, except to the extent that in some cases data fields in the reports will be empty or contain unrealistic or unusually long entries (likely to have been added for the purposes of testing the results of line-wrapping and box overflow).
4. If your Office requires more test cases, they can be generated by making demo e-filings from a non-Office user account. In this case, it is recommended to make the demo filing to RO/IB since such applications are immediately visible to the International Bureau’s systems without an Office user having to take steps to simulate sending the record copy. Alternatively, if multiple applications are required, this can be requested by email to [epct@wipo.int](mailto:epct@wipo.int) indicating the number and any special features of test cases required.
5. While the International Bureau has not included any data from unpublished international applications in the demo database, some documents and data are based on information from real, published applications and the International Bureau has no control over demo applications added by applicant or Office users testing the system. Consequently, the data within the system should be treated as confidential and shared only to the extent necessary to conduct the relevant tests and report issues to the International Bureau.
6. Any technical problems or queries encountered in testing the software may be directed to the PCT eServices Helpdesk by email to [epct@wipo.int](mailto:epct@wipo.int).

## CREATING A TEST REPORT

7. The report action can be accessed by opening a suitable international application, going to the Actions tab, selecting ISA as the capacity (this will be selected by default for any users who do not have ePCT-RO access role) and selecting “Prepare International Search Report (ISA210) and/or Written Opinion (ISA237)” from the dropdown menu. The screenshots below are taken from ePCT version 3.3. Later this year, version 4.0 will be released with an improved look and feel, but including essentially the same functionality. Functional improvements are expected to begin in version 4.1.

PCT/XY2015/030028 - File Ref. misioncl IA Status Not yet Published Office Comments

File View Bibliographic Data Timeline History Access Rights Fees Upload Documents **Actions**

Applicant(s) DOTTO, Lampre  
Inventor(s) DOTTO, Lampre

Int. Filing Date 10 Dec 2015 Filing Type E-Filing (PDF) Team at IB ePT Search  
Date of Receipt at RO 10 Dec 2015 Priority Date No Priority Claim IA Status Report PDF XML ISA/XY

Title (EN) PCT TEST APPLICATION

Actions & Forms [Other PCT/R](#)

Select Capacity  RO  ISA  DO  Other

Select an Action

**ACTIONS**  
Prepare International Search Report (ISA210) and/or Written Opinion (ISA237)  
Record Chapter II Demand  
Open IA for collaborative search and examination

**FORMS**  
ISA202-Notification of Receipt of Search Copy

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8. By default, both an international search report and a written opinion will be created, but either may be suppressed by unselecting the relevant box, in which case the data entry boxes no longer relevant will be hidden.

Generate Form

History of saved drafts

International Search Report  Written Opinion

9. Data entry boxes for the various optional portions of the international search report and written opinion will be shown or hidden depending on the selections made in various checkboxes.

Certain claims were found unsearchable

- Claims relate to subject matter not required to be searched
- Claims relate to parts of the IA that do not comply with the prescribed requirements
- Claims are dependent and are not drafted in accordance with Rule 6.4(a)

Written Opinion

- Priority (Box No. II)
- Non-establishment of opinion with regard to novelty, inventive step and industrial applicability (Box No. III)
- Lack of unity of invention (Box No. IV)
- Reasoned statement under Rule 43b/s.1(a)(i) with regard to novelty, inventive step, and industrial applicability; citations and explanations supporting such statement (Box No. V)
- Certain documents cited (Box No. VI)
- Certain defects in the international application (Box No. VII)
- Certain observations on the international application (Box No. VIII)

10. IPC classifications are validated against the latest version of the key.

IPC \*  
B65D 1/17  
(example: D06M 23/08)  
Please enter the correct IPC code

Version(year/month) \*  
2896 01  
(example: 2006-01)

Invention \*  
YES

11. Patent literature and various classes of non-patent literature citations can be added in marked-up format.

Citation of document, with indication of relevant passages \*

Patent/utility model

Country Code \*  
EP

Publication Number \*  
B123456

Document Kind (eg A1, B1) \*  
A2

Publication Date \*  
31/10/1998

Enter Patent Applicant/Patent Owner \*  
COMPRESSION LABS, INC

Most relevant passages or drawings \*  
See page 3 lines 1-18

No patent family members have been added  
Add patent family members

Category	Relevant to Claim Number(s)	Action
X	1-4	
Y	5-7	

Add Category and Claims

OK Cancel

12. The remaining data entry boxes should be self-explanatory.

13. Provided that there are no critical errors, the draft reports can be previewed or saved for later completion. Optionally, the examiner may add a comment next to each saved draft as information to remind the examiner of further work to be performed on the application, or for the benefit of another user such as an examiner reviewing the report. This is then visible in the “History of saved drafts” which appears at the top of each action. Furthermore, each draft version can be viewed. In future versions, it is intended to allow old drafts to be restored where necessary. A “track changes” view is being considered, though this would be a more significant technical challenge.

14. When complete, the final reports are generated in PDF format (for printing, mailing and file records) and XML format (for easier translation, when required, and provision of data for improved patent information services).

15. Problems or questions concerning use of the system may be referred to [epct@wipo.int](mailto:epct@wipo.int).

## COLLABORATIVE SEARCH AND EXAMINATION

16. A further action is available in the demo environment to open the international application to be visible to examiners from other relevant International Authorities. In a fully operational system, this option would be selected at the time of filing by applicants wishing to use the service. For the purpose of the next proposed pilot, this has been implemented as an action for the main International Searching Authority. An Officer from the main International Searching Authority decides that the relevant international application is eligible for the pilot and selects the “Open IA for collaborative search and examination” action.

Actions & Forms

Select Capacity  RO  ISA  DO  Other

Select an Action

Open IA for collaborative search and examination

Select

**ACTIONS**

- Prepare International Search Report (ISA210) and/or Written Opinion (ISA237)
- Record Chapter II Demand
- Open IA for collaborative search and examination

**FORMS**

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17. This results in the application being opened for access by all of the other relevant International Searching Authorities (in preparation for the proposed pilot, this is presently set to be the IP5 Offices). A notification is sent to each of the other Authorities to indicate that the application has become part of the pilot (though in the demo system, emails to Offices are disabled to avoid confusion from tests performed by private users or other Offices so the notifications would only be seen in the lists provided within the browser).

18. Examiners from any of the participating International Authorities are then able to view the documents on file and to modify the draft reports. However, only an examiner from the main International Searching Authority is able to finalize the report.

19. To assist discussions between the examiners, in a collaborative search, it is intended that the comment which can accompany each save is made mandatory, so that the other examiners are better able to identify the reasons for which changes were made. However, pending consideration of other requirements, no more sophisticated tools have been provided. Consideration was given to integrating a message board system to facilitate more detailed discussion between examiners without necessarily editing the reports, but in the absence of a clear model of how the responsible examiners are known and recognized within the system, it was not apparent exactly how this should work.

#### **MAIN KNOWN LIMITATIONS OF THE CURRENT SYSTEM**

20. The current system is a starting point aimed at showcasing the potential of ePCT in this area. Consequently, the system has a number of fundamental limitations which it is intended to address. However, this will require major work on the underlying systems which support ePCT and careful review of security issues. Such limitations include:

- (a) The workflow management within the system is limited to Office-level notifications and does not cover distribution and monitoring of work at the level of the responsibilities of an assigned individual examiner.

Once the notification has been sent to the participating Authorities to indicate that an international application is part of the system, it is up to those Authorities to provide an arrangement for allocating the international application to specific examiners and to the relevant examiners to let each other know when a draft report is ready for review. Some improved Office-level workflow is planned, but feedback is needed on the types of workflow which may occur in order to understand the requirements around allocation of work to individual user and notifications between users concerning interim steps which may be required, such as review of drafts.

- (b) Each examiner needs an individual WIPO account and for the relevant access privileges (RO, ISA, IPEA and/or DO) to be set.

Services are available for Office accounts to be managed directly by administrators within the national Offices, but individual digital certificates still need to be authorized by the International Bureau (unless the Office issues its own digital certificates which are compatible with the system). The new identity management (IDM) system which

will be launched soon alongside ePCT version 4.0 will offer alternative second authentication factors (one time passwords instead of the digital certificates) for applicant users, but these new features have not yet been reviewed for Office users.

The new IDM can also, in principle, support federated access arrangements, such that a national Office login which met the necessary requirements could be trusted as a login to the ePCT system. However, the security issues around implementing this and the extent to which it might be compatible with the systems used by any national Offices have not yet been investigated.

21. The system also has a number of design limitations which can be addressed within a shorter timeframe if there is sufficient interest in the system to justify the work involved. These are essentially about optimizing the interface to make working with the system quicker and easier for examiners and to minimize the risk of data entry errors. These include:

(a) It is currently not possible to change the order of classification terms or citations without deleting codes and retyping them – in version 4.1, it is intended that it should be possible to change the order either by drag and drop (if this can be supported by the frameworks used) or buttons to move items up and down.

(b) Each citation and classification term must currently be entered individually – consideration is being given to systems allowing simultaneous entry of multiple items (supporting easy cut and paste) provided these can be parsed accurately for insertion into a structured format.

(c) There is little optimization of common data issues within the substantive parts of the international search report and the written opinion. For example, where unity of invention is lacking, details covering effectively the same information need to be entered twice in slightly different terms (improving on this may require changes to the underlying forms to make the corresponding parts more consistent). Also, while the system allows the copying of E and P category patent documents from the ISR to Box VI of the written opinion, then requires editing to remove citations which in fact do not need to be included in that Box. Further, it does not provide an arrangement for providing a citation list directly associated with Box V and allowing the allocation of reference numerals to assist the preparation of the written opinion on novelty and inventive step.

(d) There is no bibliographic data lookup facility – a patent publication bibliographic data lookup system has, since 2012, been available in the third party observation system, but this relies on external services which have not proven fully reliable and the facility has not yet been included into the international search report action.

(e) There is currently no system for reuse of the substantive data or the import of equivalent structured data – consideration is being given to import arrangements to allow data from earlier structured search reports or structured search result data to be imported. For example, XML national search reports from earlier applications might be imported; search reports and written opinions might be cloned for use as the basis of corrected reports or reports on related international applications; the written opinions might be cloned ready for editing as required for a written opinion or international preliminary examination report in Chapter II; or results delivered directly from a search tool in an equivalent XML format might be directly imported.

(f) The “locks” to prevent simultaneous editing of a report by different users are not yet in place. This is unlikely to be a problem for normal international search, but may be an issue for the collaborative search and examination pilot. Such locks are well understood (being in place within the ePCT system on the applicant side for preparing

new applications within ePCT-filing) but relatively complicated – they will be added when it is clear that the basic functionality is as required.

(g) The system is currently limited to the normal Chapter I process and does not extend to supplementary international search or Chapter II reports. Also, while declarations of non-establishment of a search report are supported, this procedure is not integrated into the process of preparation of a written opinion but has to be performed separately.

22. The International Bureau welcomes feedback on what further issues may be identified, as well as information to assist the development of specific fixes, especially concerning the requirements of interaction with other systems used by examiners, such as examples of output from search systems which it may be desirable to parse to make citation information data entry more efficient.

[End of Annex and of Circular]