



C.PCT 1014/C.SCIT 2609
– 07.2

February 7, 2005

Madam,
Sir,

1. This Circular is addressed to your Office in its 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.25 "Standard for the Presentation of Nucleotide and Amino Acid Sequence Listings in Patent Applications" (see paragraph 29, below).

2. This Circular is also being sent to interested intergovernmental organizations as well as certain non-governmental organizations representing users of the PCT system.

3. This Circular is divided into two main parts:

(a) Part I (see paragraphs 5 to 9, below) concerns proposed modifications of the Administrative Instructions contained in Annex I to this Circular which are consequential on the amendment of the Regulations under the PCT as adopted by the PCT Union Assembly at its 33rd session on October 5, 2004 (see document PCT/A/33/7), with effect from April 1, 2005, and which are thus required to be promulgated by the Director General with effect from April 1, 2005. Comments on those proposed modifications are invited by *March 7, 2005* (see paragraphs 8 and 9, below).

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(b) Part II (see paragraphs 10 to 29, below) concerns other proposed modifications of the Administrative Instructions contained in Annexes II to VI to this Circular which are proposed to be promulgated at a later date in 2005. Comments on those proposed modifications are invited by *April 15, 2005* (see paragraphs 28 and 29, below).

4. For the present text of the Administrative Instructions and Annex F thereto, see documents PCT/AI/2, PCT/AI/2 Corr.1, PCT/AI/ANF/1, PCT/AI/ANF/1 Rev.1 and PCT/AI/ANF/1 Rev.2 (available from WIPO's Web site at <http://www.wipo.int/pct/en/texts/index.htm>).

PART I

PROPOSED MODIFICATIONS OF THE ADMINISTRATIVE INSTRUCTIONS CONSEQUENTIAL ON THE AMENDMENT OF THE PCT REGULATIONS AS ADOPTED BY THE PCT ASSEMBLY, WITH EFFECT FROM APRIL 1, 2005 (SEE ANNEX I TO THIS CIRCULAR)

Modifications of Sections 101, 208, 313, 403, 502, 513, 603, 701 and 702

5. The proposed modifications of Sections 101, 208, 313, 403, 502, 513, 603, 701 and 702 of the Administrative Instructions contained in Annex I to this Circular are consequential on the amendment of the Regulations under the PCT as adopted by the PCT Union Assembly at its 33rd session on October 5, 2004 (see document PCT/A/33/7), with effect from April 1, 2005. Further details are outlined in the comments on the proposed modifications appearing in Annex I to this Circular.

Modification of Sections 801, 802, 803, 804 and 806, and Annexes C and C-bis

6. The following consequential modifications of Part 8 and Annexes C and C-bis are also proposed:

(i) modify present Sections 801, 802, 803, 804 and 806, and Annexes C and C-bis, by replacing the term “computer readable form” with the term “electronic form” wherever it appears;

(ii) replace, in Section 802(b-*quater*), the reference to “Rule 13*ter*.1” by a reference to “Rules 13*ter*.1 and 2”; and

(iii) replace, in Section 806(b), the reference to “Rule 13*ter*.2” by a reference to “Rule 13*ter*.3”.

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7. While the changes proposed in the previous paragraph are necessary in order to reflect the amendments of the Regulations which will enter into force on April 1, 2005, it should be noted that further changes are proposed to be made, at a later date, to Part 8 and Annexes C and C-bis as set out in Part II of this Circular, below.

CONSULTATION PURSUANT TO RULE 89.2(b)

8. Noting that the proposed modifications contained in Annex I to this Circular are consequential on the amendment of the PCT Regulations as adopted by the PCT Assembly with effect from April 1, 2005, and are thus required to be promulgated by the Director General with effect from April 1, 2005, the International Bureau would appreciate receiving any comments on the proposed modifications contained in Annex I by March 7, 2005. Comments should be sent to Mr. Claus Matthes, Acting Director, PCT Reform Division, Office of the PCT (e-mail: claus.matthes@wipo.int; fax: 41-22-338 8780).

WIPO STANDARD ST.25

9. Noting that WIPO Standard ST.25 recommends that “Offices apply the provisions set out in the “Standard for the Presentation of Nucleotide and Amino Acid Sequence Listings in International Applications Under the Patent Cooperation Treaty (PCT)” as set out in Annex C to the Administrative Instructions under the PCT *mutatis mutandis* to all patent applications other than the PCT international applications ...”, comments on the proposed modifications of Annex C to the Administrative Instructions are also invited by March 7, 2005, from Members of the Standards and Documentation Working Group of WIPO’s Standing Committee on Information Technologies (SCIT).

PART II

PROPOSED MODIFICATIONS OF PARTS 1, 2 AND 3 OF THE ADMINISTRATIVE INSTRUCTIONS (SEE ANNEX II TO THIS CIRCULAR)

Modifications consequential on proposed modifications of Part 7

10. The proposed modifications of Section 101 are consequential on the proposed modifications of Part 7 of the Administrative Instructions (see paragraphs 13 to 23, below).

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Submission of PCT-EASY requests on CD

11. The proposed modifications of Sections 102*bis* and 335 aim at allowing the use of CDs, in addition to diskettes, for the submission of PCT-EASY requests.

Computer Program Listings

12. It is proposed to modify the Administrative Instructions so as to permit applicants to present computer program listings and tables related thereto in a separate part of the description, at the end of the application (see Sections 202, 204 and 207 as proposed to be modified). See also paragraph 22, below, and proposed new Section 714 in Annex III to this Circular with regard to the proposed modifications of the Administrative Instructions providing for the possibility of filing computer program listings and tables related thereto in electronic form while the remainder of the application is filed on paper.

./. PROPOSED MODIFICATIONS OF PART 7 OF THE ADMINISTRATIVE INSTRUCTIONS (SEE ANNEX III TO THIS CIRCULAR)

Electronic filing and processing

13. It is proposed to modify Part 7 of the Administrative Instructions, containing instructions relating to the filing and processing in electronic form of international applications, so as to:

(a) include provisions for the processing and communication in electronic form of international applications filed on paper as well as international applications filed in electronic form, as further outlined in paragraphs 14 and 15, below;

(b) modify the provisions concerning the determination of the date of receipt of international applications filed in electronic form and by electronic means of transmissions (“online filings”), so as to take into account the “virtual” environment in which receiving Offices that accept online filings operate, as further outlined in paragraph 16, below;

(c) include provisions for corrections, amendments and rectifications of the description or the claims in relation to an international application which has been filed in electronic form in character coded format, as further outlined in paragraphs 17 and 18, below;

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(d) move from present Part 8 to Part 7 the provisions, further modified, relating to the filing and processing in electronic form of sequence listings and tables related thereto where the remainder of the international application is filed on paper, as further outlined in paragraphs 19 to 21, below (present Part 8 is proposed to be deleted, see paragraph 24, below);

(e) allow applicants, under proposed new Section 714, to file not only sequence listings and tables related thereto in electronic form (as under present Part 8) but also computer program listings and tables related thereto, as further outlined in paragraph 22, below;

(f) clarify the wording of several provisions in Part 7, taking into account experience gained with the filing and processing in electronic form of international applications, as further outlined in paragraph 23, below.

Processing in electronic form of international applications filed on paper

14. It is proposed to modify Part 7 of the Administrative Instructions to provide expressly that the receiving Office, the International Searching Authority, the International Preliminary Examining Authority or the International Bureau may, if it so wishes, establish a copy in electronic form of an international application filed on paper, or of any related document, and subsequently process the international application and related documents in electronic form. The proposed modifications would also clarify, where a copy of the international application in electronic form has been so established, which copy of the international application should be kept, for the purposes of Article 12, as the record copy, the search copy and the home copy (see Annex III, proposed new Section 705*bis*).

15. Concerns have been expressed relating to the conversion into electronic form of international applications filed on paper, in particular with regard to the integrity of the record copy data in electronic form—that is, concerns that the copy in electronic form of the record copy needs to be unchanged from the international application as filed on paper and not accidentally modified or altered. In order to address these concerns, it is proposed to provide that the international application as filed on paper shall be kept as a backup copy for a certain period of time (comments are invited, in particular, as to how long that period should be) and to allow the applicant to request the correction of the copy in electronic form kept as the record copy where that copy has been accidentally modified or altered in the process of conversion from paper to electronic form. Any such request would have to be made within 16 months from the priority date. Where modifications or alterations are only discovered after the expiration of that 16-month time limit, the applicant would have to pursue the matter further in the national phase under the applicable national laws of the designated Offices concerned (see Annex III, proposed new Section 706(b) and (c)).

Determination of date of receipt of online filings

16. At present, the date of receipt of an international application which is filed in electronic form and by electronic means of transmission (“online filing”) is determined according to the principles applicable to the filing of applications *on paper*, that is, based on the date prevailing at the location of the receiving Office at the time when the complete transmission of the application has been completed. Noting the “virtual” environment in which receiving Offices which accept online filings operate, in particular, where such Offices are competent to receive online filings from different time zones, it is proposed to modify Part 7 of the Administrative Instructions so as to allow receiving Offices which so desire, if they are competent to receive online filings by nationals and residents of one or several Contracting States whose territory spans, or whose territories span, two or more time zones, to consider the said applications to have been received on the date prevailing, at the time when the transmission is completed, in one of those time zones that has been specified by the Office or, at the option of that Office, in the latest of those time zones (see Annex III, proposed new Sections 704(a-bis) and 704(a-ter)).

Replacement paragraphs or claims instead of replacement sheets

17. So as to facilitate the processing in electronic form of international applications filed in electronic form, it is proposed to modify Part 7 of the Administrative Instructions so as to require the applicant, where an international application is filed in electronic form and the description and the claims are in character coded format, to furnish replacement paragraphs (numbered in accordance with section 3.1.1.1.1 of Annex F of the Administrative Instructions) instead of replacement sheets where the applicant corrects, amends or rectifies the description, or to furnish an entire replacement claim for any claim affected by a correction, amendment or rectification (see Annex III, proposed new Section 706bis(a)).

18. Furthermore, it is proposed that, where an international application is filed in electronic form and a correction, amendment or rectification is submitted in respect of a sequence listing, computer program listing or tables related thereto, such correction, amendment or rectification shall, irrespective of the electronic document format in which the international application is filed, be submitted in the form of a replacement listing or tables in electronic form comprising the entire listing or tables with the relevant correction, amendment or rectification, accompanied by a statement that the replacement listing or tables do not go beyond the disclosure in the international application as filed (see Annex III, proposed new Section 706(b)).

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Move from Part 8 to Part 7 of provisions relating to the filing and processing in electronic form of sequence listings and tables related thereto

19. Part 8 of the Administrative Instructions, allowing for the filing, processing and publication in electronic form of sequence listings and tables related thereto where the remainder of the application is filed and processed on paper, was introduced in January 2001 as a temporary solution to the problem of processing international applications containing large sequence listings filed on paper, pending the entry into force of Administrative Instructions relating to electronic filing and processing of international applications (see Circulars C.PCT 752, dated September 22, 2000; and C. PCT 762, dated December 21, 2000, as well as PCT Gazette No. 2/2001, dated January 11, 2001).

20. Part 7 and Annex F of the Administrative Instructions containing, respectively, the legal framework and the technical standard for filing and processing in electronic form of international applications, entered into force on January 7, 2002. So as to further consolidate the instructions relating to the filing and processing in electronic form of international applications, irrespective of whether they have been filed on paper, or wholly or partly in electronic form, it is proposed to incorporate the provisions of present Part 8 into Part 7 (see, in particular, Annex III, proposed new Section 714), and to delete Part 8 accordingly.

21. In this context, it is proposed to modify the Administrative Instructions so as to no longer permit the applicant to file a sequence listing and tables related thereto, under proposed new Section 714, in both electronic form *and* on paper (as is presently permitted under Section 801(a)(ii)) but in electronic form only. Applicants would thus have the following options with regard to the filing of an international application containing a sequence listing, depending on the receiving Office with which the international application is filed: (i) file the entire international application, including the sequence listing and tables related thereto, on paper; (ii) file the entire international application, including the sequence listing and tables, in electronic form (provided the receiving Office accepts the filing of international applications in electronic form); (iii) file the sequence listing and tables in electronic form while the remainder of the international application is filed on paper (provided the receiving Office accepts the filing of such “mixed mode listing applications”).

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Filing and processing in electronic form of computer program listings and tables related thereto

22. Furthermore, it is proposed to modify the Administrative Instructions so as to allow the applicant, under proposed new Section 714, to file not only sequence listings and tables related thereto in electronic form (as under present Part 8) but also computer program listings and tables related thereto (see also paragraph 12, above). In such a case, the applicant would also benefit, as under present Section 803 in respect of sequence listings and tables related thereto, from a ceiling of the international filing fee payable in respect of a computer program listing and tables in electronic form (400 times the fee per sheet as referred to in item 1 of the Schedule of Fees), regardless of the actual length of the computer program listing and tables related thereto. In this context, it is also proposed to further simplify the wording of Section 707.

Miscellaneous proposals

23. Other proposed modifications of Part 7 of the Administrative Instructions concern clarifications of the wording of a number of provisions, as well as the means by which, and the formats in which, applicants may file a backup copy of an international application filed in electronic form (see Annex III, Section 706 as proposed to be modified).

./ PROPOSED DELETION OF PART 8 OF THE ADMINISTRATIVE INSTRUCTIONS (SEE ANNEX IV TO THIS CIRCULAR)

24. Consequential on the proposal to incorporate the provisions of present Part 8 into Part 7 (see, in particular, proposed new Section 714 in Annex III), Part 8 of the Administrative Instructions is proposed to be deleted (see paragraphs 19 to 21, above).

./ PROPOSED MODIFICATIONS OF ANNEX C OF THE ADMINISTRATIVE INSTRUCTIONS AND PROPOSED DELETION OF ANNEX C-BIS OF THE ADMINISTRATIVE INSTRUCTIONS (SEE ANNEX V TO THIS CIRCULAR)

Annex C to the Administrative Instructions

25. The proposed modifications of Annex C of the Administrative Instructions (“Standard for the Presentation of Nucleotide and Amino Acid Sequence Listings in International Applications Under the PCT”) are mostly consequential on the amendment of Rule 13^{ter} as adopted by the PCT Union Assembly at its 33rd session on October 5, 2004 (see document PCT/A/33/7), with effect from

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April 1, 2005. Furthermore, it is proposed to modify Annex C so as to allow applicants, if so permitted by the competent Authority, to submit a sequence listing in electronic form not only on a physical medium (such as a diskette, CD or DVD) but also online in accordance with Annex F of the Administrative Instructions.

Annex C-bis of the Administrative Instructions

26. The proposed deletion of Annex C-bis to the Administrative Instructions (“Technical Requirements for the Presentation of Tables Related to Nucleotide and Amino Acid Sequence Listings in International Applications Under the PCT”) is consequential on the proposed incorporation of the provisions of present Part 8 into Part 7 and the proposed addition of new Section 714, dealing with the filing of “mixed mode listing applications” where a sequence listing, computer program listings and tables related thereto are filed in electronic form while the remainder of the application is filed on paper (see paragraph 22, above).

./ PROPOSED MODIFICATIONS OF ANNEX F OF THE ADMINISTRATIVE INSTRUCTIONS (SEE ANNEX VI TO THIS CIRCULAR)

27. The proposed modifications of Annex F to the Administrative Instructions (which is proposed to be entitled “Standard for the Filing and Processing in Electronic Form of International Applications”) are mostly consequential on the proposed modifications of the Administrative Instructions outlined above and on the experience gained with the filing and processing in electronic form of international applications since its entry into force on January 7, 2002.

CONSULTATION PURSUANT TO RULE 89.2(b)

28. The International Bureau would appreciate receiving any comments on the other proposed modifications of the Administrative Instructions contained in Annexes II to VI to this Circular by *April 15, 2005*. Comments on those proposed modifications should also be sent to Mr. Claus Matthes, Acting Director, PCT Reform Division, Office of the PCT (e-mail: claus.matthes@wipo.int; fax: 41-22-338 8780).

WIPO STANDARD ST.25

29. Noting that WIPO Standard ST.25 recommends that “Offices apply the provisions set out in the “Standard for the Presentation of Nucleotide and Amino Acid Sequence Listings in International Applications Under the Patent

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Cooperation Treaty (PCT)” as set out in Annex C to the Administrative Instructions under the PCT *mutatis mutandis* to all patent applications other than the PCT international applications ...”, comments on the proposed modifications of Annex C to the Administrative Instructions (see Annex VI to this Circular) as outlined in paragraph 25, above, are also invited by April 15, 2005 from Members of the Standards and Documentation Working Group of WIPO’s Standing Committee on Information Technologies (SCIT).

Sincerely yours,



Francis Gurry
Deputy Director General

- Enclosures:
- Annex I: Proposed modifications of the Administrative Instructions consequential on the amendment of the PCT Regulations as adopted by the PCT Assembly with effect from April 1, 2005
 - Annex II: Proposed modifications of Parts 1, 2 and 3 of the Administrative Instructions
 - Annex III: Proposed modifications of Part 7 of the Administrative Instructions
 - Annex IV: Proposed deletion of Part 8 of the Administrative Instructions
 - Annex V: Proposed modifications of Annex C and proposed deletion of Annex C-*bis* of the Administrative Instructions
 - Annex VI: Proposed modifications of Annex F of the Administrative Instructions

PROPOSED MODIFICATIONS OF THE
ADMINISTRATIVE INSTRUCTIONS UNDER THE PCT¹

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- ANNEX VI PROPOSED MODIFICATIONS OF ANNEX F OF THE ADMINISTRATIVE INSTRUCTIONS

¹ For the present text of the Administrative Instructions and the Annexes thereto, see documents PCT/AI/2, PCT/AI/2 Corr.1, PCT/AI/ANF/1, PCT/AI/ANF/1 Rev.1 and PCT/AI/ANF/1 Rev.2 (available from WIPO's Web site at <http://www.wipo.int/pct/en/texts/index.htm>). Proposed additions and deletions are indicated, respectively, by underlining and striking through the text concerned. The editor's notes appearing in the published version of Part 7 have been omitted here in order to focus on the substance of the changes proposed. They would be included, with any necessary modifications, in the final version of the present modifications.

ANNEX I

PROPOSED MODIFICATIONS CONSEQUENTIAL ON
THE AMENDMENT OF THE PCT REGULATIONS AS ADOPTED
BY THE PCT ASSEMBLY, WITH EFFECT FROM APRIL 1, 2005

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Section 101

Abbreviated Expressions and Interpretation

(a) In these Administrative Instructions:

(i) to (ix) [No change]

(x) “Director General” means the Director General as defined in Article 2(xx) of the Treaty;

(xi) “electronic” technology includes that having electrical, digital, magnetic, optical or electromagnetic capabilities.

[COMMENT: It is proposed to move the definition of the term “electronic” from present Part 7 (see present Section 701(i)) to Section 101 in Part 1 of the Administrative Instructions so as to define that term for the purposes of the entire Administrative Instructions and not only for the purposes of Part 7 and Annex F, noting that it is proposed to use the term “electronic form” instead of “computer readable form” throughout the Administrative Instructions, consequential on the amendment of Rule 13^{ter} as adopted by the PCT Union Assembly at its 33rd session on October 5, 2004 (see document PCT/A/33/7), with effect from April 1, 2005. Section 701(i) is proposed to be deleted accordingly (see below).]

(b) [No change]

Section 208

Sequence Listings

Any nucleotide and/or amino acid sequence listing (“sequence listing”), whether on paper or in electronic form, filed as part of the international application, or furnished together with the international application or subsequently (~~whether in printed form or computer readable form~~), shall comply with Annex C.

[COMMENT: The proposed use of the term “electronic form” instead of “computer readable form” in Section 208 and throughout the Administrative Instructions is consequential on the amendment of Rule 13~~ter~~ as adopted by the PCT Union Assembly at its 33rd session on October 5, 2004 (see document PCT/A/33/7), with effect from April 1, 2005. Annex C of the Administrative Instructions is proposed to be modified accordingly (see below). See also proposed new Section 101(a)(xi), above.]

Section 313

Documents Filed with the International Application;

Manner of Marking the Necessary Annotations in the Check List

(a) and (b) [No change]

(c) Any sequence listing not forming part of the international application, whether on paper or in electronic ~~computer-readable~~ form, that is furnished for the purposes of the international search to the receiving Office, ~~or any sequence listing in printed form furnished to the receiving Office~~ together with the international application or subsequent to the filing of the international application, shall be transmitted to the International Searching Authority together with the search copy. Where such a sequence listing is received by the receiving Office after the transmittal of the search copy, that sequence listing shall be promptly transmitted to the International Searching Authority.

[COMMENT: The proposed use of the term “electronic form” instead of “computer readable form” in Section 313 is consequential on the amendment of Rule 13~~ter~~ as adopted by the PCT Assembly on October 5, 2004, with effect from April 1, 2005. Furthermore, it is proposed to modify Section 313(c) so as to clarify that this Section only applies to sequence listings furnished for the purposes of the international search (whether on paper or in electronic form) which do not form part of the international application.]

Section 403

Transmittal of Protest Against Payment of Additional ~~Fees~~ ~~Fee~~ and Decision Thereon Where International Application Is Considered to Lack Unity of Invention

Where, under Rules 40.2(c) or 68.3(c), the International Bureau receives a request from the applicant to forward to any designated or elected Office the texts of both the protest against payment of ~~an~~ additional ~~fees~~ ~~fee~~ as provided for in Articles 17(3)(a) and 34(3)(a) where the international application is considered to lack unity of invention and the decision thereon by the International Searching Authority or the International Preliminary Examining Authority, as the case may be, it shall proceed according to such request.

[COMMENT: The proposed modification of Section 403 is consequential on the amendment of Rules 40.2, 68.2 and 68.3 as adopted by the PCT Union Assembly at its 33rd session on October 5, 2004 (see document PCT/A/33/7), with effect from April 1, 2005.]

Section 502

Transmittal of Protest Against Payment of Additional ~~Fees~~ ~~Fee~~ and Decision Thereon Where International Application Is Considered to Lack Unity of Invention

The International Searching Authority shall transmit to the applicant, preferably at the latest together with the international search report, any decision which it has taken under Rule 40.2(c) on the protest of the applicant against payment of ~~an~~ additional ~~fees~~ ~~fee~~ where the international application is considered to lack unity of invention. At the same time, it shall transmit to the International Bureau a copy of both the protest and the decision thereon, as well as any request by the applicant to forward the texts of both the protest and the decision thereon to the designated Offices.

[COMMENT: The proposed modification of Section 502 is consequential on the amendment of Rule 40.2 as adopted by the PCT Union Assembly at its 33rd session on October 5, 2004 (see document PCT/A/33/7), with effect from April 1, 2005.]

Section 513

Sequence Listings

(a) Where the International Searching Authority receives a correction of a defect under [Rule 13ter.1\(f\)](#) ~~Rule 13ter.1(d)~~, it shall:

(i) [No change]

(ii) indelibly mark, in the middle of the bottom margin of each replacement sheet, the words “SUBSTITUTE SHEET ([Rule 13ter.1\(f\)](#) ~~Rule 13ter.1(d)~~)” or their equivalent in the language of publication of the international application;

(iii) to (v) [No change]

(b) to (d) [No change]

(e) The International Searching Authority shall keep in its files:

(i) [No change]

(ii) any sequence listing in [electronic](#) ~~computer-readable~~ form [furnished for the purposes of the international search](#).

[COMMENT: The proposed modifications of paragraphs (a) and (e)(ii) are consequential on the amendment of Rule 13ter.1 as adopted by the PCT Union Assembly at its 33rd session on October 5, 2004 (see document PCT/A/33/7), with effect from April 1, 2005.]

Section 603

**Transmittal of Protest Against Payment of Additional ~~Fees~~ ~~Fee~~ and Decision
Thereon Where International Application Is Considered to Lack Unity of Invention**

The International Preliminary Examining Authority shall transmit to the applicant, preferably at the latest together with the international preliminary examination report, any decision which it has taken under Rule 68.3(c) on the protest of the applicant against payment of ~~an~~ additional ~~fees~~ ~~fee~~ where the international application is considered to lack unity of invention. At the same time, it shall transmit to the International Bureau a copy of both the protest and the decision thereon, as well as any request by the applicant to forward the texts of both the protest and the decision thereon to the elected Offices.

[COMMENT: The proposed modification of Section 603 is consequential on the amendment of Rule 68.3 as adopted by the PCT Union Assembly at its 33rd session on October 5, 2004 (see document PCT/A/33/7), with effect from April 1, 2005.]

Section 701

Abbreviated Expressions

For the purposes of this Part and Annex F, unless the contrary clearly follows from the wording, the nature of the provision or the context:

(i) ~~[Deleted] “electronic” technology includes that having electrical, digital, magnetic, optical or electromagnetic capabilities;~~

(ii) to (vi) [No change]

[COMMENT: See the comment on Section 101 as proposed to be modified, above.]

Section 702

International Applications Filed in Electronic Form

(a) and (b) [No change]

(c) This Part and Annex F do not apply to an international application containing a sequence listing part which is filed in [electronic](#) ~~computer readable~~ form under Section 801(a).

[COMMENT: The proposed modification of Section 702(c) is consequential on the amendment of Rule 13~~ter~~ as adopted by the PCT Union Assembly at its 33rd session on October 5, 2004 (see document PCT/A/33/7), with effect from April 1, 2005.]

Section 801

Filing of International Applications

Containing Sequence Listings and/or Tables

(a) Pursuant to Rules 89*bis* and 89*ter*, where an international application contains disclosure of one or more nucleotide and/or amino acid sequence listings (“sequence listings”), the receiving Office may, if it is prepared to do so, accept that the sequence listing part of the description, as referred to in Rule 5.2(a) and/or any table related to the sequence listing(s) (“sequence listings and/or tables”), be filed, at the option of the applicant:

- (i) only on an electronic medium in the electronic ~~computer readable~~ form referred to in Section 802; or
- (ii) both on an electronic medium in that electronic ~~computer readable~~ form and on paper in the written form referred to in Section 802;

provided that the other elements of the international application are filed as otherwise provided for under the Regulations and these Instructions.

(b) Any receiving Office which is prepared to accept the filing in electronic ~~computer readable~~ form of the sequence listings and/or tables under paragraph (a) shall notify the International Bureau accordingly. The notification shall specify the electronic media on which the receiving Office will accept such filings. The International Bureau shall promptly publish any such information in the Gazette.

(c) [No change]

[Section 801, continued]

(d) Where the sequence listings and/or tables are filed in electronic ~~computer-readable~~ form under paragraph (a) but not on an electronic medium specified by the receiving Office under paragraph (b), that Office shall, under Article 14(1)(a)(v), invite the applicant to furnish to it replacement sequence listings and/or tables on an electronic medium specified under paragraph (b).

(e) Where an international application containing sequence listings and/or tables in electronic ~~computer-readable~~ form is filed under paragraph (a) with a receiving Office which is not prepared, under paragraph (b) or (c), to accept such filings, Section 333(b) and (c) shall apply.

[COMMENT: The proposed modifications of Section 801 are consequential on the amendment of Rule 13~~ter~~ as adopted by the PCT Union Assembly at its 33rd session on October 5, 2004 (see document PCT/A/33/7), with effect from April 1, 2005.]

Section 802

Format and Identification Requirements Relating to International Applications Containing Sequence Listings and/or Tables

(a) Paragraphs 40 to 45 of Annex C shall apply *mutatis mutandis* to the sequence listing part of an international application filed in [electronic](#) ~~computer readable~~ form.

(b) Tables filed in [electronic](#) ~~computer readable~~ form under Section 801(a) shall comply with Annex C-*bis*.

(b-*bis*) Any International Searching Authority which requires that sequence listings be furnished in [electronic](#) ~~computer readable~~ form shall select from the technical requirements contained in Annex C-*bis* those which it will apply and it shall notify the International Bureau accordingly. The International Bureau shall promptly publish any such information in the Gazette.

(b-*ter*) Where sequence listings and tables are both filed in [electronic](#) ~~computer readable~~ form under Section 801(a), such listings and tables shall, respectively, be contained on separate electronic carriers which shall contain no other programs or files.

(b-*quater*) [Rules 13ter.1 and 2](#) ~~Rule 13ter.1~~ shall apply *mutatis mutandis* to any tables not complying with Annex C-*bis* and paragraph (b-*ter*).

(c) The label provided for in paragraph 44 of Annex C shall, in respect of the sequence listings and/or tables, also include, as the case may be, the following indications:

(i) [No change]

[Section 802(c), continued]

(ii) where the sequence listings and/or tables in electronic ~~computer readable~~ form are contained on more than one electronic carrier, the numbering of each such carrier (for example, “DISK 1/3,” “DISK 2/3,” “DISK 3/3”);

(iii) where more than one copy of the sequence listings and/or tables electronic ~~computer readable~~ form has been filed, the numbering of each copy (for example, “COPY 1,” “COPY 2,” “COPY 3”).

(d) Where any correction under Rule 26.3, any rectification of an obvious error under Rule 91, or any amendment under Article 34 is submitted in respect of the sequence listings and/or tables filed, under Section 801(a)(i) or (ii), in electronic ~~computer readable~~ form, replacement sequence listings and/or tables in electronic ~~computer readable~~ form containing the entirety of the sequence listings and/or tables with the relevant correction, rectification or amendment shall be furnished and the label referred to in paragraph (c) shall be marked accordingly (for example, “SUBMITTED FOR CORRECTION,” “SUBMITTED FOR RECTIFICATION,” “SUBMITTED FOR AMENDMENT”). Where the sequence listings and/or tables were filed both in electronic ~~computer readable~~ form and in written form under Section 801(a)(ii), replacement sheets containing the correction, rectification or amendment in question shall also be submitted in written form.

[COMMENT: The proposed modifications of Section 802 are consequential on the amendment of Rule 13~~ter~~ as adopted by the PCT Union Assembly at its 33rd session on October 5, 2004 (see document PCT/A/33/7), with effect from April 1, 2005.]

Section 803

Calculation of International Filing Fee for

International Applications Containing Sequence Listings and/or Tables

Where sequence listings and/or tables are filed in electronic form under Section 801(a), the international filing fee payable in respect of that application shall include the following two components:

(i) [No change]

(ii) an additional component, in respect of sequence listings and/or tables, equal to 400 times the fee per sheet as referred to in item 1 of the Schedule of Fees, regardless of the actual length of the sequence listings and/or tables filed in electronic ~~computer-readable~~ form and regardless of the fact that sequence listings and/or tables may have been filed both in written form and in electronic ~~computer-readable~~ form.

[COMMENT: The proposed modifications of Section 803 are consequential on the amendment of Rule 13~~ter~~ as adopted by the PCT Union Assembly at its 33rd session on October 5, 2004 (see document PCT/A/33/7), with effect from April 1, 2005.]

Section 804

Preparation, Identification and Transmittal of Copies of International Applications Containing Sequence Listings and/or Tables

(a) Where sequence listings and/or tables are filed only in electronic ~~computer-readable~~ form under Section 801(a)(i), the record copy for the purposes of Article 12 shall consist of those elements of the international application filed on paper together with the sequence listings and/or tables filed in electronic ~~computer-readable~~ form.

(b) Where sequence listings and/or tables are filed both in electronic ~~computer-readable~~ form and in written form under Section 801(a)(ii), the record copy for the purposes of Article 12 shall consist of all the elements of the international application filed on paper, including the sequence listings and/or tables in written form.

(c) Where sequence listings and/or tables are filed in electronic ~~computer-readable~~ form under Section 801(a)(i) or (ii) in less than the number of copies required for the purposes of this Section, the receiving Office shall either:

(i) [No change]

(ii) invite the applicant to promptly furnish the additional number of copies required, accompanied by a statement that the sequence listings and/or tables in electronic ~~computer-readable~~ form contained in those copies are identical to the sequence listings and/or tables in electronic ~~computer-readable~~ form as filed;

provided that, where those sequence listings and/or tables were also filed in written form under Section 801(a)(ii), the receiving Office shall not, notwithstanding Rule 11.1(b), require the applicant to file additional copies of the sequence listings and/or tables in written form.

[Section 804, continued]

(d) Where the sequence listings and/or tables are filed under Section 801(a)(i), the receiving Office shall, in addition to proceeding under Section 305 with respect to the parts of the international application filed on paper:

(i) mark the words “RECORD COPY—SEQUENCE LISTINGS AND/OR TABLES” on the original electronic medium containing the sequence listings and/or tables in [electronic](#) ~~computer readable~~ form and transmit that part of the record copy to the International Bureau together with the paper part of the record copy;

(ii) mark the words “SEARCH COPY—SEQUENCE LISTINGS AND/OR TABLES” on one additional copy of the electronic medium containing the sequence listings and/or tables in [electronic](#) ~~computer readable~~ form and transmit that part of the search copy to the International Searching Authority, for the purposes of Rule 13~~ter~~.1, together with the paper part of the search copy;

(iii) mark the words “HOME COPY—SEQUENCE LISTINGS AND/OR TABLES” on the other such copy of the electronic medium containing the sequence listings and/or tables in [electronic](#) ~~computer readable~~ form and keep that part of the home copy in its files together with the paper part of the home copy.

(e) Where the sequence listings and/or tables are filed under Section 801(a)(ii), the receiving Office shall, in addition to proceeding under Section 305 with respect to the parts of the international application filed on paper:

[Section 804(e), continued]

(i) mark the words “RECORD COPY—SEQUENCE LISTINGS AND/OR TABLES” in the upper left-hand corner of the first page of the first sequence listing and of the first page of the first table in written form and transmit that part of the record copy to the International Bureau together with the paper part of the record copy; it shall also mark the words “COPY FOR INTERNATIONAL BUREAU—SEQUENCE LISTINGS AND/OR TABLES” on one copy of the electronic medium containing the sequence listings and/or tables in electronic ~~computer-readable~~ form and transmit that copy with the record copy;

(ii) mark the words “SEARCH COPY—SEQUENCE LISTINGS AND/OR TABLES” on one additional copy of the electronic medium containing the sequence listings and/or tables in electronic ~~computer-readable~~ form and transmit that part of the search copy to the International Searching Authority, for the purposes of Rule 13~~ter~~.1, together with the paper part of the search copy;

(iii) mark the words “HOME COPY—SEQUENCE LISTINGS AND/OR TABLES” on the other such copy of the electronic medium containing the sequence listings and/or tables in electronic ~~computer-readable~~ form and keep that part of the home copy in its files together with the paper part of the home copy.

(f) [No change]

[COMMENT: The proposed modifications of Section 804 are consequential on the amendment of Rule 13~~ter~~ as adopted by the PCT Union Assembly at its 33rd session on October 5, 2004 (see document PCT/A/33/7), with effect from April 1, 2005.]

Section 806

Sequence Listings and/or Tables for Designated Office

(a) Where sequence listings and/or tables were filed only in electronic ~~computer readable~~ form under Section 801(a)(i), any designated Office which does not accept the filing of sequence listings and/or tables in electronic ~~computer readable~~ form may require that the applicant furnish to it, for the purposes of the national phase, a copy on paper of such sequence listings in written form complying with Annex C and a copy on paper of such tables in written form, accompanied by a statement that the sequence listings and/or tables in written form are identical to the sequence listings and/or tables in electronic ~~computer readable~~ form.

(b) Rule ~~13ter.2~~ 13ter.3 shall apply *mutatis mutandis* to any tables filed under Section 801(a).

(c) [No change]

[COMMENT: The proposed modifications of Section 806 are consequential on the amendment of Rule 13ter as adopted by the PCT Union Assembly at its 33rd session on October 5, 2004 (see document PCT/A/33/7), with effect from April 1, 2005.]

ANNEX C

**STANDARD FOR THE PRESENTATION OF
NUCLEOTIDE AND AMINO ACID SEQUENCE LISTINGS
IN INTERNATIONAL PATENT APPLICATIONS UNDER THE PCT**

1. to 38. [No change]

Electronic ~~Computer-Readable~~ Form of the Sequence Listing

39. A copy of the sequence listing shall also be submitted in electronic ~~computer readable~~ form, in addition to the sequence listing as contained in the application, whenever this is required by the competent Authority.

40. Any sequence listing in electronic ~~computer readable~~ form submitted in addition to the written sequence listing shall be identical to the written sequence listing and shall be accompanied by a statement that “the information recorded in electronic ~~computer readable~~ form is identical to the written sequence listing.”

41. [No change]

42. The electronic ~~computer readable~~ form shall preferably be created by dedicated software such as PatentIn or other custom computer programs; it may be created by any means, as long as the sequence listing on a submitted diskette or any other electronic medium that is acceptable to the competent Authority is readable under a Personal Computer Operating system that is acceptable to the competent Authority.

43. to 45. [No change]

46. Any correction of the written sequence listing which is submitted under PCT Rules 13~~ter~~.1(a)(i) or 26.3, any rectification of an obvious error in the written sequence listing which is submitted under PCT Rule 91, or any amendment which includes a written sequence listing and which is submitted under PCT Article 34, shall be accompanied by a [electronic](#) ~~computer readable~~ form of the sequence listing including any such correction, rectification or amendment.

[COMMENT: The proposed modifications of Annex C are consequential on the amendment of Rule 13~~ter~~ as adopted by the PCT Union Assembly at its 33rd session on October 5, 2004 (see document PCT/A/33/7), with effect from April 1, 2005.]

ANNEX C-*bis*

**TECHNICAL REQUIREMENTS FOR THE PRESENTATION OF TABLES
RELATED TO NUCLEOTIDE AND AMINO ACID SEQUENCE LISTINGS
IN INTERNATIONAL PATENT APPLICATIONS UNDER THE PCT**

1. and 2. [No change]

Tables related to sequence listings

3. Tables filed in electronic ~~computer readable~~ form under Section 801(a) shall comply with one of the following character formats:

(i) and (ii) [No change]

at the option of the competent Authority.

4. to 6. [No change]

7. Tables filed in electronic ~~computer readable~~ form may be created by any means, as long as the table on an electronic medium that is acceptable to the competent Authority is readable under a Personal Computer Operating system that is acceptable to the competent Authority and to the International Bureau.

8. [No change]

[COMMENT: The proposed modifications of Annex C-*bis* are consequential on the amendment of Rule 13*ter* as adopted by the PCT Union Assembly at its 33rd session on October 5, 2004 (see document PCT/A/33/7), with effect from April 1, 2005.]

[Annex II follows]

ANNEX II

PROPOSED MODIFICATIONS OF PARTS 1, 2 AND 3
OF THE ADMINISTRATIVE INSTRUCTIONS

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Section 102bis

**Filing of PCT-EASY Request ~~in PCT-EASY Format~~ Together with
PCT-EASY Diskette or CD Containing Request Data and Abstract**

(a) Pursuant to Rule 89ter, any receiving Office may, if it is prepared to do so, accept the filing with it of an international application containing the request presented as a ~~computer~~ print-out prepared using the PCT-EASY features of the PCT-EASY PCT-SAFE software made available by the International Bureau (“PCT-EASY request ~~in PCT-EASY format~~”) together with a computer diskette or compact disk (“CD”), ~~prepared using that software,~~ containing a copy in electronic form, prepared using that software, of the data contained in the request and of the abstract (“PCT-EASY diskette” or “PCT-EASY CD”).

(b) Any receiving Office which, under paragraph (a), accepts the filing of PCT -EASY requests ~~in PCT-EASY format~~ together with PCT-EASY diskettes or CDs shall notify the International Bureau accordingly. The International Bureau shall promptly publish any such information in the Gazette.

(c) Item 3(a) of the Schedule of Fees annexed to the Regulations shall apply to reduce the fees payable in respect of an international application containing a the PCT-EASY request ~~in PCT-EASY format~~ filed, together with a PCT-EASY diskette or CD, with a receiving Office which, under paragraph (a), accepts the filing of such international applications.

[COMMENT: It is proposed to modify Section 102bis so as to take into count the fact that WIPO’s electronic filing software is now called “PCT-SAFE”, which is based on, and fully incorporates, the former PCT-EASY software. Furthermore, it is proposed to permit the applicant to submit the PCT-EASY request data and the abstract not only on diskettes but also on CDs.]

Section 202

**Disclosure of Instructions, Routines and Other Contents
of Programs for Computers ~~[Deleted]~~**

(a) Where the international application contains disclosure of the instructions, routines and other contents of a program for a computer, that disclosure shall preferably be presented as a separate part of the description in the form of a computer program listing.

(b) The computer program listing shall preferably be either in machine or machine-independent (source) language which will cause a computer to perform a procedure or task such as solve a problem, regulate the flow of work in the computer, or control or monitor events.

[COMMENT: See paragraph 12 in the main body of this Circular and, with regard to the filing of computer program listings and tables related thereto in electronic form while the remainder of the application is filed on paper, proposed new Section 714 (see Annex III to this Circular.)]

Section 204

Headings of the Parts of the Description

The headings of the parts of the description should be as follows:

(i) to (vii) [No change]

(viii) for matter referred to in Rule 5.2(b), “Sequence Listing Free Text”.

(ix) for matter referred to in Section 202, “Computer Program Listing”.

[COMMENT: See paragraph 12 in the main body of this Circular and, with regard to the filing of computer program listings and tables related thereto in electronic form while the remainder of the application is filed on paper, proposed new Section 714 (see Annex III to this Circular.)]

Section 207

**Arrangement of Elements and Numbering of
Sheets of the International Application**

(a) In effecting the sequential numbering of the sheets of the international application in accordance with Rule 11.7, the elements of the international application shall be placed in the following order: the request, the description (other than any sequence listing or computer program listing part thereof), the claims, the abstract, the drawings, the sequence listing part of the description (where applicable), the computer program listing part of the description (where applicable).

(b) The sequential numbering of the sheets shall be effected by using the following separate series of numbering:

(i) and (ii) [No change]

(iii) if applicable, a further series applying to the sheets of the drawings only and commencing with the first sheet of the drawings; the number of each sheet of the drawings shall consist of two Arabic numerals separated by a slant, the first being the sheet number and the second being the total number of sheets of drawings (for example, 1/3, 2/3, 3/3), ~~and~~

(iv) if applicable, preferably, a further series applying to the sequence listing part of the description commencing with the first sheet of that part, and

(v) if applicable, preferably, a further series applying to the computer program listing part of the description commencing with the first sheet of that part.

[Section 207(b), continued]

[COMMENT: See paragraph 12 in the main body of this Circular and, with regard to the filing of computer program listings and tables related thereto in electronic form while the remainder of the application is filed on paper, proposed new Section 714 (see Annex III to this Circular.)]

Section 335

Transmittal of PCT-EASY ~~Diskette Containing~~ Request Data and Abstract

The request data and abstract contained on a ~~Any~~ PCT-EASY diskette or CD furnished to the receiving Office in accordance with Section 102*bis* shall be transmitted by that Office to the International Bureau, in a form and manner acceptable to that Bureau, at the same time as the record copy.

[COMMENT: The proposed modifications of Section 335 are consequential on the proposed modifications of Section 102*bis* (see above), and so as to clarify that PCT-EASY data (request data and the abstract) may be transmitted by the receiving Office to the International Bureau not only on physical media (on which they were submitted by the applicant) but in any form and manner acceptable to the International Bureau, for example, using secure online means of transmittal.]

[Annex III follows]

ANNEX III

PROPOSED MODIFICATIONS OF PART 7
OF THE ADMINISTRATIVE INSTRUCTIONS

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PART 7

INSTRUCTIONS RELATING TO THE ~~ELECTRONIC~~ FILING
AND PROCESSING IN ELECTRONIC FORM OF INTERNATIONAL APPLICATIONS

[COMMENT: The proposed modification of the title is consequential on the proposed modifications to Part 7, clarifying that Part 7 applies to the filing, processing and communication in electronic form of international applications filed in electronic form, and to the processing and communication in electronic form of international applications filed on paper (see paragraphs 14 and 15 in the main body of this Circular).]

Section 701

Abbreviated Expressions

For the purposes of this Part and Annex F, unless the contrary clearly follows from the wording, the nature of the provision or the context:

(i) “electronic package” means a package of one or more electronic files assembled for the purposes of transmission of one or more documents in electronic form;
~~“electronic” technology includes that having electrical, digital, magnetic, optical or electromagnetic capabilities;~~

[COMMENT: It is proposed move the definition of the term “electronic” from present Part 7 (see present Section 701(i)) to Section 101 in Part 1 of the Administrative Instructions (see Section 101 as proposed to be modified in Annex I, above). Furthermore, it is proposed to add a definition for the term “electronic package” and to add, to the published final version of Part 7, an editor’s note, referring to section 4 of Annex F.]

(ii) and (iii) [No change]

(iv) “electronic signature” means information in electronic form which is attached to, or logically associated with, ~~a an-electronic~~ document in electronic form, which may be used to identify the signer and which indicates the signer’s approval of the content of the document;

[Section 701(iv), continued]

[COMMENT: It is proposed to modify item (iv) so as to align the wording with that used elsewhere in Part 7 of the Administrative Instructions.]

(v) [No change]

(vi) “communication” of an international application or other document has the same meaning as that defined in Rule 89bis.3:

[COMMENT: It is proposed to add a definition of the term “communication”. Rule 89bis.3 reads: “Where the Treaty, these Regulations or the Administrative Instructions provide for the communication, notification or transmittal (“communication”) of an international application, notification, communication, correspondence or other document by one national Office or intergovernmental organization to another, such communication may, where so agreed by both the sender and the receiver, be effected in electronic form or by electronic means.”]

(vii) ~~(vi)~~ words and expressions whose meanings are explained in Annex F have the same meanings in this Part.

Section 702

Filing, Processing and Communication of International Applications

Filed in Electronic Form

(a) The filing, ~~and~~ processing and communication of international applications filed in electronic form, ~~as referred to in Rule 89bis,~~ and the processing and communication in electronic form of international applications filed on paper, shall be in accordance with this Part and Annex F.

(b) Subject to this Part, an international application that is filed, processed or communicated in electronic form shall not be denied legal effect merely because it is in electronic form.

[COMMENT: The proposed modifications to paragraphs (a) and (b) of Section 702 make it clear that Part 7 applies to the filing, processing and communication in electronic form of international applications filed in electronic form, and to the processing and communication in electronic form of international applications filed on paper (and subsequently converted, for example, by way of scanning, into electronic form (see proposed new Section 705bis(a), below)).]

~~(c) [Deleted] This Part and Annex F do not apply to an international application containing a sequence listing part and/or a table related to a sequence listing which is filed in computer readable form under Section 801(a).~~

[COMMENT: The proposed deletion of Section 702(c) is consequential on the proposed addition of new Section 714 and the proposed deletion of Part 8 (see Annex IV, below).]

Section 703

Filing Requirements; Basic Common Standard

(a) [No change]

(b) An international application filed in electronic form shall be:

(i) and (ii) [No change]

(iii) in the form of an electronic package, appropriate to the means of transmittal, [that has been specified by the receiving Office](#) in accordance with Annex F or that complies with the basic common standard;

[COMMENT: It is proposed to modify item (iii) of Section 703(b) so as to clarify that the receiving Office should specify the type(s) of electronic package(s) that it is prepared to accept in accordance with Annex F. See also Section 710(a)(i) as proposed to be modified, below. Note that it is proposed that, in view of the nature of the proposed modification of item (iii) (clarification only), transitional reservations that were made in respect of present item (iii) under existing Section 703(f) continue to be effective, and to include a note to that effect in the promulgation of the final version of modified Part 7. A list of Offices which have made a transitional reservation under Section 703(f) is available on WIPO's website at http://www.wipo.int/pct-safe/en/pct_ros/ro_notifications.htm.]

(iv) and (v) [No change]

(c) to (e) [No change]

(f) [No change] If, on 7 January 2002, the applicable national law and the technical systems of a national Office provide for the filing with it of national applications in electronic form according to requirements which are incompatible with any of items (ii) to (iv) of paragraph (b):

[Section 703(f), continued]

- (i) the provisions concerned shall not apply in respect of the Office in its capacity as a receiving Office for as long as the incompatibility continues; and
- (ii) the Office may instead provide for the filing with it of international applications in electronic form according to that national law and those technical systems;

provided that the Office informs the International Bureau accordingly by the date on which the Office sends the International Bureau a notification under Rule 89*bis*.1(d) and in any case no later than 7 April 2002. The information received shall be promptly published by the International Bureau in the Gazette.

[COMMENT: As to the applicability of paragraph (f) to modified paragraph (b)(iii), see the comment relating to the latter.]

Section 704

Receipt; International Filing Date; Signature; Physical Requirements;

~~Subsequent Documents and Correspondence~~

[COMMENT: The proposed modification of the title of Section 704 is consequential on the proposed deletion of paragraph (h) (see below).]

(a) [No change]

(a-bis) Where an international application is filed in electronic form and by electronic means of transmission, the date of receipt shall, subject to paragraph (a-ter), be the date which prevails, at the time when the transmission of the application is completed, in the locality in which the receiving Office is situated, irrespective of the location of the computer server of the receiving Office on which the application is received.

(a-ter) Where an international application is filed in electronic form and by electronic means of transmission and the receiving Office is competent under Rule 19.1 or 19.2 to receive international applications from nationals and residents of one or more Contracting States whose territory spans or whose territories span two or more time zones, and if the receiving Office decides to apply this paragraph, the date of receipt shall be the date which prevails, at the time when the transmission of the application is completed, in [one of those time zones that has been specified by that Office for the purposes of this paragraph] [the latest of those time zones].

[COMMENT: See paragraph 16 in the main body of this Circular. It is also proposed to modify Section 710(a)(ii) to require receiving Offices to notify the International Bureau accordingly (see below). Annex F is also proposed to be modified accordingly (see Annex VI, below).]

[Section 704, continued]

(b) to (g) [No change]

~~(h) [\[Deleted\]](#) The provisions of this Part, other than paragraph (g), shall apply *mutatis mutandis* to other documents and correspondence relating to international applications.~~

[COMMENT: It is proposed to move the contents of paragraph (h) to Section 713(b) as proposed to be modified (see below).]

Section 705

Home Copy, Record Copy and Search Copy

Where International Application is Filed in Electronic Form

[COMMENT: The proposed modification of the title of Section 705 is consequential on the proposed addition of new Section 705*bis*(b) (see below).]

(a) to (d) [No change]

Section 705bis

Processing in Electronic Form of International Applications Filed on Paper;

Home Copy, Record Copy and Search Copy

[COMMENT: See paragraph 14 in the main body of this Circular.]

(a) Where an international application is filed on paper, the receiving Office, the International Searching Authority, the International Preliminary Examining Authority or the International Bureau may, subject to this Part, process it as a copy in electronic form.

[COMMENT: It is proposed to add new Section 705bis(a) so as to provide expressly that the receiving Office, the International Searching Authority, the International Preliminary Examining Authority or the International Bureau may process international applications filed on paper as copies in electronic form. Any such copy in electronic form must be a true copy of the international application as filed (see proposed new paragraph (e), below) and must be processed and communicated in compliance with Part 7 and Annex F (see Section 702(a), above).]

(b) Where an international application is filed on paper, the receiving Office may, for the purposes of Article 12:

(i) keep a true copy of the application in electronic form as the home copy;

(ii) with the agreement of the International Bureau, transmit to that Bureau, and that Bureau may keep, a true copy of the application in electronic form as the record copy;

(iii) with the agreement of the International Searching Authority, transmit to that Authority, and that Authority may keep, a true copy of the application in electronic form as the search copy.

[Section 705bis(b), continued]

[COMMENT: It is proposed to add new Section 705bis(b) so as to provide expressly that the receiving Office may keep the home copy in the form of a true copy of the international application in electronic form prepared by it under paragraph (a), and may, with the agreement of the International Bureau and the International Searching Authority, respectively, transmit the record copy and the search copy in the form of a true copy of the international application in electronic form. Note that the expression “a true copy” needs to be translated into other languages so as to be distinct from the expression “the true copy” (thus: in French, “une copie fidèle” as distinct from “l’exemplaire authentique”; in German, “eine getreue Kopie” as distinct from “das maßgebende Exemplar”; in Spanish, “una copia fiel” as distinct from “el ejemplar auténtico”).]

(c) Where the receiving Office transmits the record copy to the International Bureau on paper, that Bureau may, for the purposes of Article 12, keep a true copy of the application in electronic form as the record copy.

[COMMENT: It is proposed to add new Section 705bis(c) so as to provide expressly that the International Bureau may keep the record copy in the form of a copy of the international application in electronic form prepared by it under paragraph (a) where the receiving Office had transmitted the record copy to the International Bureau on paper.]

(d) Where the receiving Office transmits the search copy to the International Searching Authority on paper, that Authority may, for the purposes of Article 12, keep a true copy of the application in electronic form as the search copy.

[COMMENT: It is proposed to add new Section 705bis(d) so as to provide expressly that the International Searching Authority may keep the search copy in the form of a copy of the international application in electronic form prepared by it under paragraph (a) where the receiving Office had transmitted the search copy to the International Searching Authority on paper.]

Section 706

Backup Copies

(a) Where an international application ~~is~~ ~~was~~ filed in electronic form, the applicant may, if the receiving Office so permits and within 16 months from the priority date, submit ~~file~~ a backup copy of the application:

(i) on paper; or

(ii) in electronic form, in an electronic document format that is accepted for the purpose by the receiving Office, and by a means of transmittal that has been specified by that Office ~~on a physical medium~~ in accordance with Annex F, ~~provided that the~~

The backup copy shall be identified as such and shall be accompanied by a statement by the applicant that the ~~content of the~~ backup copy is a true copy ~~identical to that~~ of the international application as filed in electronic form.

[COMMENT: It is proposed to modify Section 706(a) so as to provide expressly that the backup copy in electronic form may not only be filed on a “physical medium” (such as a CD or a DVD) but also by electronic means (online filing). It is also proposed to clarify that the backup copy in electronic form must be in any electronic document format accepted by the receiving Office for that purpose (for example, in the original “pre-conversion” format, such as Microsoft Word), and be transmitted to the receiving Office by a means of transmittal (for example, physical media or electronic means) that has been specified by the receiving Office in accordance with Annex F. Furthermore, it is proposed to modify paragraph (a) so as to require the backup copy to be a “true copy” rather than requiring that its contents be “identical to that” of the application as filed. Note that the expression “a true copy” would need to be translated into other languages so as to be distinct from the expression “the true copy” (thus, for example: in French, “une copie fidèle” as distinct from “l’exemplaire authentique”; in German, “eine getreue Kopie” as distinct from “das maßgebende Exemplar”; in Spanish, “una copia fiel” as distinct from “el ejemplar auténtico”).]

[Section 706, continued]

(b) Where, under Section 705bis(b)(ii) or (c), a copy in electronic form of an international application filed on paper is kept as the record copy, the original of the international application as filed on paper shall be kept as a backup copy:

(i) in the case referred to in Section 705bis(b)(ii), by the receiving Office on behalf of the International Bureau; or

(ii) in the case referred to in Section 705bis(c), by the International Bureau.

~~Where an international application was filed in electronic form, the receiving Office may, of its own volition or at the request of the applicant, prepare a backup copy of the application on paper or on a physical medium in accordance with Annex F, provided that the content of the backup copy shall be identical to that of the application as filed in electronic form. The Office shall, upon request by the applicant and subject to the payment of a fee, send to the applicant a copy of such a backup copy.~~

[COMMENT: See paragraph 15 in the main body of this Circular. It is proposed to modify paragraph (b) so as to address possible concerns concerning the conversion into electronic form of international applications filed on paper, in particular with regard to the integrity of the record copy data in electronic form—that is, concerns that the copy of the international application in electronic form which is kept as the record copy is unchanged from the international application as filed on paper and has not been accidentally modified or altered. Under paragraph (b) as proposed to be modified, the receiving Office or the International Bureau, as the case may be, would be required to keep the original copy of the international application filed on paper for a certain period of time (comments are, in particular, invited as to how long that period should be; see paragraph (c), below) so as to allow the applicant to request the correction of the copy in electronic form kept as the record copy where that copy has been accidentally modified or altered in the process of conversion from paper to electronic form. Any such request would have to be made within 16 months from the priority date. Where modifications or alterations are only discovered after the expiration of that 16-month time limit, the applicant would have to pursue the matter further in the national phase under the applicable national laws of the designated Offices concerned. Noting that so far none of the Offices which accept the filing of international applications in electronic form is willing to prepare backup copies of international applications submitted in electronic form, it is proposed to delete the present text of paragraph (b).]

[Section 706, continued]

(c) The receiving Office or, in the case referred to in Section 705(c), the International Bureau shall keep a ~~mark any~~ backup copy referred to in ~~filed~~ paragraph (a) or (b) for a period of at least [XX years from YY], marked ~~prepared on paper~~ with the words “BACKUP COPY—SECTION 706(a)” or “BACKUP COPY—SECTION 706(b)”, as the case may be, or their equivalent in the language of publication of the international application ~~on the bottom of the first page of the request and of the first page of the description.~~

[COMMENT: It is proposed to modify paragraph (c) so as to require the receiving Office or the International Bureau, as the case may be, to keep a backup copy submitted under paragraph (a) or kept under paragraph (b) for a certain period of time (comments are, in particular, invited as to how long that period should be) so as to allow the applicant to request the correction of the international application filed in electronic form, or the correction of the copy in electronic form kept as the record copy, as the case may be, for example, where the international application filed in electronic form has been accidentally modified or altered in the process of conversion into PDF, or where the copy in electronic form kept as the record copy has been accidentally modified or altered in the process of conversion from paper to electronic form (see paragraph (e), below). Note that, where the backup copy is in electronic form, the term “marked” is to be understood as meaning that the backup copy in electronic form shall be named in accordance with the file naming convention under section 4.3 of Annex F (see also Section 706(b)). It is proposed to add an editor’s note to that effect, to appear in the published final version of Part 7.]

(d) The applicant may, within 16 months from the priority date, request the receiving Office or, in the case referred to in Section 705(c), the International Bureau to correct the international application so as to bring it into conformity with ~~substitute~~ a backup copy submitted under ~~filed in accordance with~~ paragraph (a); or kept under ~~prepared in accordance with~~ paragraph (b), ~~for the application in electronic form,~~ in which case the relevant sheets of the backup copy shall be considered to be replacement sheets effecting a correction under Rule 26. The replacement sheets shall be considered to have been received by the receiving Office or the International Bureau, as the case may be, on the date on which it received the applicant’s request.

[Section 706(d), continued]

[COMMENT: It is proposed that any request for the correction of the international application so as to bring it into conformity with the backup copy submitted under Section 706(a) or kept under Section 706(b) would have to be made within 16 months from the priority date. Where modifications or alterations are only discovered after the expiration of that 16-month time limit, the applicant would have to pursue the matter further in the national phase under the applicable national laws of the designated Offices concerned.]

Section 706bis

Corrections, Amendments and Rectifications

(a) Subject to paragraph (b), where an international application is filed in electronic form and the text of the description and the claims is in character coded format:

(i) with regard to a correction, amendment or rectification of the description, any reference in Rules 26.4, 46.5, 66.8 and 91.1(d) to a sheet shall be construed as a reference to the paragraph or paragraphs, numbered in accordance with Annex F, affected by the correction, amendment or rectification;

(ii) with regard to a correction, amendment or rectification of a claim, any reference in Rules 26.4, 46.5, 66.8 and 91.1(d) to a sheet shall be construed as a reference to the claim, numbered in accordance with Section 205, affected by the correction, amendment or rectification.

[COMMENT: See paragraph 17 in the main body of this Circular. It is proposed to add new Section 706bis so as to clarify the procedure where corrections, amendments or rectifications of the description or the claims are filed in relation to an international application which has been filed in electronic form in character coded format (see sections 3.1.1 and, as regards paragraph numbering in documents in XML format, section 3.1.1.1.1 in Annex F of the Administrative Instructions). Note that, as at present, Rules 26.4, 46.5, 66.8 and 91.1(d) would continue to require the applicant to furnish a letter drawing attention to the differences between the replaced text (paragraph) and the replacement text (paragraph). The procedure concerning corrections, amendments or rectifications of the description or the claims filed in relation to an international application which has been filed in electronic form but *not* in character coded format (for example, in PDF or any other allowable image format) would continue to be governed by Rules 26.4, 46.5, 66.8 and 91.1(d).]

[Section 706bis, continued]

(b) Where an international application is filed in electronic form, any correction, amendment or rectification submitted in respect of a sequence listing, computer program listing or tables related thereto shall, irrespective of the electronic document format in which the international application is filed, be submitted in the form of a replacement listing or tables in electronic form comprising the entire listing or tables with the relevant correction, amendment or rectification, accompanied by a statement that the replacement listing or tables do not go beyond the disclosure in the international application as filed.

[COMMENT: See paragraph 18 in the main body of this Circular. Note that, as at present, Rules 26.4, 46.5, 66.8 and 91.1(d) would continue to require the applicant to furnish a letter (which may, of course, also be in electronic form) drawing attention to the differences between the replaced and the replacement sequence listing, computer program listing or tables. See also Section 802(d) which is proposed to be deleted (see Annex IV, below).]

Section 707

Calculation of International Filing Fee; and Fee Reduction

(a) ~~Where Subject to paragraph (a-bis), where~~ an international application is filed in electronic form, the international filing fee shall, subject to paragraph (a-bis), be calculated on the basis of the number of sheets that the application would contain if presented as a print-out ~~on paper~~ complying with the physical requirements prescribed in Rule 11.

(a-bis) Where an ~~the~~ international application ~~is~~ filed in electronic form ~~and~~ contains a sequence listing ~~as referred to in Rule 5.2(a)~~, computer program listing or tables related thereto, the calculation of the international filing fee shall not take into account any sheet of the sequence listing, computer program listing or tables in excess of 400 sheets. ~~comprise the following two components:~~

~~(i) a basic component calculated on the basis of the number of sheets that the international application would contain if presented as a print-out on paper complying with the physical requirements prescribed in Rule 11, excluding the sheets containing the sequence listing and/or any tables related to that sequence listing; and~~

~~(ii) an additional component, in respect of the sheets containing the sequence listing and/or any tables related to that sequence listing, calculated on the basis of the number of sheets of the sequence listing and/or any tables if presented as a print-out on paper complying with the physical requirements prescribed in Rule 11, provided that any sheet of the sequence listing and/or any tables in excess of 400 sheets shall not require the payment of a fee per sheet as referred to in item 1 of the Schedule of Fees.~~

[Section 707(a-bis), continued]

[COMMENT: See paragraph 22 in the main body of this Circular. It is proposed to modify Section 707 so as to simplify the wording and to clarify that the “per sheet in excess of 30 sheets” component of the international filing fee is to be calculated on the basis of the number of sheets *in excess of 30 sheets* that the international application would contain if presented as a print-out on paper complying with the physical requirements prescribed in Rule 11, not taking into account any sheet of the sequence listing, computer program listing or tables in excess of 400 sheets, as illustrated in the following examples: (A) an international application filed in electronic form contains, if presented as a print-out on paper, 1050 pages, of which 820 are sheets containing the sequence listing; the “per sheet in excess of 30 sheets” component of the international filing fee would be 600 times 15 Swiss francs (1050 sheets minus 30 sheets = 1020 “in excess of 30 sheets,” minus 420 sequence listing sheets “in excess of 400 sheets” = 600 sheets); (B) an international application filed in electronic form contains, if presented as a print-out on paper, 520 pages, of which 300 are sheets containing the sequence listing; the “per sheet in excess of 30 sheets” component of the international filing fee would be 490 times 15 Swiss francs (520 sheets minus 30 sheets = 490 “in excess of 30 sheets”).]

(b) [No change]

Section 708

**Special Provisions Concerning Legibility, Completeness,
Infection by Viruses, Etc.**

(a) Where an international application is filed in electronic form, ~~transmitted to~~ the receiving Office ~~in electronic form, the Office~~ shall promptly check whether the application is legible and whether it appears to have been fully received. Where the Office finds that all or part of the international application is illegible or that part of the application appears not to have been received, the international application shall be treated as not having been received to the extent that it is illegible or, where transmitted by electronic means, that the attempted transmission failed, and the Office shall, if practicable having regard to the indications furnished by the applicant, promptly notify the applicant accordingly.

[COMMENT: Clarification of the text only. The term “illegible” is to be understood as comprising text or data that may be easily read (that is, which is technically “legible”) but which, for example, in the process of being converted to PDF, has accidentally been modified or altered so that its meaning has been obscured to an extent that it has become meaningless. It is proposed to add an editor’s note to that effect to appear in the published final version of Part 7.]

(b) Where a purported international application is filed in electronic form, ~~transmitted to~~ the receiving Office ~~in electronic form, the Office~~ shall promptly check it for infection by viruses and other forms of malicious logic. Where the Office finds that the purported application is so infected:

[COMMENT: Clarification of the text only.]

(i) to (v) [No change]

Section 709

Means of Communication with the Receiving Office

[COMMENT: Clarification only.]

(a) to (c) [No change]

Section 710

Notification and Publication of Receiving Offices' Requirements and Practices

(a) A notification by a receiving Office to the International Bureau under Rule 89*bis*.1(d) [and Section 703\(a\)](#) that it is prepared to receive international applications in electronic form shall indicate, where applicable:

(i) the electronic document formats, means of transmittal, [types of electronic packages](#), electronic filing software and types of electronic signature specified by it under Section 703(b)(i), ~~(ii) and to~~ (iv), and (c), and any options specified by it under the basic common standard;

[COMMENT: It is proposed to modify item (i) so as to clarify that the receiving Office must specify, in the notification to be made under this Section, the type of the electronic package that is accepted by it (see also Section 703(b)(iii) as proposed to be modified, above).]

(ii) the conditions, rules and procedures relating to electronic receipt, including [any information concerning the determination of the date of receipt in accordance with Section 704\(a-bis\) or 704\(a-ter\)](#), hours of operation, choices for processes to verify or acknowledge receipt, choices for electronic communication of invitations and notifications, any methods of online payment, details concerning any help desks, electronic and software requirements and other administrative matters related to the ~~electronic~~ filing [in electronic form](#) of international applications and related documents;

[COMMENT: The proposed modification of item (ii) is consequential on the proposed modification of Section 704 (see above).]

[Section 710(a)(ii), continued]

(iii) [No change]

(iv) whether and under what conditions the Office accepts the filing of backup copies under Section 706(a) and, where applicable, the electronic document formats accepted by it and means of transmittal specified by it under that Section;

[COMMENT: The proposed modification of item (iv) is consequential on the proposed modification of Section 706 (see above).]

(v) [No change]

(vi) ~~where applicable, the~~ certification authorities that are accepted by the Office, and the electronic addresses ~~address of a listing~~ of the certificate policies under which ~~the~~ certificates are issued;

[COMMENT: Clarification of the text only.]

(vii) [No change]

(a-bis) A notification by a receiving Office to the International Bureau under Rule 89bis.1(d) that it is prepared to receive mixed mode listing applications filed under Section 714 shall indicate:

[Section 710(a-bis), continued]

(i) the electronic document formats specified by it under Section 714(c)(i);

(ii) the types of physical media specified by it under Section 714(c)(ii); and

(iii) the procedures relating to access to the files of mixed mode listing applications filed or stored in electronic form.

(a-ter) A receiving Office that is prepared pursuant to Section 705bis(a) to process international applications filed on paper as copies in electronic form shall notify the International Bureau accordingly.

[COMMENT: Information as to whether an Office is processing in electronic form international applications filed on paper would be of interest not only to the International Bureau and the International Authorities but in particular to applicants and third parties (file inspection).]

(b) The receiving Office shall notify the International Bureau of any change in the matters previously indicated by it in a notification under paragraph (a), (a-bis) or (a-ter).

(c) The International Bureau shall promptly publish in the Gazette any notification received by it under paragraph (a), (a-bis), (a-ter) or (b).

[COMMENT: The proposed modifications of paragraphs (b) and (c) are consequential on the proposed addition of paragraphs (a-bis) and (a-ter) (see above).]

(d) [No change]

Section 711

Electronic Records Management

(a) Records, copies and files in electronic form in relation to international applications ~~in electronic form~~ shall be processed, maintained and stored, ~~for the purposes of Rule 93~~, in accordance with the requirements of authentication, integrity, confidentiality and non-repudiation, and having due regard to the principles of electronic records management, set out in Annex F.

[COMMENT: It is proposed to modify paragraph (a) so as to clarify that this provision applies to all records, copies and files in electronic form related to international applications, whether or not filed in electronic form.]

(b) [No change]

Section 712

Access to Electronic Records

Access permitted by the Treaty, the Regulations or these Administrative Instructions to documents contained in the file of an international application filed, [processed](#) or stored in electronic form may, at the option of the national Office or intergovernmental organization concerned, be provided by electronic means or in electronic form, having due regard to the need to ensure the integrity and where applicable confidentiality of data, the principles of electronic records management set out in Annex F, and the need to ensure security of the electronic networks, systems and applications of the Office or organization.

[COMMENT: By virtue of Section 713, Section 712 would apply *mutatis mutandis* to all documents in electronic form contained in the file of an international application filed, processed or stored in electronic form.]

Section 713

Application of Provisions Relating to International Authorities and the International Bureau Designated Offices, and to Notifications, Communications, Correspondence and Other Documents

(a) The provisions of this Part, other than Sections 703(c), 704(c) to (f), 706, 707, 713(d) and 714, shall apply *mutatis mutandis* to the International Searching Authorities and International Preliminary Examining Authorities and to the International Bureau.

[COMMENT: It is proposed to modify paragraph (a) so as to clarify the application of the provisions of Part 7 to International Authorities and the International Bureau.]

(b) The provisions of this Part, other than Sections 703(c), 704(c) to (g), 705, 705bis(b) to (d), 706, 706bis, 707 and 714, shall apply *mutatis mutandis* to notifications, communications, correspondence or other documents relating to international applications that are filed, processed or communicated in electronic form. ~~Any transmittal in electronic form of documents, notifications, communications or correspondence between receiving Offices, International Searching Authorities, International Preliminary Examining Authorities, the International Bureau and designated Offices shall be in accordance with the basic common standard or as otherwise agreed by the Offices and Authorities concerned in accordance with Annex F.~~

[COMMENT: It is proposed to move the contents of present Section 704(h) to Section 713(b) (see comment on Section 704(h), above) and, in this context, to clarify the application of certain provisions of Part 7 on notifications, communications, correspondence or other documents relating to international applications that are filed, processed or communicated in electronic form. The text of present paragraph (b) is proposed to be deleted, noting that Section 702(a) already requires that the filing, processing and communication of international applications filed in electronic form, and the processing and communication in electronic form of international applications filed on paper, must be in accordance with Part 7 and Annex F.]

[Section 713, continued]

(c) Where any International Searching Authority, International Preliminary Examining Authority or designated Office has not notified the International Bureau ~~in accordance with Rule 89bis.1(d)~~ that it is prepared to process international applications in electronic form, the International Bureau shall furnish to that Office or Authority a copy on paper of any document which is stored by the International Bureau in electronic form and which that Office or Authority is entitled to receive. The International Bureau may also, upon request by the Authority or Office concerned, furnish such copy in electronic form.

[COMMENT: The proposed modification of paragraph (c) broadens its scope so as to apply also to the processing in electronic form of international applications filed on paper (see proposed new Section 705bis, above).]

(d) [No change]

Section 714

International Applications Filed on Paper

with Sequence Listings, Computer Program Listings or Tables

in Electronic Form (“Mixed Mode Listing Applications”)

(a) An international application containing a sequence listing referred to in Rule 5.2(a), a computer program listing or tables related thereto (“sequence listing, computer program listing or tables”) may, subject to this Section, be filed in mixed mode, the sequence listing, computer program listing or tables being in electronic form and the remainder of the application being on paper (“mixed mode listing application”), if the receiving Office has notified the International Bureau in accordance with Rule 89bis.1(d) that it is prepared to receive international applications in such form.

[COMMENT: See paragraphs 19 to 22 and paragraph 24 in the main body of this Circular. Note that it is proposed, under proposed new Section 714(a), to no longer permit the applicant to file a sequence listing in both electronic form and on paper, as is presently permitted under Section 801(a)(ii). Rather, under proposed new Section 714(a), the applicant would only be allowed to file a sequence listing, a computer program listing or tables in electronic form only, with the remainder of the application being on paper.]

(b) In the case of a mixed mode listing application, the part of the description filed on paper shall preferably contain a statement, in accordance with Annex F, that the sequence listing, computer program listing or tables filed in electronic form are part of the description.

[COMMENT: It is proposed to move parts of the contents of present Section 2(g) of Appendix IV to Annex F to proposed new Section 714 and to add the term “preferably” so as to clarify that the inclusion of a statement under paragraph (b) is not a mandatory requirement for the filing of mixed mode listing applications. Section 2(g) of Appendix IV to Annex F is proposed to be modified accordingly (see Annex VI to this Circular).]

[Section 714, continued]

(c) A sequence listing, computer program listing or tables in electronic form contained in a mixed mode listing application shall be:

(i) in an electronic document format that has been specified by the receiving Office in accordance with Annex F;

(ii) submitted on a physical medium that has been specified by the receiving Office in accordance with Annex F;

(iii) free of viruses and other forms of malicious logic in accordance with Annex F.

[COMMENT: The allowable electronic document formats for sequence listings, computer program listings and tables are set out in section 3 of Annex F. The allowable physical media to be used for the furnishing of sequence listings, computer program listings and tables filed in electronic form under Section 714 are set out in Appendix IV of Annex F.]

(d) The international filing fee payable in respect of a mixed mode listing application shall comprise the following two components:

(i) a basic component, calculated as provided in the Schedule of Fees, in respect of the part of the application that is submitted on paper; and

(ii) an additional component, in respect of the sequence listing, computer program listing or tables in electronic form, equal to 400 times the fee per sheet as referred to in item 1 of the Schedule of Fees, regardless of the actual length of the sequence listing, computer program listing or tables.

[Section 714(d), continued]

[COMMENT: See present Section 803, which is proposed to be deleted. Note that, as at present (see present Sections 707 and 803), the international filing fee payable in respect of a mixed mode listing application filed under Section 714 would continue to be calculated in a different manner than the international filing fee payable in respect of an international application containing a sequence listing, computer program listing or tables related thereto filed in electronic form under Section 703, due to the fact that the software used for the filing of the international applications filed under Section 703 automatically calculates the number of sheets that the international application would contain if presented as a print-out, whereas the software used for the preparation of a listing or tables filed under Section 714 does not contain such feature.]

(e) In the case of a mixed mode listing application, the home copy, the record copy and the search copy shall, subject to Section 705bis, similarly be in mixed mode. In addition to proceeding under Section 305 with respect to the parts of the international application filed on paper, the receiving Office shall:

(i) mark the words “RECORD COPY—SEQUENCE LISTING—SECTION 714”

(or “RECORD COPY—COMPUTER PROGRAM LISTING—SECTION 714” or “RECORD COPY—TABLES—SECTION 714”, as the case may be) on the original physical medium and transmit that part of the record copy to the International Bureau together with the paper part of the record copy;

(ii) mark the words “SEARCH COPY—SEQUENCE LISTING—SECTION 714”

(or “SEARCH COPY—COMPUTER PROGRAM LISTING—SECTION 714” or “SEARCH COPY—TABLES—SECTION 714”, as the case may be) on a copy of the physical medium and transmit that part of the search copy to the International Searching Authority together with the paper part of the search copy;

[Section 714(e), continued]

(iii) mark the words “HOME COPY—SEQUENCE LISTING—SECTION 714”
(or “HOME COPY—COMPUTER PROGRAM LISTING—SECTION 714”
or “HOME COPY—TABLES—SECTION 714”, as the case may be) on a
copy of the physical medium and keep that part of the home copy in its files
together with the paper part of the home copy.

The receiving Office may, when so marking a physical medium, use, instead of the words
referred to in items (i) to (iii), the equivalent of those words in the language of publication of
the international application.

[COMMENT: See present Section 804(d), which is proposed to be deleted.]

(f) Any designated Office which does not accept the filing of mixed mode listing
applications may require that the applicant furnish to it, for the purposes of the national
processing, a copy on paper of the sequence listing, computer program listing or tables
accompanied by a statement that such copy on paper is a true copy of the original as filed in
electronic form.

[COMMENT: See present Section 806(a), which is proposed to be deleted. Note that the expression “*a* true copy” needs to be translated into other languages so as to be distinct from the expression “*the* true copy” (thus, for example: in French, “une copie fidèle” as distinct from “l'exemplaire authentique”; in German, “eine getreue Kopie” as distinct from “das maßgebende Exemplar”; in Spanish, “una copia fiel” as distinct from “el ejemplar auténtico”.)]

[Section 714, continued]

(g) The provisions of Sections 701 to 713 shall apply *mutatis mutandis* to a mixed mode listing application to the extent that it is filed in electronic form, provided that:

(i) Sections 703(e) and 704(e) shall apply as though the references therein to paragraph (b) of Section 703 were references to paragraph (b) of this Section;

(ii) Sections 703(a) to (c) and (f), 704(d) and (g), 705, 706(a), 706bis(a), 707(a), 709, 710(a) and 713 shall not apply.

[COMMENT: Paragraph (g) would clarify which provisions of Part 7 apply to the “electronic part” (sequence listings, computer program listings or tables) of mixed mode listing applications filed under Section 714.]

(h) Section 705bis shall apply *mutatis mutandis* to a mixed mode listing application to the extent that it is filed on paper.

[COMMENT: Paragraph (h) would allow Offices to process the “paper part” of mixed mode listing applications filed under Section 714 as copies in electronic form.]

(i) This Section does not prevent an international application containing a sequence listing, computer program listing or tables from being filed in its entirety in electronic form under Section 703(a).

[COMMENT: Clarification only.]

[Annex IV follows]

ANNEX IV

PROPOSED DELETION OF PART 8
OF THE ADMINISTRATIVE INSTRUCTIONS

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PART 8

~~[DELETED]~~

**~~INSTRUCTIONS RELATING TO
INTERNATIONAL APPLICATIONS CONTAINING
LARGE NUCLEOTIDE AND/OR AMINO ACID SEQUENCE LISTINGS
AND/OR TABLES RELATING THERETO~~**

~~Section 801~~

**~~Filing of International Applications
Containing Sequence Listings and/or Tables~~**

~~(a) Pursuant to Rules 89bis and 89ter, where an international application contains disclosure of one or more nucleotide and/or amino acid sequence listings (“sequence listings”), the receiving Office may, if it is prepared to do so, accept that the sequence listing part of the description, as referred to in Rule 5.2(a) and/or any table related to the sequence listing(s) (“sequence listings and/or tables”), be filed, at the option of the applicant:~~

~~(i) only on an electronic medium in the computer readable form referred to in Section 802; or~~

~~(ii) both on an electronic medium in that computer readable form and on paper in the written form referred to in Section 802;~~

~~provided that the other elements of the international application are filed as otherwise provided for under the Regulations and these Instructions.~~

[COMMENT: See proposed new Section 714(a).]

[Section 801, continued]

~~(b) Any receiving Office which is prepared to accept the filing in computer readable form of the sequence listings and/or tables under paragraph (a) shall notify the International Bureau accordingly. The notification shall specify the electronic media on which the receiving Office will accept such filings. The International Bureau shall promptly publish any such information in the Gazette.~~

[COMMENT: See proposed new Section 710(a)(viii).]

~~(c) A receiving Office which has not made a notification under paragraph (b) may nevertheless decide in a particular case to accept an international application the sequence listings and/or tables of which are filed with it under paragraph (a).~~

[COMMENT: See proposed new Section 714(g): it is proposed to apply Section 703(d) *mutatis mutandis*.]

~~(d) Where the sequence listings and/or tables are filed in computer readable form under paragraph (a) but not on an electronic medium specified by the receiving Office under paragraph (b), that Office shall, under Article 14(1)(a)(v), invite the applicant to furnish to it replacement sequence listings and/or tables on an electronic medium specified under paragraph (b).~~

[COMMENT: See proposed new Section 714(g)(i): it is proposed to apply Sections 703(e) and 704(e) *mutatis mutandis*.]

[Section 801, continued]

~~(e) Where an international application containing sequence listings and/or tables in computer readable form is filed under paragraph (a) with a receiving Office which is not prepared, under paragraph (b) or (c), to accept such filings, Section 333(b) and (c) shall apply.~~

[COMMENT: See proposed new Section 714(g): it is proposed to apply Section 704(f) *mutatis mutandis*.]

Section 802

**Format and Identification Requirements Relating to
International Applications Containing Sequence Listings and/or Tables**

~~(a) Paragraphs 40 to 45 of Annex C shall apply mutatis mutandis to the sequence listing part of an international application filed in computer readable form.~~

[COMMENT: See proposed new Section 714(c), where reference is made to Annex F with regard to the allowable electronic document formats of sequence listings, computer program listings and tables related thereto and to the allowable physical media for the furnishing of such listings and tables under Section 714.]

~~(b) Tables filed in computer readable form under Section 801(a) shall comply with Annex C-bis.~~

[COMMENT: See the comment on paragraph (a), above.]

~~(b-bis) Any International Searching Authority which requires that sequence listings be furnished in computer readable form shall select from the technical requirements contained in Annex C-bis those which it will apply and it shall notify the International Bureau accordingly. The International Bureau shall promptly publish any such information in the Gazette.~~

[COMMENT: It is proposed to delete paragraph (b-bis), noting that, unlike in the case of sequence listings, there is neither a requirement for the applicant to furnish tables in electronic form nor a need for International Searching Authorities to receive such tables in electronic form for the purposes of international search.]

~~(b-ter) Where sequence listings and tables are both filed in computer readable form under Section 801(a), such listings and tables shall, respectively, be contained on separate electronic carriers which shall contain no other programs or files.~~

[Section 802(b-ter), continued]

[COMMENT: It is proposed to move the content of present paragraph (b-ter) to Appendix IV of Annex F, dealing with the requirements for the use of physical media for the filing of documents in electronic form. Appendix IV is proposed to be modified accordingly (see Annex VI of this Circular).]

~~(b-quater) Rule 13ter.1 shall apply mutatis mutandis to any tables not complying with Annex C-bis and paragraph (b-ter).~~

[COMMENT: It is proposed to delete paragraph (b-quater), noting that, unlike in the case of sequence listings, there is neither a requirement for the applicant to furnish tables in electronic form nor a need for International Searching Authorities to receive such tables in electronic form for the purposes of international search.]

~~(c) The label provided for in paragraph 44 of Annex C shall, in respect of the sequence listings and/or tables, also include, as the case may be, the following indications:~~

~~(i) that the sequence listings and/or tables are filed under Section 801(a);~~

~~(ii) where the sequence listings and/or tables in computer readable form are contained on more than one electronic carrier, the numbering of each such carrier (for example, "DISK 1/3," "DISK 2/3," "DISK 3/3");~~

~~(iii) where more than one copy of the sequence listings and/or tables in computer readable form has been filed, the numbering of each copy (for example, "COPY 1," "COPY 2," "COPY 3").~~

[COMMENT: It is proposed to move the content of present paragraph (c) to Appendix IV of Annex F, dealing with the requirements (including labeling) for the use of physical media for the filing of documents in electronic form. Appendix IV is proposed to be modified accordingly (see Annex VI of this Circular).]

[Section 802, continued]

~~(d) Where any correction under Rule 26.3, any rectification of an obvious error under Rule 91, or any amendment under Article 34 is submitted in respect of the sequence listings and/or tables filed, under Section 801(a)(i) or (ii), in computer readable form, replacement sequence listings and/or tables in computer readable form containing the entirety of the sequence listings and/or tables with the relevant correction, rectification or amendment shall be furnished and the label referred to in paragraph (c) shall be marked accordingly (for example, “SUBMITTED FOR CORRECTION,” “SUBMITTED FOR RECTIFICATION,” “SUBMITTED FOR AMENDMENT”). Where the sequence listings and/or tables were filed both in computer readable form and in written form under Section 801(a)(ii), replacement sheets containing the correction, rectification or amendment in question shall also be submitted in written form.~~

[COMMENT: See proposed new Section 706bis(b) and, with regard to the labeling requirements, Appendix IV of Annex F as proposed to be modified (see Annex VI to this Circular).]

Section 803

Calculation of International Filing Fee for

~~International Applications Containing Sequence Listings and/or Tables~~

~~Where sequence listings and/or tables are filed in electronic form under Section 801(a), the international filing fee payable in respect of that application shall include the following two components:~~

~~(i) a basic component calculated as provided in the Schedule of Fees in respect of all pages filed on paper (that is, all pages of the request, description (excluding sequence listings and/or tables if also filed on paper), claims, abstract and drawings), and~~

~~(ii) an additional component, in respect of sequence listings and/or tables, equal to 400 times the fee per sheet as referred to in item 1 of the Schedule of Fees, regardless of the actual length of the sequence listings and/or tables filed in computer readable form and regardless of the fact that sequence listings and/or tables may have been filed both in written form and in computer readable form.~~

[COMMENT: See proposed new Section 714(d).]

Section 804

**~~Preparation, Identification and Transmittal of Copies
of International Applications Containing Sequence Listings and/or Tables~~**

~~(a) Where sequence listings and/or tables are filed only in computer readable form under Section 801(a)(i), the record copy for the purposes of Article 12 shall consist of those elements of the international application filed on paper together with the sequence listings and/or tables filed in computer readable form.~~

[COMMENT: See proposed new Section 714(e).]

~~(b) Where sequence listings and/or tables are filed both in computer readable form and in written form under Section 801(a)(ii), the record copy for the purposes of Article 12 shall consist of all the elements of the international application filed on paper, including the sequence listings and/or tables in written form.~~

[COMMENT: It is proposed to delete paragraph (b), noting that it is proposed to no longer permit the applicant to file a sequence listing under new Section 714 in both electronic form and on paper.]

~~(c) Where sequence listings and/or tables are filed in computer readable form under Section 801(a)(i) or (ii) in less than the number of copies required for the purposes of this Section, the receiving Office shall either:~~

~~(i) promptly prepare any additional copies required, in which case it shall have the right to fix a fee for performing that task and to collect such fee from the applicant; or~~

[COMMENT: See Rules 21.1(c) and 89*bis*.1(b).]

[Section 804(c), continued]

~~(ii) invite the applicant to promptly furnish the additional number of copies required, accompanied by a statement that the sequence listings and/or tables in computer readable form contained in those copies are identical to the sequence listings and/or tables in computer readable form as filed;~~

[COMMENT: It is proposed to delete item (ii) of paragraph (c) and to instead rely on Rule 21.1(c).]

~~provided that, where those sequence listings and/or tables were also filed in written form under Section 801(a)(ii), the receiving Office shall not, notwithstanding Rule 11.1(b), require the applicant to file additional copies of the sequence listings and/or tables in written form.~~

[COMMENT: It is proposed to delete the proviso in paragraph (c), noting that it is proposed to no longer permit the applicant to file a sequence listing under new Section 714 both in electronic form and on paper.]

~~(d) Where the sequence listings and/or tables are filed under Section 801(a)(i), the receiving Office shall, in addition to proceeding under Section 305 with respect to the parts of the international application filed on paper:~~

~~(i) mark the words “RECORD COPY—SEQUENCE LISTINGS AND/OR TABLES” on the original electronic medium containing the sequence listings and/or tables in computer readable form and transmit that part of the record copy to the International Bureau together with the paper part of the record copy;~~

[Section 804(d), continued]

~~(ii) mark the words “SEARCH COPY—SEQUENCE LISTINGS AND/OR TABLES” on one additional copy of the electronic medium containing the sequence listings and/or tables in computer readable form and transmit that part of the search copy to the International Searching Authority, for the purposes of Rule 13ter.1, together with the paper part of the search copy;~~

~~(iii) mark the words “HOME COPY—SEQUENCE LISTINGS AND/OR TABLES” on the other such copy of the electronic medium containing the sequence listings and/or tables in computer readable form and keep that part of the home copy in its files together with the paper part of the home copy.~~

[COMMENT: See proposed new Section 714(e).]

~~(e) Where the sequence listings and/or tables are filed under Section 801(a)(ii), the receiving Office shall, in addition to proceeding under Section 305 with respect to the parts of the international application filed on paper:~~

~~(i) mark the words “RECORD COPY—SEQUENCE LISTINGS AND/OR TABLES” in the upper left hand corner of the first page of the first sequence listing and of the first page of the first table in written form and transmit that part of the record copy to the International Bureau together with the paper part of the record copy; it shall also mark the words “COPY FOR INTERNATIONAL BUREAU—SEQUENCE LISTINGS AND/OR TABLES” on one copy of the electronic medium containing the sequence listings and/or tables in computer readable form and transmit that copy with the record copy;~~

[Section 804(e), continued]

~~(ii) mark the words “SEARCH COPY—SEQUENCE LISTINGS AND/OR TABLES” on one additional copy of the electronic medium containing the sequence listings and/or tables in computer readable form and transmit that part of the search copy to the International Searching Authority, for the purposes of Rule 13ter.1, together with the paper part of the search copy;~~

~~(iii) mark the words “HOME COPY—SEQUENCE LISTINGS AND/OR TABLES” on the other such copy of the electronic medium containing the sequence listings and/or tables in computer readable form and keep that part of the home copy in its files together with the paper part of the home copy.~~

[COMMENT: It is proposed to delete paragraph (e), noting that it is proposed to no longer permit the applicant to file a sequence listing under new Section 714 both in electronic form and on paper.]

~~(f) The receiving Office may, when marking the copies referred to in paragraphs (d) and (e), use, instead of the words referred to in those paragraphs, the equivalent of those words in the language of publication of the international application.~~

[COMMENT: See proposed new Section 714(e).]

Section 805

Publication and Communication of International Applications

Containing Sequence Listings and/or Tables; Copies; Priority Documents

~~(a) Notwithstanding Section 406, an international application containing sequence listings and/or tables may be published under Article 21, in whole or in part, in electronic form as determined by the Director General.~~

~~(b) Paragraph (a) shall apply *mutatis mutandis* in relation to:~~

~~(i) the communication of an international application under Article 20;~~

~~(ii) the furnishing of copies of an international application under Rules 87 and 94.1;~~

~~(iii) the furnishing under Rule 17.1, as a priority document, of a copy of an international application containing sequence listings and/or tables filed under Section 801(a);~~

~~(iv) the furnishing under Rules 17.2 and 66.7 of copies of a priority document.~~

[COMMENT: See Section 406 as proposed to be modified (see Circular C.PCT 1010, dated December 3, 2004), allowing generally for the publication of international applications wholly or partly in electronic form.]

Section 806

Sequence Listings and/or Tables for Designated Office

~~(a) Where sequence listings and/or tables were filed only in computer readable form under Section 801(a)(i), any designated Office which does not accept the filing of sequence listings and/or tables in computer readable form may require that the applicant furnish to it, for the purposes of the national phase, a copy on paper of such sequence listings in written form complying with Annex C and a copy on paper of such tables in written form, accompanied by a statement that the sequence listings and/or tables in written form are identical to the sequence listings and/or tables in computer readable form.~~

[COMMENT: See proposed new Section 714(f) (see Annex III, above).]

~~(b) Rule 13ter.2 shall apply *mutatis mutandis* to any tables filed under Section 801(a).~~

[COMMENT: It is proposed to delete paragraph (b), noting that, unlike in the case of sequence listings, there is no requirement for the applicant to furnish tables in electronic form to designated Offices.]

~~(c) For the purposes of Rule 49.5, any designated Office may require that the applicant furnish to it a translation of any text matter contained in any tables filed under Section 801(a), if that text matter is not in the language-neutral vocabulary referred to in Annex C and if it does not appear in the main part of the description in the language thereof.~~

[COMMENT: See proposed new paragraph 36bis in Annex C as proposed to be modified (see Annex V to this Circular.)]

[Annex V follows]

ANNEX V

PROPOSED MODIFICATION OF ANNEX C
AND PROPOSED DELETION OF ANNEX C-*bis*
OF THE ADMINISTRATIVE INSTRUCTIONS

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ANNEX C

**STANDARD FOR THE PRESENTATION OF
NUCLEOTIDE AND AMINO ACID SEQUENCE LISTINGS
IN INTERNATIONAL PATENT APPLICATIONS UNDER THE PCT**

1. to 32. [No change]

Free Text

33. [No change] “Free text” is a wording describing characteristics of the sequence under numeric identifier <223> (Other information) which does not use language-neutral vocabulary as referred to in paragraph 2(vii).

34. [No change] The use of free text shall be limited to a few short terms indispensable for the understanding of the sequence. It shall not exceed four lines with a maximum of 65 characters per line for each given data element, when written in English. Any further information shall be included in the main part of the description in the language thereof.

35. [No change] Any free text should preferably be in the English language.

36. [No change] Where the sequence listing part of the description contains free text, any such free text shall be repeated in the main part of the description in the language thereof. It is recommended that the free text in the language of the main part of the description be put in a specific section of the description called “Sequence Listing Free Text.”

[36bis. For the purposes of Rules 5.2, 12.1\(d\) and 49.5\(a-bis\), and of paragraphs 35 and 36 of this Annex, tables related to sequence listings shall be considered part of the sequence listing part of the description.](#)

[COMMENT: Proposed new paragraph 36*bis* would allow applicants to use language neutral vocabulary as referred to in paragraph 2(vii) of Annex C (see Rule 12.1(d)) and “free text” (that is, wording which does not use language-neutral vocabulary as referred to in paragraph 2(vii) of Annex C, preferably in English, see paragraph 35 of Annex C) not only in the sequence listing itself but also in tables related thereto. Furthermore, it would allow applicants to include any “free text” appearing in such tables also in the main part of the description in the language thereof (see Rule 5.2(b) and paragraph 36 of Annex C) and, upon national phase entry, would avoid the need for applicants to translate any text matter contained in such tables if the tables comply with Rule 12.1(d) and if the description complies with Rule 5.2(b) (see Rule 49.5(a-*bis*)).]

37. and 38. [No change]

~~Computer Readable Form of the~~ Sequence Listing in Electronic Form

39. A copy of the sequence listing complying with this Standard shall also be submitted in electronic ~~computer readable~~ form, in addition to the sequence listing as contained in the international application, whenever this is required by the competent Authority, unless such listing in electronic form is already available to that Authority in a form and manner acceptable to it.

[COMMENT: The proposed modifications to paragraph 39 are consequential on the amendment of Rule 13*ter* as adopted by the PCT Assembly with effect from April 1, 2005, (see Annex I to this Circular) and aim at clarifying the text further.]

40. Any sequence listing in electronic ~~computer readable~~ form submitted in addition to the ~~written~~ sequence listing as contained in the international application shall be identical to that ~~the~~ sequence listing and shall be accompanied by a statement that “the information recorded in electronic ~~computer readable~~ form is identical to the ~~written~~ sequence listing as contained in the international application.”

[COMMENT: The proposed modifications to paragraph 40 are consequential on the amendment of Rule 13*ter* as adopted by the PCT Assembly with effect from April 1, 2005, (see Annex I to this Circular) and aim at clarifying the text further.]

41. The entire printable copy of the sequence listing shall be contained within one electronic file submitted by a means of transmittal that has been specified by ~~preferably on a single diskette or any other electronic medium that is acceptable to~~ the competent Authority in accordance with Annex F. The file ~~recorded on the diskette or any other electronic medium that is acceptable to the competent Authority~~ shall be encoded using IBM Code Page 437, IBM Code Page 932 or a compatible code page. A compatible code page, as would be required for, for example, Japanese, Chinese, Cyrillic, Arabic, Greek or Hebrew characters, is one that assigns the Roman alphabet and numerals to the same hexadecimal positions as do the specified code pages.

[COMMENT: It is proposed to modify paragraph 41 so as to allow applicants, if so permitted by the competent Authority, to submit the sequence listing in electronic form not only on a physical medium (such as a diskette, CD or DVD) but also online in accordance with Annex F.]

42. The sequence listing in electronic ~~computer readable~~ form shall preferably be created by dedicated software such as PatentIn or other custom computer programs; it may be created by any means, as long as it ~~the sequence listing on a submitted diskette or any other electronic medium that is acceptable to the competent Authority~~ is readable under a Personal Computer Operating system that is acceptable to the competent Authority.

[COMMENT: The proposed modifications of paragraph 42 are consequential on the proposed modifications of paragraph 41 (see above) and on the amendment of Rule 13^{ter} as adopted by the PCT Assembly on October 5, 2004, with effect from April 1, 2005 (see Annex I to this Circular).]

43. File compression is acceptable ~~when using diskette media~~, so long as the compressed file is in a self-extracting format that will decompress on a Personal Computer Operating system that is acceptable to the competent Authority.

[COMMENT: The proposed modifications of paragraph 43 are consequential on the proposed modifications of paragraph 41 (see above).]

44. Any ~~The diskette or any other~~ physical electronic medium used for the submission of the sequence listing ~~that is acceptable~~ to the competent Authority shall be labeled in accordance with Appendix IV of Annex F ~~have a label permanently affixed thereto on which has been hand-printed, in block capitals or typed, the name of the applicant, the title of the invention, a reference number, the date on which the data were recorded, the computer operating system, and the name of the competent Authority.~~

[COMMENT: The proposed modifications of paragraph 44 are consequential on the proposed modifications of paragraph 41 (see above). See also Annex F, Appendix IV as proposed to be modified (see Annex VI to this Circular, below).]

45. [Deleted] ~~If the diskette or any other electronic medium that is acceptable to the competent Authority is submitted after the date of filing of an application, the labels shall also include the filing date of the application and the application number.~~

[COMMENT: The proposed deletion of paragraph 45 is consequential on the proposed modifications of paragraph 41 (see above). See also Annex F, Appendix IV, section 2(h) as proposed to be modified (see Annex VI to this Circular, below).]

46. Any correction of the sequence listing as contained in the international application which is submitted under PCT ~~Rules 13ter.1(a)(i) or~~ Rule 26.3, any rectification of an obvious error in the ~~written~~ sequence listing as contained in the international application which is submitted under PCT Rule 91, or any amendment which includes a ~~written~~ sequence listing and which is submitted under PCT Article 34, shall be accompanied by a replacement listing in electronic computer readable form comprising of the entire sequence listing including any such correction, rectification or amendment, whenever this is required by the competent Authority, unless such listing in electronic form is already available to that

Authority in a form and manner acceptable to it. Such replacement listing shall be accompanied by a statement that the replacement listing does not go beyond the disclosure in the international application as filed.

[COMMENT: The proposed modifications to paragraph 46 are consequential on the amendment of Rule 13*ter* as adopted by the PCT Assembly with effect from April 1, 2005, (see Annex I to this Circular) and aim at clarifying the text further.]

47. Any competent Authority which requires in accordance with this Annex that sequence listings be furnished in electronic form shall select from the technical requirements contained in paragraphs 39 to 46 of this Annex those which it will apply and notify the International Bureau accordingly. The International Bureau shall promptly publish any such information in the Gazette.

[COMMENT: It is proposed to add new paragraph 47 so as to fill an apparent gap in the present text of Annex C: at present, there is no provision requiring the competent Authorities to notify the International Bureau about the technical requirements for the furnishing of sequence listings in electronic form under paragraphs 39 to 46 of Annex C.]

~~ANNEX C-bis~~

~~[DELETED]~~

~~TECHNICAL REQUIREMENTS FOR THE PRESENTATION OF
TABLES RELATED TO NUCLEOTIDE AND AMINO ACID SEQUENCE LISTINGS
IN INTERNATIONAL PATENT APPLICATIONS UNDER THE PCT~~

[COMMENT: See paragraph 26 in the main body of this Circular.]

Introduction

~~1. — These technical requirements have been elaborated so as to provide standardization of the presentation of tables related to nucleotide and amino acid sequence listings or computer program listings in international patent applications. These technical requirements are intended to allow the applicant to draw up such tables in a manner which is acceptable to all receiving Offices, International Searching Authorities, International Preliminary Examining Authorities and to the International Bureau for the purposes of the international phase and to all designated and elected Offices for the purposes of the national phase.~~

Definition

~~2. — For the purposes of these technical requirements, “competent Authority” is the International Searching Authority that is to carry out the international search on the international application, or the International Preliminary Examining Authority that is to carry out the international preliminary examination on the international application, or the designated/elected Office before which the processing of the international application has started.~~

[COMMENT: Unlike sequence listings, tables in electronic form related to sequence listings are not required by the International Searching Authority or the International Preliminary Examining Authority for the purposes of the international search or the international preliminary examination (and are, consequently, also not covered by Rule 13*ter*). It is thus proposed, as far as the technical requirements for the filing of “mixed mode listing applications” (including tables) is concerned, to deal in proposed new Section 714 (see Annex III to this Circular) not with the requirements of the “competent authority” (that is, the International Searching or Preliminary Examining Authority, or the designated or elected Offices) but with the requirements of the receiving Office (see proposed new Section 714 in Annex III to this Circular).]

Tables related to sequence listings

~~3. Tables filed in computer readable form under Section 801(a) shall one of the following character formats:~~

~~(i) UTF 8 encoded Unicode 3.0; or~~

~~(ii) XML format conforming to the “Application Body” Document Type Definition referred to in Appendix I of Annex F;~~

~~at the option of the competent Authority.~~

[COMMENT: See proposed new Section 714 which refers to Annex F with regard to the allowable electronic document formats for the filing of mixed mode listing applications (including tables).]

~~4. The spatial relationships (e.g., columns and rows) of the table elements shall be maintained.~~

[COMMENT: See section 3.1 (at the end) of Annex F as proposed to be modified (see Annex VI to this Circular).]

~~5. — At the option of the competent Authority, file compression is acceptable, so long as the compressed file is in a self-extracting format that will decompress on a Personal Computer Operating system that is acceptable to the competent Authority and to the International Bureau.~~

[COMMENT: See the comment on paragraph 2, above.]

~~6. — Each table shall be contained within a separate electronic file on any electronic medium that is acceptable to the competent Authority. The file recorded on the electronic medium that is acceptable to the competent Authority shall be encoded using IBM Code Page 437, IBM Code Page 932 or a compatible code page. A compatible code page, as would be required for, for example, Japanese, Chinese, Cyrillic, Arabic, Greek or Hebrew characters, is one that assigns the Roman alphabet and numerals to the same hexadecimal positions as do the specified code pages.~~

[COMMENT: See the comment on paragraph 2, above. See also proposed new Section 714 in Annex III to this Circular, above, which refers to Annex F with regard to the requirements for the filing of mixed mode listing applications (including tables) on physical media (see, in particular, Appendix IV to Annex F in Annex VI to this Circular).]

~~7. — Tables filed in computer readable form may be created by any means, as long as the table on an electronic medium that is acceptable to the competent Authority is readable under a Personal Computer Operating system that is acceptable to the competent Authority and to the International Bureau.~~

[COMMENT: See the comment on paragraph 2, above.]

~~8. — If the electronic medium that is acceptable to the competent Authority is submitted after the date of filing of an application, the labels shall also include the filing date of the application and the application number.~~

[COMMENT: See the comment on paragraph 2, above. Unlike sequence listings, tables in electronic form related to sequence listings are not covered by the invitation procedure under Rule 13*ter* and are not required for the purposes of international search or preliminary examination, and thus cannot be submitted after the date of filing of the international application.]

[Annex VI follows]

ANNEX VI

PROPOSED MODIFICATIONS OF ANNEX F OF
THE ADMINISTRATIVE INSTRUCTIONS

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ANNEX F

STANDARD FOR THE **ELECTRONIC** FILING AND PROCESSING IN ELECTRONIC FORM OF INTERNATIONAL APPLICATIONS

1. INTRODUCTION

[No change]

2. THE E-PCT STANDARD: OVERVIEW AND VISION

[No change to the introductory text]

2.1 Scope

This standard is meant to be applied to the creation and exchange of electronic PCT documents throughout the PCT process. It covers the following technical areas:

- (a) electronic international application (IA) document format, structure and requirements;
- (b) electronic IA submission packaging and transmission; and
- (c) rules and guidelines for the use of this standard throughout the PCT process.

Additional technical information supporting the main body of the Annex can be found in several Appendices. All systems constructed for the purpose of electronic filing and processing of PCT documents and data should be conformant to this standard, unless an exception is specifically mentioned herein.

Matters outside the scope of this document:

~~(a)~~ (d) specification of software systems to use this standard; and

~~(b)~~ (e) ~~national-phase~~ electronic systems ~~for used by~~ PCT Offices during the national phase, except to the extent that PCT Article 27(1) applies (and noting the broader considerations mentioned in section 1).

[COMMENT: Clarification of the text only.]

2.2 *Business case and requirements review*

[No change to the introductory text]

2.2.1 ~~[Deleted]~~ *Experience with electronic PCT systems*

[COMMENT: It is proposed to delete this section since it is now out-dated.]

2.2.2 [No change]

2.3 [No change]

2.4 *E-PCT vision*

The goals stated earlier in this section demand a secure, interoperable group of automated PCT systems capable of quickly and efficiently sharing electronic documents and data between PCT applicants and Offices, improving operations for all. The International Bureau ~~IB~~ envisions an environment in which any applicant can file an international application ~~IA~~ with any Office in the world which accepts electronic filing with ~~simple, a cost~~ free; and standardized software. The PCT environment of the future will allow faster, more reliable access to information for all PCT Offices and their customers.

This sophisticated level of systems integration will be difficult to achieve in this or any other integrated system. It will require the close cooperation of all parties involved, and take a great deal of time and effort. Many of the necessary technologies, including those used for ensuring data security and even the Internet itself, are continually evolving. This will require systems to undergo numerous developmental changes. ~~All participants may have to make technological compromises as standards mature and are replaced with new, emerging technologies.~~

The goal is attainable, especially given the extremely rapid progress of technology and the constant evolution of international standards for data interchange. This standard is designed to take advantage of industry standards where possible, building on the strength of accessible and widely used technologies.

[COMMENT: Clarification of the text only.]

2.5 *Change procedure*

2.5.1 to 2.5.4 [No change]

2.5.5 *Expedited consideration of change proposals*

1. At any time, ~~after consulting the Consultative Group~~ on request or at its own initiative, 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.

[COMMENT: Practice has shown that Offices always request the International Bureau to accord expedited consideration to the proposal for change, following which the International Bureau informally consults with all interested Offices and subsequently accords expedited consideration to the proposal for change, provided this is felt appropriate under the circumstances. It is therefore proposed to render paragraph 1 more flexible in order to better reflect the needs expressed by Offices, noting that this does not preclude any subsequent recommendation by Offices that the said proposal for change be processed under the annual change management cycle rather than in an expedited way.]

2. [No change]
3. In parallel to the actions referred to in paragraph 2, ~~At the end of the period for~~
~~comments~~ the International Bureau invites the Consultative Group to consider the proposal for change and any subsequent comments received during the six week period referred to in paragraph 2, and to make any recommendation ~~the~~
~~Consultative Group makes recommendations~~ before the end of that of six week
period ~~within six weeks of that invitation~~, including a recommendation, if applicable, 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.

[COMMENT: Practice has shown that promulgation of certain modifications often is urgent, especially in respect of DTDs contained in Appendix I of Annex F. Furthermore, experience has shown that the members of the Consultative Group usually make comments and recommendations already during the first six week period referred to in paragraph 2 and that the additional period of six weeks for consultation of the Consultative Group under present paragraph 3 is generally not used for the submission of further comments or recommendations. The additional six-week period would thus appear as a pure formality which unnecessarily delays the promulgation of modifications to Annex F. So as to speed up the procedure, it is proposed to modify paragraph 3 and to provide for just one six week period for both the provision of comments under paragraph 2 and the making of a recommendation under paragraph 3.]

4. and 5. [No change]

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, DDS 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.~~ Where the practice and the technical systems of the recipient Office so permit, earlier versions of certain aspects of the standard (notably, DTDs and the E-filing interoperability protocol) may operate simultaneously for a limited period of time. Each version should be clearly identified by the appropriate version number.

[COMMENT: It is proposed to modify section 2.5.6 so as to align it with the current practice, for example, where new versions of DTDs are being applied on a systematic basis while earlier versions of DTDs continue to be acceptable for a limited period of time when the technical systems of the recipient Office so permit.]

3. E-PCT SUBMISSION STRUCTURE AND FORMAT

Electronic international application submissions ~~will~~ contain many different types of documents and information. Text, images, and sequence listings can all be printed on paper, but each of these requires a different electronic representation. For example, text can be stored in “character codes,” while images can be stored in grids of picture elements called “bitmaps.” The concept is further complicated by the fact that most information can be stored in multiple electronic formats. Sequence listings ~~lists~~ can be stored as plain text. Printed text can be optically scanned and stored as an image.

In addition to format, the structure (or lack of structure) of information can have a large impact on the ability of automated systems to facilitate processing of the information. Images of typed pages of text have no electronic text structure and must be electronically “recognized” or hand-keyed by a human operator before they can be searched ~~for meaningful words and symbols.~~

On the other hand, text and other information can be structured to enforce business rules and associate information with meaningful business identifiers. The format specified by this standard for such structured text is called XML (eXtensible Markup Language).

Using XML, computer systems can identify specific pieces of ~~business~~ information and reach new levels of capability. For example, if an international application ~~document~~ has been structured in XML according to the E-PCT standard, a computer system could automatically display the first claim; it could link figure references to the actual figure (within drawings); it could hyperlink ~~patents;~~ and other; ~~types of~~ citations to the actual ~~patents and~~ documents ~~cited~~. Publication and information retrieval systems also gain significant capabilities from structured documents.

In addition to structured information within an electronic format, international application submissions may contain documents that are composed of multiple types of information stored in multiple electronic formats. This collection of documents must have an overall structure that allows computer systems to identify the type of document and each of its components.

When designing automated information systems for document processing, electronic format and structure is critical; it can either enable or inhibit processing. This section describes the format and structure necessary for electronic IA documents to be compliant with the E-PCT standard. It specifies several allowable electronic document formats and the manner in which they must be structured.

[COMMENT: Clarification of the text only.]

3.1 Allowable electronic document formats

This Annex is based on the principle of establishing an industry standards-based environment for electronic exchange of IA documents. A notable result of this is: the standard for submitting electronic documents emphasizes the use of open standards and will not promote, as far as possible, proprietary vendor formats for electronic documents. The reasons for this policy include avoiding the need to maintain multiple copies of electronic filings in specific versions of proprietary electronic document formats over which Offices have no control.

This standard requires the IA documents to be free from virus or other malicious logic.

Note that this standard also applies to other **PCT** documents [and correspondence relating to international applications filed or processed in electronic form](#) by virtue of PCT Rule 89*bis*.2 and AIs Section [713\(b\)](#) ~~704(h)~~.

Any document in electronic form that is prepared or exchanged in accordance with this standard shall be in one of the electronic document formats listed in sections 3.1.1 to 3.1.3 which are allowed under section 3.4 in the communication sector concerned. Note, however, that section 3.4 permits, in the Office-Office communication sector, the sending Office and the recipient Office to agree on the use of other types of electronic document formats for IA documents filed on paper and converted into electronic form, except for the record copy.

[COMMENT: It is proposed to add a new paragraph to the introductory text to section 3.1 so as to clarify that, in the Office-Office communication sector, in the case of documents filed on paper and subsequently converted into electronic form, with the exception of the record copy, sending and recipient Offices may, if so agreed bilaterally, divert from this standard in respect of the types of electronic document formats that are used in their transactions. The other proposed modifications of this section are consequential on the proposed move of the contents of Section 704(h) to Section 713(b) as proposed to be modified (see Annex III to the present Circular).]

Applicants may present a nucleotide and amino acid sequence listing in any of the electronic document formats listed in sections 3.1.1 to 3.1.3 which are allowed under section 3.4 in the Applicant-Office communication sector. However, where the sequence listing is not presented in the electronic document format specified in the Standard for the Presentation of Nucleotide and Amino Acid Sequence Listings in International Applications under the PCT (see Annex C of the Administrative Instructions, and section 3.1.1.2, below), the competent International Searching Authority may, for the purposes of the international search, invite the applicant to furnish to it a sequence listing in an electronic document format complying with that Standard (see PCT Rule 13ter).

[COMMENT: It is proposed to add a new paragraph to section 3.1 clarifying the electronic format requirements for the furnishing of sequence listings.]

Where a table is presented in an international application, the spatial relationships (e.g., columns and rows) of the table elements shall, irrespective of the electronic document format in which the table is presented, be maintained.

[COMMENT: See paragraph 4 of present Annex C-*bis*, which is proposed to be deleted.]

3.1.1 *Character coded formats*

3.1.1.1 *eXtensible Mark-up Language (XML)*

All ~~XML~~ documents in XML format must conform to their corresponding DTDs (Document Type Definitions) specified in Appendix I. ~~Applicants will be able to create XML documents conforming to this standard by using the extended PCT EASY software (the new version that supports this standard).~~

The coded character set for all ~~XML~~ documents in XML format must be confined within that specified by International Standard ISO/IEC 10646:2000 (Unicode 3.0). The standard character encoding scheme for XML documents is UTF-8.

In addition, each receiving Office RO may specify a character encoding scheme as described in IETF RFC 2277 (Internet Engineering Task Force Policy on Character Sets and Languages) and IETF RFC 2130 (Report of the IAB Character Set Workshop) and shall inform the International Bureau IB of the specification. In this case, the following must be defined:

- (a) coded character set;
- (b) character encoding scheme;
- (c) translation rules between the coded character set and International Standard ISO/IEC 10646:2000.

Example encoding schemes that conform to the above rules would be native-JIS and shift-JIS.

For the Applicant-Office (international phase) communication ~~PCT-communications~~ sector, a receiving Offices ~~Office~~ must accept this format per the basic common standard. For the Office-Office communication sector, Offices must be able to transmit and receive this format.

[COMMENT: The proposed modifications of section 3.1.1.1 are consequential on the introduction of the PCT-SAFE software as well as to further clarify the text.]

3.1.1.1.1 [No change]

3.1.1.2 *Standard for the Presentation of Nucleotide and Amino Acid Sequence Listings in International Patent Applications (Annex C of the Administrative Instructions) (WIPO Standard ST.25)*

Any document created using the ~~WIPO Standard ST.25~~ (Standard for the Presentation of Nucleotide and Amino Acid Sequence Listings in International Patent Applications) (see Annex C of the Administrative Instructions (WIPO Standard ST.25)), ~~if present~~, must be included as a referenced document.

[COMMENT: Clarification of the text only (in the context of Annex F, the correct reference should be to the Standard under Annex C of the Administrative Instructions, not to WIPO Standard ST.25).]

For the Applicant-Office (international phase) [communication](#) ~~PCT-communications~~ sector, a receiving [Offices](#) ~~Office~~ must accept this format per the basic common standard. For the Office-Office [communication](#) sector, Offices must be able to transmit and receive this format.

[COMMENT: Clarification of the text only.]

3.1.1.3 *ASCII*

Any file in this format, if present, must be included as a referenced document.

For the Applicant-Office (international phase) [communication](#) ~~PCT-communications~~ sector, a receiving [Offices](#) ~~Office~~ shall notify the [International Bureau](#) ~~IB~~ whether [they](#) ~~it~~ will accept documents in this format, which documents [they](#) ~~it~~ will accept in this format, and whether [they](#) ~~it~~ will accept seven-bit and/or eight-bit ASCII.

For the Office-Office [communication](#) sector, this format may not be included in document packages, except when included in the original wrapped application documents (WAD, see section 4.1.1) filed by the applicant, as part of the record copy.

[COMMENT: Clarification of the text only.]

3.1.2 Portable Documents Format (PDF)

Any file in this format, if present, must be included as a referenced document.

All documents in PDF format ~~Portable Documents Format (PDF)~~ must meet the following requirements:

- (a) ~~Adobe Acrobat v3~~ compatible with Adobe PDF Version 1.3;
- (b) non-compressed text to facilitate searching;
- (c) unencrypted text;
- ~~(d) [Deleted] no digital signatures;~~
- ~~(d) (e)~~ no embedded OLE objects;
- ~~(e) (f)~~ all fonts must either be embedded, standard PS17 or built from Adobe Multiple Master (MM) fonts.

For the Applicant-Office (international phase) communication ~~PCT-communications~~ sector, a receiving Offices ~~Office~~ shall notify the International Bureau ~~IB~~ whether they ~~it~~ will accept documents in this format. In order to accommodate Offices that do not accept ~~PDF~~ documents in PDF format, any Office that chooses to accept documents in this format must also convert the documents (that is, text ~~the document to XML~~ and drawings) to TIFF images and transmit the documents ~~document~~ in both formats to the International Bureau ~~IB~~.

For the Office-Office [communication](#) sector, Offices shall notify the [International Bureau IB](#) whether they will transmit or accept documents in this format. For documents originally submitted in PDF format, Offices may request transmission of the original ~~PDF~~ documents [in PDF format](#) in addition to the converted [documents in](#) XML and TIFF [formats](#) ~~format~~.

[COMMENT: Experience has shown that most Offices are not in a position to convert documents from PDF format to XML format for the purpose of transmission to the International Bureau. It is therefore proposed to modify the present wording of section 3.1.2 and to require conversion of documents in PDF format only into the TIFF format. Since certain Offices digitally sign their files in PDF format, and since it is possible to read those files, it is also proposed to delete item (d) and to allow documents in PDF format to be digitally signed.]

3.1.3 *Image formats*

Images may be used for drawings, figures, equations or other illustrations, [or scanned documents](#). ~~This format is not intended to be used as a replacement for character-coded document formats, except in the Office-Office PCT communications sector when sending scanned paper documents between Offices. In exceptional cases, a [A](#) receiving Office may choose to allow [applicants](#) ~~applicant~~ to submit all or part of the description or claims in image format ~~where the applicant does not have access to character-coded versions of the~~ ~~documents~~.~~

[COMMENT: Clarification of the text only. It is proposed to add an editor's note to the final version of Annex F as promulgated to recall that the fee reduction that is applicable to international applications filed in electronic form is greater when the text of the description, the claims and the abstract are in XML format rather than in image format (see the Schedule of Fees).]

3.1.3.1 *Tagged Image File Format (TIFF)*

Any file in this format, if present, must be included as a referenced document.

TIFF facsimile (black and white) images for use in IA document exchange must meet the following requirements:

- (a) [No change]
- (b) Resolution of either ~~200~~, 300 or 400 dpi
- (c) [No change]

For the Applicant-Office (international phase) ~~PCT~~ communication sector, ~~a~~ receiving ~~Offices~~ ~~Office~~ must accept this format per the basic common standard. Images may be used for drawings, figures, equations or other illustrations, and for the description and the claims. This format is not intended to be used as a replacement for character-coded document formats.

For the Office-Office communication sector, Offices must be able to transmit and receive this format. Images may be used for drawings, figures, equations or other illustrations, and for the description and the claims. This format may also be used to transmit scanned documents between offices in the form of page images.

[COMMENT: Practical experience gained with technical systems of the International Bureau has shown that a resolution of 200 dpi was not enough to reach a sufficient level of quality. It is therefore proposed to modify item (b) accordingly. Other proposed changes to this section are not substantive in nature.]

3.1.3.2 *JPEG File Interchange Format (JFIF)*

Any file in this format, if present, must be included as a referenced document.

JFIF images for use in IA document exchange must meet the following requirements:

- (a) Resolution of either ~~200~~, 300 or 400 dpi
- (b) [No change]

For the Applicant-Office (international phase) communication sector, ~~a~~ receiving Offices ~~Office~~ shall notify the International Bureau ~~IB~~ whether they ~~it~~ will accept images in this format. Images may be used for drawings, figures, equations or other illustrations. This format is not intended to be used as a replacement for character-coded document formats.

For the Office-Office communication sector, Offices ~~an Office~~ shall notify the International Bureau ~~IB~~ whether they ~~it~~ will transmit or accept images in this format.

[COMMENT: Clarification of the text only. See the comment on section 3.1.3.1 with regard to the proposed modification to item (a).]

3.2 *E-PCT document ~~and submission~~ structure*

An international application submission may contain multiple documents, each with text, drawings and sequence listings stored in multiple electronic document formats. In order to accommodate the need for multiple electronic document ~~documents and electronic information~~ formats while preserving a structure that a computer system can understand, an E-PCT submission, including ~~and~~ its documents, must conform to the structure specified in this section.

In order to be in compliance with this requirement, each ~~Each electronic IA~~ E-PCT submission must contain ~~contains~~ an XML package data file that explicitly references the submission documents, and must conform to the “package-data” DTD (Document Type Definition ~~document type definition~~) as specified in Appendix I, section 3.1. However, in the Office-Office communication sector, the sending Office and the recipient Office may agree to use other types of structures for IA documents filed on paper and converted into electronic form. The referenced documents (e.g. the request and the ~~new~~ patent application) are logically part of the submission as such.

As shown in Figures ~~Figure~~ 2 and 2bis, the referenced documents (external entities) are typically the request, the application (description, claims), the priority documents, etc. which in turn may contain images, tables, drawings which are separate, but related objects that may be encoded as either XML, PDF, ST.25, ASCII or image ~~types~~ formats (TIFF or JFIF). Each ~~XML~~ document in XML format shall conform to one of the DTDs specified in Appendix I, except for referenced “other-documents”, where a receiving Office may choose to accept ~~XML~~ documents in XML format conforming to DTDs not specified in Appendix I, in which case the Office shall notify those DTDs to the International Bureau ~~IB~~. The version of the DTD must be set in the ~~XML document's~~ “DTD VERSION” attribute of the document in XML format (as specified by the DTD itself).

[COMMENT: It is proposed to modify the second paragraph of section 3.2 so as to clarify that, in the Office-Office communication sector, in the case of documents filed on paper and subsequently converted into electronic form, Offices may, if so agreed bilaterally, divert from this standard in respect of the types of submission structures that are used in their transactions. Other proposed changes to this section are not substantive in nature.]

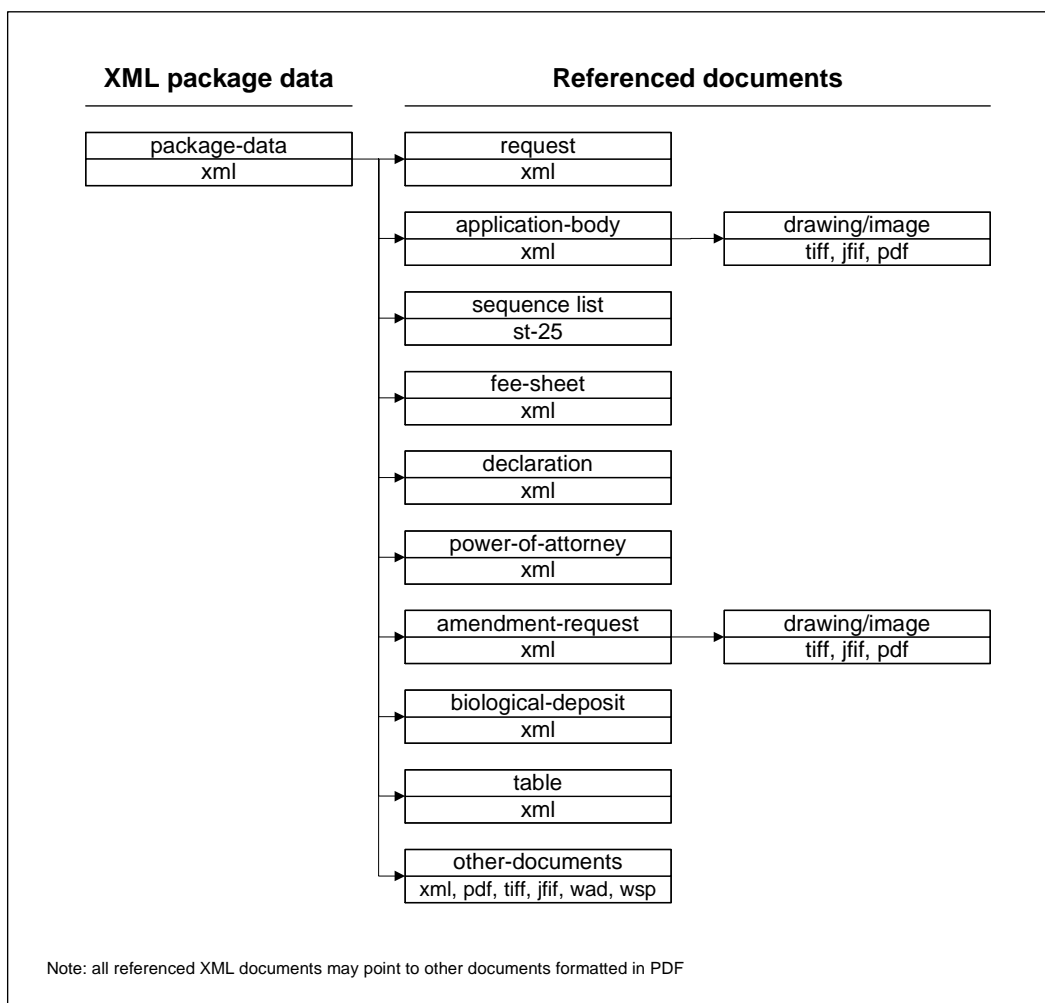
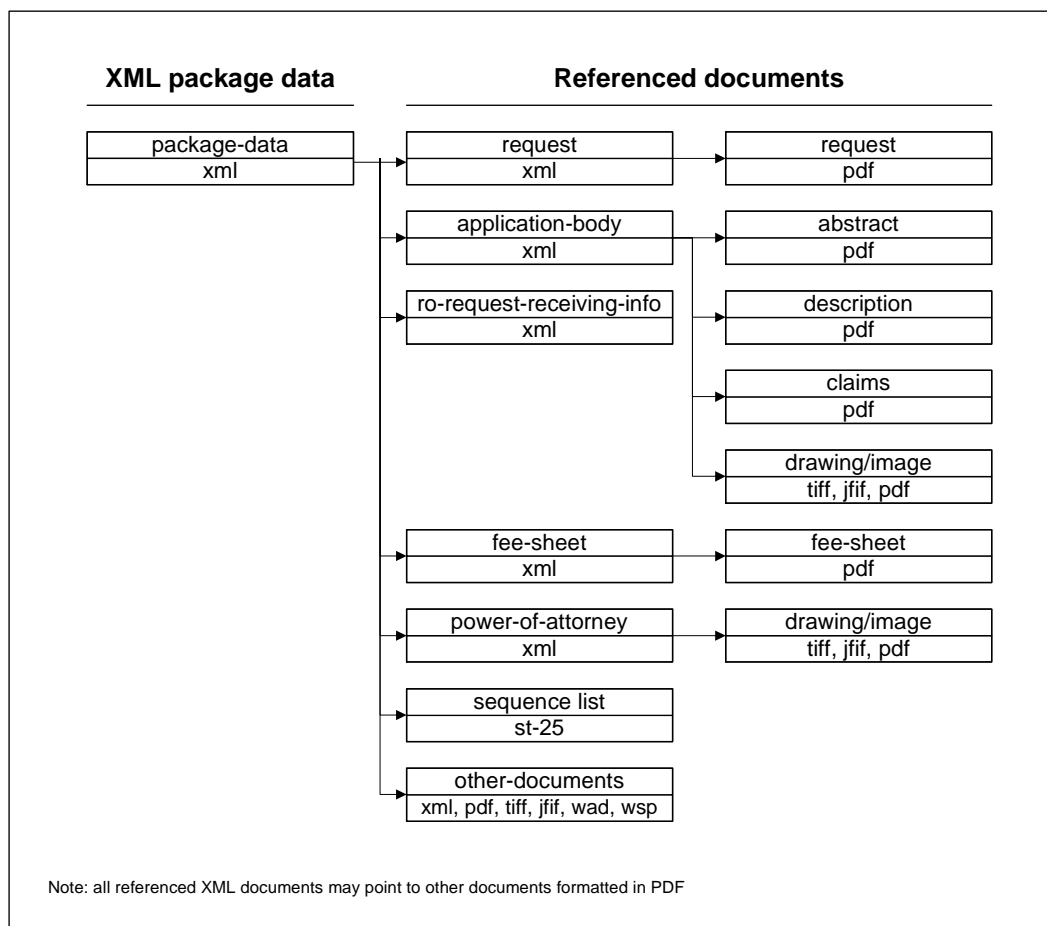


Figure 2 – Example of E-PCT IA submission document structure where the text of the description, claims and abstract is in character coded format (in XML format).



[Figure 2bis – Example of E-PCT IA structure where the text of the description, claims and abstract is not in character coded format \(but in PDF format\)](#)

[COMMENT: It is proposed to add new Figure 2bis so as to also illustrate cases where the Office Package contains documents in PDF format.]

3.3 Electronic signature

For IA document exchange, a number of electronic signature types (see AIs Section 701) are permitted by this standard. Each receiving Office shall notify the IB which types of signature it will accept.

The sections below describe these [types of signatures](#) ~~signature types~~, categorized as basic and enhanced electronic signatures. At this time, this standard does not support the use of multiple enhanced electronic signatures but it does support the use of multiple basic electronic signatures.

3.3.1 [No change]

3.3.2 *Text string signature*

To create this type of signature, an XML file must include the <text-string> element containing a text string that represents the user's "wet" (ink) signature, enclosed in slash "/" characters, as shown in the example below:

/janedoe/

The text-string must be a string of characters, ~~not including~~ [which does not include](#) the forward slash "/" character, [and which is](#) chosen by the user as [its](#) ~~their~~ electronic signature.

Valid examples include:

/John Smith/

/Tobeornottobe/

/1345728625235/

/Günter François/

[COMMENT: Clarification of the text only.]

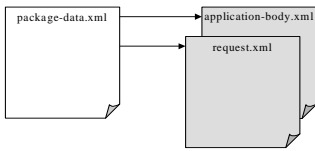
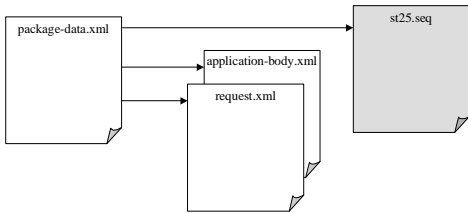
3.3.3 and 3.3.4 [No change]

3.4 Allowable document formats, by PCT communication sector

~~Below, listed by PCT communications sector, are tables that list all of the Annex F supported~~ The document and image formats that are allowable under this standard are contained, listed by PCT communication sectors, in the tables below. For each format, the tables state the options available to Offices and an example of a corresponding valid ~~Annex F~~ package contents under using this format standard.

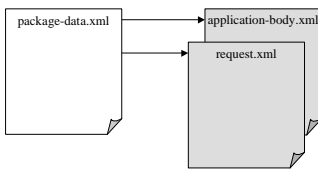
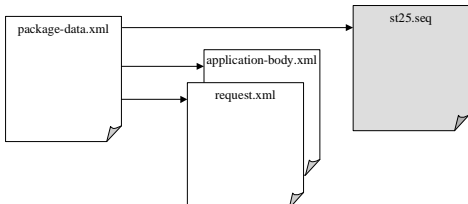
Any document in electronic form that is prepared or exchanged in accordance with this standard shall be in one of the electronic document formats listed in sections 3.1.1 to 3.1.3 which are allowed under this section in the communication sector concerned. However, in the Office-Office communication sector, the sending Office and the recipient Office may agree to use other types of electronic document formats for IA documents filed on paper and converted into electronic form, except for the record copy.

[COMMENT: It is proposed to modify section 3.4 so as to clarify that, in the Office-Office communication sector, in the case of documents filed on paper and subsequently converted into electronic form, with the exception of the record copy, Offices may, if so agreed bilaterally, divert from this standard in respect of the types of electronic document formats that are used in their transactions.]

<i>Applicant-Office (international phase) sector</i>		
<i>Format</i>	<i>Options allowable</i>	<i>Example package contents</i>
<p><i>XML</i> See section 3.1.1.1</p>	<p>A receiving Office must accept this format per the basic common standard. A receiving Office shall notify the IB of the character encoding scheme for XML documents (as described in section 3.1.1.1) if it is other than the standard encoding scheme (UTF-8).</p>	 <p>The diagram illustrates the structure of an XML package. A box labeled 'package-data.xml' has two arrows pointing to a stack of two boxes: 'application-body.xml' on top and 'request.xml' on the bottom.</p>
<p><u>Annex C of the Administrative Instructions</u> ST.25 See section 3.1.1.2</p>	<p>A receiving Office must accept this format per the basic common standard.</p>	 <p>The diagram illustrates the structure of a package. A box labeled 'package-data.xml' has three arrows pointing to three separate boxes: 'application-body.xml' (top), 'request.xml' (middle), and 'st25.seq' (right).</p>

<i>Applicant-Office (international phase) sector</i>		
<i>Format</i>	<i>Options allowable</i>	<i>Example package contents</i>
<p><i>ASCII</i> See section 3.1.1.3</p>	<p>A receiving Office shall notify the IB whether it will accept documents in this format, which documents it will accept in this format, and whether it will accept seven-bit and/or eight-bit ASCII.</p>	<pre> graph LR A[package-data.xml] --> B[application-body.xml] A --> C[request.xml] B --> D[other-doc.txt] C --> D </pre>
<p><i>PDF</i> See section 3.1.2</p>	<p>A receiving Office shall notify the IB whether it will accept documents in this format. In order to accommodate Offices that do not accept PDF documents, any Office that chooses to accept documents in this format must also convert the document text to XML and drawings to TIFF images and transmit those documents in both formats to the IB.</p>	<pre> graph LR A[package-data.xml] --> B[application-body.pdf] A --> C[request.xml] </pre>
<p><i>TIFF</i> See section 3.1.3.1</p>	<p>A receiving Office must accept this format per the basic common standard. Images may be used for drawings, figures, equations or other illustrations. This format is not intended to be used as a replacement for character-coded document formats.</p>	<pre> graph LR A[package-data.xml] --> B[application-body.xml] A --> C[request.xml] B --> D[fig01.tif] B --> E[fig02.tif] C --> D C --> E </pre>

<i>Applicant-Office (international phase) sector</i>		
<i>Format</i>	<i>Options allowable</i>	<i>Example package contents</i>
<p><i>JFIF</i> See section 3.1.3.2</p>	<p>A receiving Office shall notify the IB whether it will accept images in this format.</p>	<pre> graph LR package-data.xml --> application-body.xml package-data.xml --> request.xml application-body.xml --> request.xml request.xml --> illus01.jpg request.xml --> illus02.jpg </pre>

<i>Office-Office sector</i>		
<i>Format</i>	<i>Options allowable</i>	<i>Example package contents</i>
<p><i>XML</i> See section 3.1.1.1</p>	<p>Offices must be able to transmit and receive this format. A receiving Office shall notify the IB of the character encoding scheme for XML documents (as described in section 3.1.1.1) if it is other than the standard encoding scheme (UTF-8).</p>	 <p>The diagram illustrates the structure of an XML package. A box labeled 'package-data.xml' has two arrows pointing to a stack of two boxes: 'application-body.xml' on top and 'request.xml' on the bottom.</p>
<p><i>Annex C of the Administrative Instructions</i> <i>ST-25</i> See section 3.1.1.2</p>	<p>Offices must be able to transmit and receive this format.</p>	 <p>The diagram illustrates the structure of a package for the ST-25 format. A box labeled 'package-data.xml' has three arrows pointing to three separate boxes: 'application-body.xml', 'request.xml', and 'st25.seq'.</p>

<i>Office-Office sector</i>		
<i>Format</i>	<i>Options allowable</i>	<i>Example package contents</i>
<p><i>ASCII</i> See section 3.1.1.3</p>	<p>Offices shall notify the IB whether they will transmit and receive documents in this format.</p>	<p>The diagram illustrates the structure of an ASCII package. It shows a 'package-data.xml' file pointing to three other files: 'application-body.xml', 'request.xml', and 'other-doc.txt'. Each file is represented by a document icon with a folded corner.</p>
<p><i>PDF</i> See section 3.1.2</p>	<p>Offices shall notify the IB whether they will transmit or accept documents in this format. For documents originally submitted in PDF format, Offices may request transmission of the original PDF documents in addition to the document converted in XML and TIFF format.</p>	<p>The diagram illustrates the structure of a PDF package. It shows a 'package-data.xml' file pointing to three files: 'application-body.xml', 'application-body.pdf', and 'request.xml'. The 'application-body.xml' file points to two TIFF files: 'page02.tif' and 'page01.tif'. Callouts indicate: 'XML document created to contain references to converted TIFF page image files.' (pointing to application-body.xml), 'Converted TIFF page image files' (pointing to the TIFF files), and 'Original PDF document' (pointing to application-body.pdf).</p>
<p><i>TIFF</i> See section 3.1.3.1</p>	<p>Offices must be able to transmit and receive this format. Images may be used for drawings, figures, equations or other illustrations, as in the first example to the right.</p>	<p>The diagram illustrates the structure of a TIFF package. It shows a 'package-data.xml' file pointing to two files: 'application-body.xml' and 'request.xml'. The 'application-body.xml' file points to two TIFF files: 'fig02.tif' and 'fig01.tif'. Callouts indicate: 'TIFF drawings' (pointing to the TIFF files) and 'XML document includes fully-tagged content.' (pointing to application-body.xml).</p>

<i>Office-Office sector</i>		
<i>Format</i>	<i>Options allowable</i>	<i>Example package contents</i>
<p><i>TIFF</i> (cont'd)</p>	<p>This format may also be used to transmit image based or scanned documents between offices in the form of page images, as in the second example to the right.</p>	
<p><i>JFIF</i> See section 3.1.3.2</p>	<p>An Office shall notify the IB whether it will transmit or accept images in this format.</p>	

4. IA DOCUMENTS PACKAGING

Because an IA document will generally consist of several files, it is useful to assemble these files together into a single electronic “package” for transmission. Two [kinds of packages](#) ~~IA package types~~ are included under this standard: non-PKI and PKI-based packages. ~~The wrapped application documents file~~ [Wrapped Application Documents Files](#) (“WADs”) ~~are is a non-PKI based packages package.~~ ~~The two forms of PKI based packages are a~~ [while Wrapped and Signed Packages](#) ~~wrapped and signed package~~ (“WASPs”) ~~are PKI based packages~~ ~~and a signed and encrypted package (“SEP”).~~ More detailed information about the implementation of PKI-based solutions for the purposes of this standard is set out in Appendix II.

[Any document in electronic form that is prepared or exchanged in accordance with this standard shall be packaged as prescribed in sections 4.1 and 4.2. However, in the Office-Office communication sector, the sending Office and the recipient Office may agree not to package IA documents filed on paper and converted into electronic form, or to package such documents in a different manner.](#)

All electronic document exchange files under this standard must be first packaged as a WAD. ~~WAD, WASP, and SEP package types are permitted in the Applicant to Office (international phase) sector while only WASP or SEP data types are permitted in the Office-Office sector.~~ Section 5.2 provides additional information on allowable package/transmission combinations [according to the different PCT communication sectors.](#)

[COMMENT: The proposed modifications to the first and third paragraphs of the introductory text to section 4 are consequential on the deletion of present section 4.2.2 (see the comment on that section, below). Furthermore, it is proposed to modify this introductory text by adding a new second paragraph so as to clarify that, in the Office-Office communication sector, in the case of documents filed on paper and subsequently converted into electronic form, Offices may, if so agreed bilaterally, divert from this standard in respect of the kinds of non-PKI based packages that are used in their transactions.]

4.1 *Non-PKI based package*

This standard includes only one [type of](#) non-PKI based package: the WAD.

4.1.1 [No change]

4.2 *PKI package types*

~~The WASP and the SEP rely on the use of a PKI.~~ [This standard includes only two types of PKI based packages: the WASP and the C-WASP.](#) See Appendix II for further information on PKI.

[COMMENT: The deletion of the reference to SEPs is consequential to the deletion of present section 4.2.2 (see the comment on that section, below).]

4.2.1 [No change]

~~4.2.2~~ [\[Deleted\]](#) ~~*Signed and encrypted package (SEP)*~~

[COMMENT: It is proposed to delete section 4.2.2 as well as any reference to SEPs throughout this standard, noting that experience has shown that the SEP package type implies a burdensome management and maintenance of a high number of keys which is neither useful nor proper for further processing and storage of international applications. Note that none of the Offices which originally supported the inclusion of SEPs in this standard implemented it for their own electronic filing systems.]

~~4.2.3~~ [4.2.2](#) *Compound WASP (C-WASP)*

The one or more WASPs sent to the applicant from the Office are wrapped using the ZIP as shown in the section 4.1.1 and treated as one data block. This data block is called “Compound WASP” (C-WASP).

4.3 *File ~~Recommended file~~ naming convention*

~~An electronic filing of a patent application will have multiple files associated with it.~~

This file naming convention ~~Filing name conventions need to be~~ is established in order to enhance server automation, as well as to establish a client side software workflow and a good work practice for user understanding. It shall be applied in respect of any document in electronic form that is prepared or exchanged in accordance with this standard. However, in the Office-Office communication sector, the sending Office and the recipient Office may agree to apply other file naming rules for the purposes of their transactions. The following set of tables constitutes the ~~recommended~~ file naming convention and the client side software should automatically produce the suffixes and extensions accordingly. Each of these tables addresses a level of the standard, followed with tables of examples.

[COMMENT: It is proposed to modify section 4.3 so as to make the file naming convention under Annex F mandatory (note, however, that sections 4.3.1 to 4.3.3, which remain unchanged, include a number of options available to Offices). However, it is proposed that, in the Office-Office communication sector, Offices may, if so agreed bilaterally, divert from this standard and apply different file naming rules.]

4.3.1 to 4.3.3 [No change]

5. TRANSMISSION

[No change to the introductory text]

5.1 *The E-filing interoperability protocol*

[No change to the introductory text]

5.1.1 [No change]

5.1.2 *Application layer protocol for application*

At the highest level for application, there are five events that the protocol requires a client and server to support. These events are:

(a) to (e) [No change]

In between the Begin and End Transactions, there are three types of WASP sent between the client and the server:

(i) and (ii) [No change]

(iii) The receipt is an acknowledgment of the submission. The content of this receipt (XML data plus an optional human readable certificate in PDF or TIFF), which is signed by the receiving Office, is defined in ~~Annex F~~ Appendix I. The date of receipt will be determined by the receiving Office in accordance with AIs Section 704(a-bis) or 704(a-ter) as notified under AIs Section 710(a) ~~according to the usual principles applicable to the filing of applications on paper, including filing by electronic means (such as by facsimile transmission), that is, based on the date prevailing at the location of the Office at the time when the complete transmission of the application has been received.~~

[COMMENT: The proposed changes to item (iii) are consequential on the proposed modification of AIs Sections 704 and 710(a) (see Annex III to this Circular).]

5.1.2.1 and 5.1.2.2 [No change]

5.1.3 to 5.1.9 [No change]

5.1bis Alternative means of online transmission

Alternative means of online transmission may be used, in agreement with the International Bureau, by Offices which do not use the E-filing interoperability protocol, provided that:

- (a) interoperability between the existing PCT E-filing client and server software is maintained without needing further technical intervention; and
- (b) the outcome of the transmission is equivalent to the outcome of the E-filing interoperability protocol (in particular in terms of receipt and level of security provided).

[COMMENT: It is proposed to add new section 5.1bis so as to allow Offices which use an alternative means of online transmission that is equivalent in terms of outcome (in particular, as to the receipt and the level of security provided) and does not imply further technical intervention between the client and server software (that is, the PCT-SAFE software would not need to be modified) not to implement the E-filing interoperability protocol, provided the International Bureau so agrees (ensuring that requirements (a) and (b) of proposed new section 5.1bis are complied with and therefore interoperability between the applicant and Office software is maintained).]

5.2 Package/transmission combinations

This section describes the permissible package/transmission combinations, for each of the PCT communication ~~communications~~ sectors. This standard does not preclude provision of publicly available information by means other than those covered in the standard. Further packaging types (e.g., web-based document delivery) and package/transmission options may become available in the future.

5.2.1 Applicant-Office communication (international phase) sector

In this sector, IA documents may be filed by on-line means (using PKI) ~~over the public Internet,~~ over a secure private network, or transmitted off-line (using PKI or non-PKI) on physical media. The option of on-line filing of an IA utilizing a non-PKI method is not presently permitted, except under possible transitional reservations permitted by AIs Section 703(f) ~~(see section 7.1.1 as to the consequences of non-PKI filing under such a transitional reservation).~~

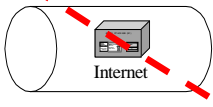








Figure 13 shows a matrix of the package/transmission ~~various submission mechanism/packaging~~ combinations that are permissible in this the Applicant Office (international phase) sector ~~as specified under this standard. In summary, for each submission mechanism:~~

~~(a) On-line/ Internet: The SEP must be used. TCP/IP used to exchange data, in realtime, over the Internet~~

(a) (b) On-line/over a secure network: a ~~The SEP~~, WASP or C-WASP must be used.

This is defined as a telecommunication connection established to exchange data, over a network which includes: ~~1~~ (i) a private network; ~~2~~ (ii) the Internet using channel level encryption (e.g. SSL); ~~3~~ (iii) a Virtual Private Network (VPN) connection over the Internet.

(b) (c) Off-line/on a physical media medium: a ~~either the SEP~~, WASP, C-WASP or WAD package must be used. Physical media (e.g., diskette, CD-ROM, DVD, etc.) ~~is~~ are used to store IA data with no real-time data exchange.

	Signed and Encrypted Package	Wrapped and Signed Package Compound WASP	Wrapped Application Documents
On-line / Internet		 Not permissible	 Not permissible
On-line / secure			 Not permissible
Off-line / media			



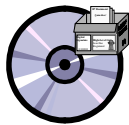

	Wrapped and Signed Package Compound WASP	Wrapped Application Documents
On-line / secure		 Not permissible
Off-line / media		

Figure 13 – Package/transmission combinations permitted in the Applicant-Office [communication](#) (international phase) sector

[COMMENT: The proposed modifications to figure 13 are consequential on the proposed deletion of present section 4.2.2 (see the comment on present section 4.2.2, above).]

5.2.2 Office-Office [communication](#) sector

~~All Office-Office sector data exchange must be conducted utilizing PKI based data exchange.~~ [In this sector](#), IA documents may be exchanged by on-line means ~~over the public Internet or~~ over a [secure private](#) network (~~such as Tri-Net or WIPONET~~), or [off-line transported](#) on a physical [medium media](#). [Note that, in this sector, where the sending Office and the recipient Office have agreed, in accordance with section 4, not to package IA](#)

documents filed on paper and converted into electronic form, or to package such documents in a different manner, different types of combinations for IA documents filed on paper and converted into electronic form may be applicable.

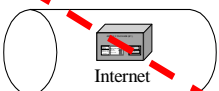








Figure 14 shows a matrix of the package/transmission ~~various submission~~ ~~mechanism/packaging~~ combinations that are permissible in this sector ~~as specified under this standard. In summary, for each data exchange mechanism:~~

~~(a) On-line/Internet: The SEP must be used. TCP/IP used to exchange data, in realtime, over the Internet~~

(a) (b) On-line/over a secure network: a ~~The SEP or~~ WASP or WAD must be used.

This is defined as a telecommunication connection established to exchange data, over a network which includes: ~~1~~ (i) a private network ~~(e.g. WIPONET, Tri-Net);~~ 2 (ii) the Internet using channel level encryption (e.g. SSL); ~~3~~ (iii) a Virtual Private Network (VPN) connection over the Internet.

(b) (e) Off-line/physical media: ~~The SEP or~~ a WASP or WAD must be used. Physical media (e.g. diskette, CD-ROM, DVD, etc.) is used to store IA data with no real-time data exchange.

	Signed and Encrypted Package	Wrapped and Signed Package	Wrapped Application Documents
On-line / Internet		 Not permissible	 Not permissible
On-line / secure			 Not permissible
Off-line / media			 Not permissible





	Wrapped and Signed Package	Wrapped Application Documents
On-line / secure	 Secure	 Not permissible
Off-line / media		

Figure 14 – Package/transmission combinations permitted in Office-Office communication sector

The electronic package prepared by the sending Office which contains all relevant documents and data (see Figures 2 and 2bis in section 3.2, and Figures 14bis and 14ter, below) and is sent to the recipient Office is identified by an indication of the capacity in which the Office acts (RO, IB, ISA or IPEA), as follows:

- “RO Package” for any package prepared by the receiving Office,
- “IB Package” for any package prepared by the International Bureau,
- “ISA Package” for any package prepared by the ISA, and
- “IPEA Package” for any package prepared by the IPEA.

The figures below show examples of RO Packages containing record copies as they should be sent to the International Bureau. Figure 14bis shows a record copy of an international application which was filed in PDF format; in this case, the working copy should contain converted TIFF images (see section 3.1.2, last paragraph, above). Figure 14ter shows a record copy of an international application which was filed in XML format; in this

case, there is no need for the working copy to contain converted TIFF images. The working copy referred to in this paragraph shall be construed as the part of the RO Package that is produced by the RO, in addition to the electronic package received from the applicant ("Applicant Package"), by copying, converting or modifying the documents contained in the Applicant Package (for example, request.xml) or by generating new documents (for example, ex-officio-corrections.xml).

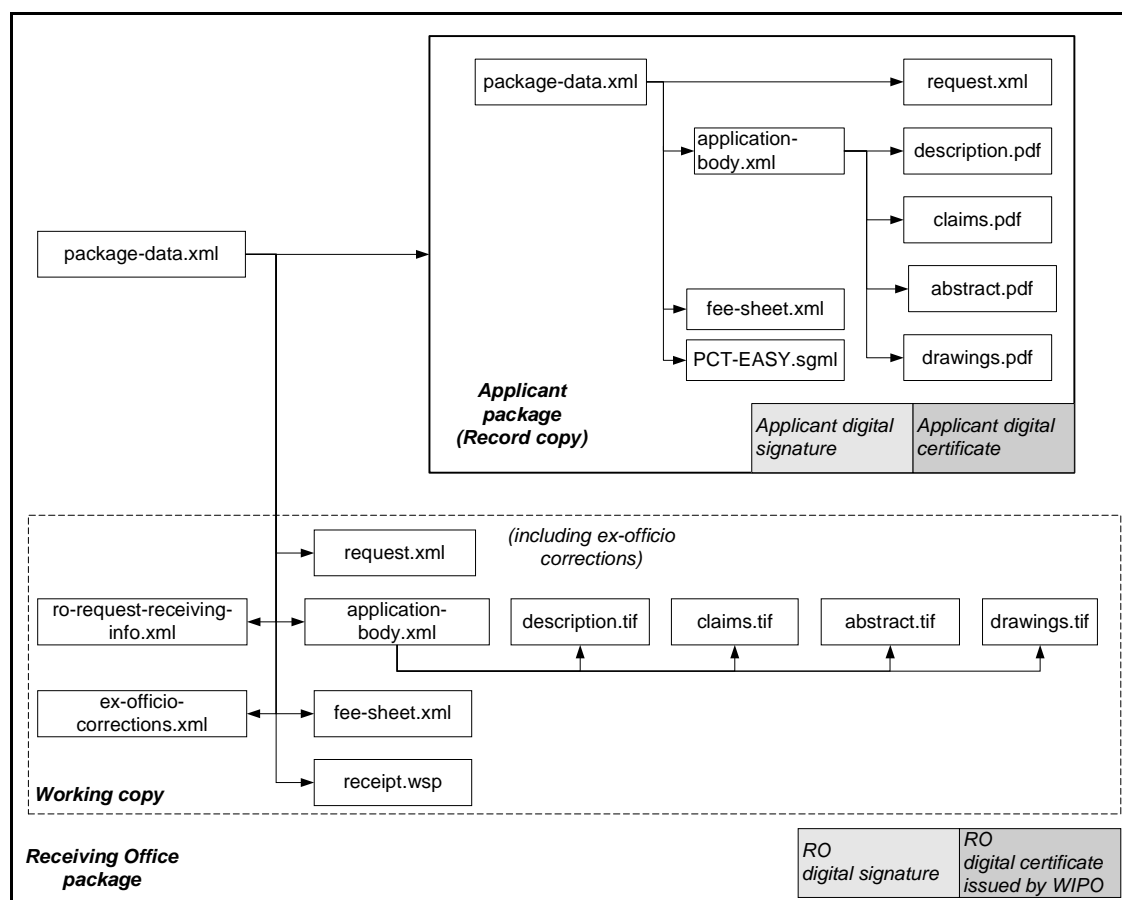
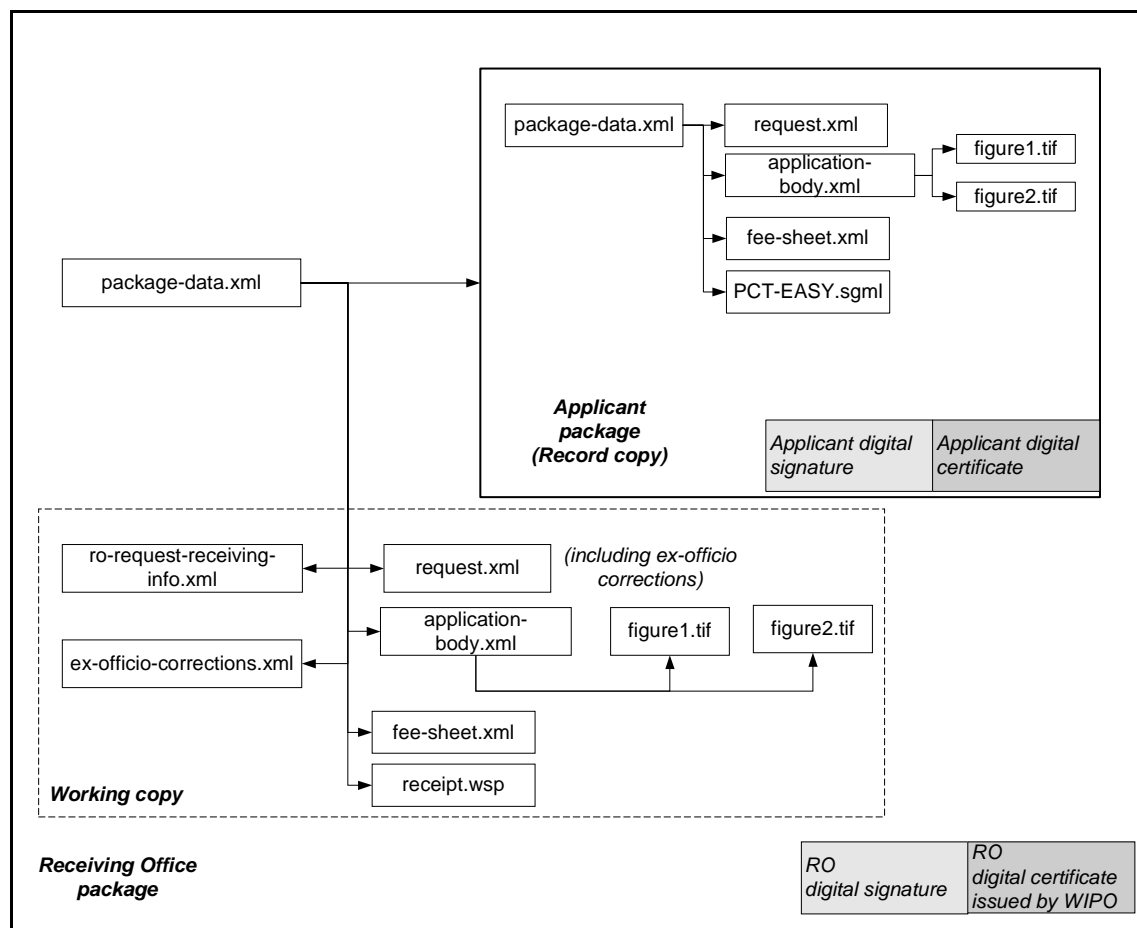


Figure 14bis – Example of RO Package containing a record copy where the text of the description, claims and abstract is not in character coded format (but in PDF format)



[Figure 14ter – Example of RO Package containing a record copy where the text of the description, claims and abstract is in character coded format \(in XML format\)](#)

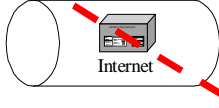







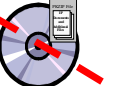
[COMMENT: It is proposed to add new paragraphs and figures so as to give examples of the various types of packages that are envisaged in this sector. Note that, in the Office-Office communication sector, in the case of documents filed on paper and subsequently converted into electronic form that are transmitted online, Offices may use different types of package/transmission combinations if so agreed bilaterally (see section 4, above).]

5.2.3 Designated Office [communication](#) sector

~~The SEP, WASP, or WAD package may be used when exchanging IA documents under the designated Office sector.~~ [In this sector, IA documents may be exchanged by on-line means over a secure network or off-line on a physical medium. Documents of a non-confidential nature may be exchanged over the Internet.](#)

Figure 15 shows a matrix of the package/transmission ~~various submission~~
~~mechanism/packaging~~ combinations that are permissible in this sector. ~~In summary, for each~~
~~data exchange mechanism:~~

- (a) On-line/Internet: a WASP or WAD ~~the SEP~~ must be used. ~~TCP/IP used to~~
~~exchange data, in realtime, over the Internet~~ This package/transmission
combination is permissible only for the transmittal of non-sensitive data.
- (b) On-line/over a secure network: a ~~the SEP~~, WASP, or WAD must be used. This
is defined as a telecommunication connection established to exchange data,
over a network which includes: ~~1 (i) a private network (e.g. WIPONET, Tri-~~
~~Net); 2 (ii) the Internet using channel level encryption (e.g., SSL); 3 (iii) a~~
Virtual Private Network (VPN) connection over the Internet.
- (c) Off-line/on a physical medium ~~media~~: a ~~either the SEP~~, WASP, or WAD
~~package~~ must be used. Physical media (e.g., diskette, CD-ROM, DVD, etc.) ~~is~~
are used to store IA data with no real-time data exchange.

	Signed and Encrypted Package	Wrapped and Signed Package	Wrapped Application Documents
On-line / Internet	 Internet	 Not permissible	 Not permissible
On-line / secure	 Secure	 Secure	 Secure
Off-line / media	 Internet	 Secure	 Secure

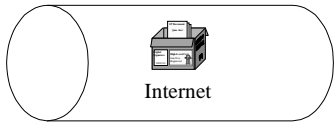
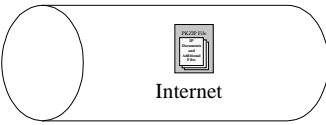

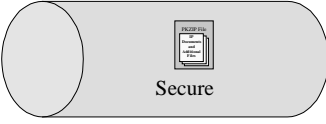


	Wrapped and Signed Package	Wrapped Application Documents
On-line / Internet		
On-line / secure		
Off-line / media		

Figure 15 – Package/transmission combinations permitted in designated Office [communication](#) sector

[COMMENT: See the comment following proposed new figure 14bis, above.]

6. ELECTRONIC FILING SOFTWARE

~~Electronic filing software being developed by the International Bureau as an extension of the PCT-EASY software will be made available to applicants and receiving Offices. That~~
The PCT-SAFE software supports ~~will support~~ all of the requirements of the basic common standard and certain alternatives available under Annex F. Use of the PCT-SAFE ~~that~~ software is not mandatory but any applicant may choose to use it, in which case the receiving Office must accept the international application concerned. Any receiving Office may also specify other filing software acceptable to it.

[COMMENT: It is proposed to update the information relating to the PCT-EASY and PCT-SAFE software in this standard by modifying this section and deleting current section 2.2.1.]

7. ~~[Deleted] PCT WORKFLOW TRANSACTIONS~~

[COMMENT: It is proposed to delete section 7, which does not contain “Instructions” in a legal sense but rather a descriptive overview of possible scenarios and procedures for E-PCT transactions, written at the start of electronic filing when such scenarios and procedures were largely unknown.]

8. PRINCIPLES OF ELECTRONIC RECORDS MANAGEMENT

[No change]

9. ABBREVIATED EXPRESSIONS, INTERPRETATION AND GLOSSARY

[No change to the introductory text]

AIs	Administrative Instructions under the PCT
Applicant-Office communication (international phase) sector	see section 2.3.1 above
Applicant-Office communication (national phase) sector	see section 2.3.4 above
C-WASP	Compound WASP
designated Office communication sector	see section 2.3.3 above
DTD	document type definition
DO	designated Office
DO/EO	designated/elected Office
EO	elected Office
E-PCT	electronic PCT application standard
IA	international application

IB	International Bureau of WIPO
IETF	Internet Engineering Task Force
IPEA	International Preliminary Examining Authority
IPER	international preliminary examination report
ISA	International Searching Authority
ISR	international search report
ISDN	integrated services digital network
JFIF	JPEG file interchange format
JPEG	Joint Photograph Experts Group
Office	when used in a generic context: RO, ISA, IPEA, DO, EO, IB and/or national or regional industrial property Office
Office-Office communication sector	see section 2.3.2 above
PCT	Patent Cooperation Treaty
PCT-EASY	software available from the IB which enables certain parts of an IA to be prepared on screen for filing on paper; an extended version of PCT-EASY will be developed to enable the preparation and filing of IAs in electronic form
PCT-SAFE	PCT-SAFE (Secure Applications Filed Electronically) software freely available from the IB which enables electronic filing under the PCT
PKCS	public key cryptographic standard
PKI	public key infrastructure
RFC	request for comments
RO	receiving Office
SEP	signed and encrypted package
SSL	secure sockets layer
TCP/IP	Transmission Control Protocol / Internet Protocol
TIFF	tagged image file format
WAD	wrapped application documents

WASP	wrapped and signed package
WIPO	World Intellectual Property Organization
XML	eXtensible Mark-up Language

[Annex F, Appendix I, follows]

APPENDIX I

XML DTDS FOR THE E-PCT STANDARD

[No change]

[Annex F, Appendix II, follows]

APPENDIX II

PKI ARCHITECTURE FOR THE E-PCT STANDARD

1. à 3. [No change]

4. PCT PKI STANDARDS

[No change to the introductory text]

4.1 [No change]

4.2 *Encryption within the PCT trust model*

Encryption of ~~Annex F~~ packages [made under this standard](#) will be provided by SSL (see [the E-filing interoperability protocol Protocol](#), Annex F, section 5.1) ~~and optionally through the use of the SEP~~. For packages sent using SSL, client-side authentication will include the use of the client's digital certificate. The certificate will be validated using the same method described in section 4.1.

~~For packages sent using the SEP, the sender entity must have access to the destination entity's public key (included in the destination entity's encryption certificate).~~

4.3 [No change]

4.4 *Digital certificates*

[No change to the introductory text]

4.4.1 [No change]

4.4.2 *Low-level certificate*

The low-level certification process does not, in general, require pre-registration. However, the subscriber states, at a minimum, his name and a verifiable e-mail address (see glossary). Additional proof of identity is not required. The subscriber uses ~~online software (e.g. a future version of PCT EASY) or~~ a web-based facility to obtain an ~~instant~~ low-level certificate from the International Bureau (WIPO customer CA) IB or the subscriber goes through a similar subscription process with any other recognized CA. ~~This operation is envisioned to be available only on line. The International Bureau will publish a list of recognized CAs for low-level certificates acceptable to each Office.~~

[COMMENT: Clarification of the text only. Note that the International Bureau publishes notifications by receiving Offices made under AIs Section 710, including all CAs acceptable to each Office, as well as a Table of Requirements and Options, but does not intend to distinguish which CAs issue low-level or high-level certificates. It is therefore suggested to delete the last sentence of this section.]

4.4.3 and 4.4.4 [No change]

4.4.5 *Obtaining certificates*

[No change to the introductory text]

4.4.5.1 [No change]

4.4.5.2 *High-level certificate*

High-level ~~A high-level~~ digital certificates ~~certificate~~ will be issued by the International Bureau ~~to each Office operating within the PCT~~ to facilitate Office-to-Office data exchange. ~~Certificates will be issued to cover critical users as well as infrastructure components needed for interoffice data exchange.~~ The International Bureau will handle applications for and issuance of certificates on an individual basis. ~~A memorandum of agreement will establish methods of creating application, issuing, and managing certificates. The International Bureau does not intend to issue high-level certificates to applicants.~~

Offices (other than the International Bureau ~~IB~~) that issue high-level certificates to applicants will typically begin with a registration process. The registration process may vary depending on the Office or on the chosen CA, but generally includes the following steps:

[No change to the remainder of the section]

[COMMENT: Clarification of the text only. Note that it is proposed to delete the last sentence of the first paragraph so as to allow the International Bureau to issue high-level certificates to applicants in the future if this is felt to be necessary, although the International Bureau does not intend to do so yet.]

4.4.6 to 4.4.9 [No change]

4.5 to 4.7 [No change]

5. E-PCT PKI PACKAGE TYPES

5.1 [No change]

~~5.2 [Deleted] Signed and encrypted package (SEP)~~

[COMMENT: The deletion of this section is consequential to the proposed deletion of any reference to the SEP package type in this standard (see the comment on section 4.2.2).]

6. [No change]

7. GLOSSARY

[No change to this section apart from the following definition]

Public key

In public key cryptography, the public key is the portion of a public–private key pair owned by a user that is made known to others in the user community via a public key certificate. A user’s public key is used by others to encrypt data for that user ~~or and is used by others~~ to verify the user’s digital signature.

[COMMENT: Clarification of the text only.]

[Annex F, Appendix III, follows]

APPENDIX III

BASIC COMMON STANDARD FOR ELECTRONIC FILING

1. [No change]

2. BASIC COMMON STANDARD REQUIREMENTS

An international application complies with the basic common standard ~~if it meets the following requirements:~~

– *as to electronic document format, if it meets the following requirements:*

(a) to (c) [No change]

– *as to means of transmittal if it meets the following requirements:*

(d) and (e) [No change]

– *as to electronic packaging, if it meets the following requirements:*

(f) [No change]

– *as to electronic filing software, if it meets the following requirements:*

(g) [No change]

– *as to viruses, etc, if it meets the following requirements:*

(h) [No change]

– as to signature, *if it meets the following requirements:*

(i) [No change]

[COMMENT: Clarification of the text only.]

[Annex F, Appendix IV, follows]

APPENDIX IV

USE OF PHYSICAL MEDIA FOR THE E-PCT STANDARD

1. INTRODUCTION

(a) This Appendix defines the requirements for applicants ~~for~~ ~~in~~ the submission of documents in electronic form ~~electronic filing~~ using physical media where the receiving Office has notified the International Bureau under AIs Section 710(a) that it is prepared to accept the filing in electronic form on physical media of:

(i) international applications under AIs Section 703 (see AIs Section 710(a)(i));

(ii) other kinds of documents under AIs Section 703 (see AIs Section 710(a)(iii));

(iii) backup copies of international applications under AIs Section 706(a) (see AIs Section 710(a)(iv)); or

(iv) sequence listings, computer program listings or tables under AIs Section 714 (see AIs Section 710(a)(viii)).

(b) A receiving Office which has notified the International Bureau under AIs Section 710(a) that it is prepared to accept the filing of documents in electronic form on physical media shall indicate the physical media types and electronic document formats acceptable to it. The acceptable physical media types and formats ~~formatting requirements~~ shall be limited to those described in section 4 of this Appendix, below. Electronic document formats are limited to those described in the main body text of this Annex F. ~~Each receiving Office shall indicate the physical media types and electronic document formats acceptable to it, and whether it will accept a filing where the application is partly on physical media.~~

[COMMENT: It is proposed to modify the text of section 1 so as to clarify the scope of Appendix IV.]

2. REQUIREMENTS FOR ELECTRONIC FILING USING PHYSICAL MEDIA

(a) Each physical medium ~~shall~~ **must** conform to the relevant standards indicated in [section 4 of this Appendix, below this document](#), and the contents of each physical medium ~~shall~~ **must** be encoded in an electronic document format as specified in [the main body of this Annex F](#).

[COMMENT: Clarification of the text only.]

(b) [The contents of each physical medium](#) ~~Content~~ shall be in the form of a package ~~type (see section 4 of Annex F) which shall (Wrapped Package, Wrapped And Signed Package or Signed And Encrypted Package), as specified in Annex F. The package must~~ take the form of a single logical file and be located in the root directory of the physical [medium](#) ~~media~~.

[COMMENT: The proposed modifications of this section are consequential to the proposed deletion of any reference to the SEP package type in this standard (see the comment on present section 4.2.2, which is proposed to be deleted).]

(c) A receiving Office may limit the files written on the physical medium to be no larger than 15 megabytes each. If a single document needs to be divided into multiple files to comply with this requirement, then the file names ~~shall~~ **must** indicate the sequence of the files in relation to the document (e.g. “Sequence Listing XXX part 4 of 17.txt”). [File compression is acceptable if done in accordance with section 4.1.1 of the main body of this Annex.](#)

[COMMENT: Clarification of the text only.]

(d) Each physical medium shall ~~must~~ be enclosed in a hard case within an unsealed padded and protective mailing envelope and accompanied by a transmittal letter on paper. The transmittal letter shall state the contents of the physical medium (for example: “international application filed under Section 703”; “[name of other kind of document] filed under Section 703”; “backup copy of the international application submitted under Section 706(a)”; or “sequence listing filed under Section 714”). The transmittal letter shall also ~~must~~ list for each physical medium the machine format (e.g., IBM-PC), the operating system compatibility (e.g., MS-DOS, MS-Windows, Unix), a list of the files contained on the physical medium including their names, sizes in bytes, and dates of creation, plus any other special information that is necessary to identify, maintain, and interpret the information on the physical medium. Physical media submitted to the Office will not be returned to the applicant. If the physical medium contains ~~has been sent as~~ a backup copy to an international application submitted ~~filed~~ in electronic form under ~~, as permitted in Part 7 AIs~~ Section 706(a), then the transmittal letter shall ~~must~~ state that ~~it is a backup copy, that~~ the backup ~~contents of that~~ copy is a true copy ~~are identical to that~~ of the application as filed in electronic form, and indicate the number referred to in ~~Part 7 AIs~~ Section 704(a)(iii).

[COMMENT: It is proposed to modify paragraph (d) so as to require the transmittal letter to contain a clear indication as to the content of the physical medium. The other proposed modifications are consequential on the proposed modifications of AIs Section 706.]

(e) Where the receiving Office requires under Rule 11.1(b) that an international application filed in electronic form on a physical medium be filed in two or three copies, ~~Any physical media may, on request of the Office, be required to be submitted duplicate. The physical medium and duplicate copy must be labeled “Copy 1” and “Copy 2”, respectively.~~ ~~The~~ the transmittal letter that accompanies the physical media must include a statement that

the copies of the ~~two~~ physical media are identical. In the event that the ~~two~~ copies of the physical media are not identical, the Office will use the physical medium labeled “COPY ~~Copy~~ 1” (see paragraph (g)(vi), below) for further processing.

[COMMENT: Clarification of the text only.]

~~(f) [Deleted] Any amendment to the information on a physical medium must be by way of a replacement physical medium containing the original text and incorporating the substitute information, and must be accompanied by a statement that the replacement physical medium contains no new matter. The physical medium and copy must be labeled “COPY 1 REPLACEMENT YYYY/MM/DD” (with the month, day and year of creation indicated), and “COPY 2 REPLACEMENT YYYY/MM/DD”, respectively.~~

[COMMENT: The proposed deletion of paragraph (f) is consequential on the proposed addition of new Section 706*bis* (see Annex III to this Circular).]

~~(f) (g) In the case of a mixed mode listing application filed under AIs Section 714, the statement referred to in Section 714(b) shall identify The application must contain an incorporation by reference of the material on the physical medium in a separate paragraph identifying each physical medium by the names of the files contained on each of the physical media containing the sequence listing, computer program listing or tables, their date of creation and their sizes in bytes. ~~One example of this would be a reference to a large sequence listing contained on a CD-ROM or CD-R separate from the application.~~~~

[COMMENT: The proposed modifications to paragraph (g) are consequential on the proposed addition of new AIs Section 714 (see, in particular, paragraph (b) of proposed new Section 714).]

(g) ~~(h)~~ A physical medium must also be physically labeled with the following information:

(i) the ~~The~~ name of ~~the each~~ applicant(s) ~~(if known)~~ (see also AIs Section 105);

(ii) the title ~~Title~~ of the invention;

(iii) the international application number and the international filing date or, where such number and date is not known to the applicant, the name of the receiving Office with which the application was filed and the file reference ~~The docket number, or application number if known~~ used by the person filing the application to identify the application; ~~and~~

~~A creation date of the physical medium;~~

(iv) where the document is contained on more than one physical medium, the numbering of each such physical medium, as follows (example: the document is contained on three physical media): “DISK 1/3”, “DISK 2/3”, “DISK 3/3” ~~If multiple physical media are submitted, the label shall indicate their order (e.g. “1 of X”);~~

(v) where more than one copy of the physical medium is required by the receiving Office, the numbering of each copy submitted, as follows (example: three copies of the physical media are submitted): “COPY 1”, “COPY 2”, “COPY 3” ~~An indication that the disk is “Copy 1” or “Copy 2” of the submission.~~ (see also ~~See~~ paragraph (e) ~~(2(e))~~, above); ~~and~~

(vi) an ~~An~~ indication of the content of the physical medium ~~document~~ (for example: “INTERNATIONAL APPLICATION—SECTION 703”, “BACKUP COPY—SECTION 706”; “ARTICLE 19 AMENDMENTS”; “ARTICLE 34 AMENDMENTS”;

“SEQUENCE LISTING-SECTION 714”; “SEQUENCE LISTING—RULE 13~~ter~~”;
REPLACEMENT SEQUENCE LISTING”) ~~type, e.g backup copy~~.

[COMMENT: Clarification of the text only.]

(h) In the case of a mixed mode listing application filed under AIs Section 714, where a sequence listing and tables are both filed in electronic form, or where a computer program listing and tables are both filed in electronic form, such listing and tables shall, respectively, be contained on separate physical media which shall contain no other programs or files.

[COMMENT: See present AIs Section 802(b-~~ter~~), which is proposed to be deleted.]

3. and 4. [No change]

[End of Appendix, Annex VI and of Circular]