

WORLD INTELLECTUAL PROPERTY
ORGANIZATION

世界知识产权组织

ORGANIZACIÓN MUNDIAL
DE LA PROPIEDAD INTELECTUAL



ORGANISATION MONDIALE
DE LA PROPRIÉTÉ INTELLECTUELLE

المنظمة العالمية للملكية الفكرية

ВСЕМИРНАЯ ОРГАНИЗАЦИЯ
ИНТЕЛЛЕКТУАЛЬНОЙ СОБСТВЕННОСТИ

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./ The International Bureau of the World Intellectual Property Organization (WIPO) presents its compliments and has the honor to transmit herewith documents PCT/CTC/21/2 and 3, prepared for the twenty-first session of the *PCT Committee for Technical Cooperation* (PCT/CTC), which will be held in Geneva from September 26 to October 5, 2005. Please note that the forty-first series of meetings of the Assemblies of the Member States of WIPO will also be held during the same period.

The working documents are also available on WIPO's Website (see http://www.wipo.int/meetings/en/details.jsp?meeting_id=8884).

August 17, 2005

Enclosures: documents PCT/CTC/21/2 and 3

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PCT/CTC/21/2

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WORLD INTELLECTUAL PROPERTY ORGANIZATION
GENEVA

INTERNATIONAL PATENT COOPERATION UNION
(PCT UNION)

PCT COMMITTEE FOR TECHNICAL COOPERATION

Twenty-First Session
Geneva, September 26 to October 5, 2005

PCT MINIMUM DOCUMENTATION:
ADDITION OF PATENT DOCUMENTS OF THE REPUBLIC OF KOREA

Document prepared by the International Bureau

SUMMARY

1. Following favorable consideration by the Meeting of International Authorities Under the PCT and the Working Group on Reform of the PCT, the Committee is invited to offer its advice to the PCT Assembly concerning the proposed amendment of Rule 34¹ to include the patent documents of the Republic of Korea in the minimum documentation. An additional document will be provided concerning the effective date of any such amendment.

BACKGROUND

2. The Government of the Republic of Korea requested the eleventh session of the Meeting of International Authorities Under the PCT to make recommendations concerning the possibility of amending Rule 34 to include patent documents of the Republic of Korea in the minimum documentation for the purpose of international search under Article 15(4) (see document PCT/MIA/11/9 and paragraphs 12 and 19 to 22 of document PCT/MIA/11/14).

¹ References in this document to “Articles” and “Rules” are to those of the Patent Cooperation Treaty (PCT) and the Regulations under the PCT (“the Regulations”), or to such provisions as proposed to be amended, as the case may be.

3. The Meeting, addressing the question of minimum documentation more generally, considered that a comprehensive review of the concept, definition and content of the PCT minimum documentation was desirable and set up a Task Force to report on the issues involved and to make recommendations (see document PCT/CTC/21/3). In connection with the request of the Government of the Republic of Korea, the Meeting noted that an ever-increasing number of first patent filings were being made with the Korean Intellectual Property Office, particularly in the fields of information technology and biotechnology, making these documents a valuable source of technical information. Furthermore, the Meeting noted that all the patent documents published by the Office were already available in electronic format (either image or full-text), and English language abstracts (available since 1979) were available in searchable SGML format.

4. The Meeting expressed its support for the inclusion of the patent documents of the Republic of Korea in the PCT minimum documentation. In view of the time which would be needed for the Task Force to report in respect of the comprehensive review, the Meeting considered that these documents should be treated as a special case for inclusion in parallel with that review.

5. The Meeting noted that the legal aspects of the proposal would be considered by the Working Group on Reform of the PCT and requested the Task Force conducting the comprehensive review to report as a matter of priority on when the International Authorities would be able to include the documents into any databases necessary for them to search the information effectively. The question of timing will be the subject of an additional document, to be submitted to the Committee when the Task Force has reported.

6. The seventh session of the Working Group on Reform of the PCT approved the proposed amendment of Rule 34 as set out in the Annex to the present document, with a view to its submission to this Committee for its advice under Article 65(3) and to the PCT Assembly for consideration at its 34th (15th ordinary) session (see paragraphs 102 to 107 of document PCT/R/WG/7/13).

DOCUMENTATION INVOLVED

7. The proposed amendment of Rule 34 set out in the Annex would include the patents and published patent applications of the Republic of Korea into the PCT minimum documentation, subject to the qualification which applies to all patents and patent applications that it is not necessary to keep more than one version where an application is published more than once or as both an application and a granted patent, and a qualification equivalent to that which currently applies to Japanese, Russian and Spanish language documents, so that Authorities for which Korean is not an official language would only be required to include in their documentation those patent documents of the Republic of Korea for which an English language abstract is available.

8. All of the patents and published applications of the Republic of Korea are available in electronic format (either image or full-text). English language abstracts of patents and published patent applications are available from 1979 onwards in searchable SGML format. The number and types of these documents are as follows:

<i>Type</i>	<i>Coverage</i>	<i>Format</i>	<i>Number of documents</i>
Granted patents	1948 to 1998	Image	144,000
	1979 to the present	SGML	456,000
Published patent applications	1983 to 1998	Image	412,000
	1983 to the present	SGML	1,058,000
English language abstracts	1979 to the present	SGML	550,000

9. *The Committee is invited to offer its advice to the Assembly on the addition of patent documents of the Republic of Korea to the PCT minimum documentation, and in particular on the proposed amendments of Rule 34 set out in the Annex.*

[Annex follows]

ANNEX

PROPOSED AMENDMENTS OF RULE 34 OF THE PCT REGULATIONS ²

Rule 34
Minimum Documentation

34.1 *Definition*³

(a) and (b) [No change]

(c) Subject to paragraphs (d) and (e), the “national patent documents” shall be the following:

(i) [No change]

(ii) the patents issued by the Federal Republic of Germany, [the Republic of Korea](#) and the Russian Federation,

(iii) to (vi) [No change]

(d) [No change]

(e) Any International Searching Authority whose official language, or one of whose official languages, is not Japanese, [Korean](#), Russian or Spanish is entitled not to include in its documentation those patent documents of Japan, [the Republic of Korea](#), the Russian Federation and the former Soviet Union as well as those patent documents in the Spanish language, respectively, for which no abstracts in the English language are generally available. English abstracts becoming generally available after the date of entry into force of these Regulations shall require the inclusion of the patent documents to which the abstracts refer no later than six months after such abstracts become generally available. In case of the interruption of abstracting services in English in technical fields in which English abstracts were formerly generally available, the Assembly shall take appropriate measures to provide for the prompt restoration of such services in the said fields.

(f) [No change]

[End of Annex and of document]

² Proposed additions are indicated by underlining the text concerned.

³ Further drafting changes have been made to Rule 34.1, in the French text only, beyond the text as agreed by the Working Group; see paragraph 105 of Annex V to document PCT/A/34/2.

WIPO



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PCT COMMITTEE FOR TECHNICAL COOPERATION

Twenty-First Session

Geneva, September 26 to October 5, 2005

PCT MINIMUM DOCUMENTATION:
RECENT DEVELOPMENTS

Document prepared by the International Bureau

SUMMARY

1. This document summarizes the developments that have taken place with regard to PCT minimum documentation since the decision of the Committee at its twentieth session to request that the Meeting of International Authorities Under the PCT undertake a study of this area. The Committee is invited to take note of the progress made.

BACKGROUND

2. At its twentieth session, held in Geneva from September 23 to October 1, 2002, the Committee considered the matter of the non-patent literature part of the PCT minimum documentation (see document PCT/CTC/20/4, paragraphs 6 to 10) and made a recommendation to the Assembly of the PCT Union that the Meeting of International Authorities undertake a study of the composition of the PCT minimum documentation and make recommendations to the Committee on proposed modifications of PCT Rule 34 and proposed mechanisms for reviewing and maintaining the non-patent literature part of the PCT minimum documentation.

3. At its thirty-first (18th extraordinary) session, also held in Geneva from September 23 to October 1, 2002, the Assembly endorsed the above recommendation of the Committee (see document PCT/A/31/20, paragraph 75).

ACTIONS TAKEN BY THE MEETING OF INTERNATIONAL AUTHORITIES

4. Progress has been made by the Meeting of International Authorities Under the PCT in respect of the following:

(i) the extension of the non-patent literature part of the documentation to include traditional knowledge-related periodicals;

(ii) a comprehensive review of the concept, definition and content of PCT minimum documentation; and

(iii) the development of a Search Guidance Intellectual Property Digital Library.

5. The Meeting reviewed a wide range of traditional knowledge-related periodicals¹ and agreed that thirteen of these should be added to the list of published items of non-patent literature forming part of the PCT minimum documentation under Rule 34. Details of these periodicals are included in the Annex. The Meeting also recognized the importance of identifying further traditional knowledge-related databases suitable for use in international searches and agreed that the issues involved should be considered as part of the comprehensive review of the minimum documentation (see paragraph 7, below).

6. In producing the new version of the list of non-patent literature, the opportunity was also taken to review and update the details of all of the currently listed periodicals, including the addition of information items to enhance the quality and usability of the list. This latest version of the list, with effect from June 1, 2005, has been published on the WIPO website² and subsequently as Special Issue S-01/2005 of the PCT Gazette, dated August 11, 2005.

7. The Meeting of International Authorities also set up a task force to undertake the requested comprehensive review of PCT minimum documentation³. This task force is addressing issues relating to both patent documentation, including questions of additional countries and languages, and to non-patent literature. In parallel with its main task, the task force has also been involved in an assessment of the technical issues that need to be addressed to support the proposed addition of the patent documentation of the Republic of Korea into the set of patent documentation to be considered by the International Searching Authorities when conducting an international search (see document PCT/CTC/21/2).

8. The third area in which work has progressed relates to a project aimed at developing a Search Guidance Intellectual Property Digital Library (SGIPDL) to provide assistance to

¹ See documents PCT/MIA/7/3; PCT/MIA/7/5, paragraphs 8 to 17; PCT/MIA/9/4; PCT/MIA/9/6, paragraphs 124 to 131; PCT/MIA/10/4; PCT/MIA/10/11, paragraphs 39 to 43; PCT/MIA/11/5; and PCT/MIA/11/14, paragraphs 13 to 18.

² See <http://www.wipo.int/scit/en/standards/pdf/04-02-01.pdf>.

³ See documents PCT/MIA/10/5; PCT/MIA/10/11, paragraphs 44 to 48; PCT/MIA/11/6; and PCT/MIA/11/14, paragraphs 9 to 12.

examiners in the choice of documentation to be considered when conducting an international search⁴. An initial prototype product, which has been produced by the International Bureau to help in the specification of the requirements for the SGIPDL, is currently being reviewed by a task force of representatives from the International Searching Authorities. The feedback received will be used to further refine the model on which the final system will be based.

9. The Committee is invited to note the extension of the Rule 34 non-patent literature list to include traditional knowledge-related periodicals and the progress made in the comprehensive review of the PCT minimum documentation and the development of a Search Guidance Intellectual Property Digital Library.

[Annex follows]

⁴ See documents PCT/MIA/10/11, paragraph 49; PCT/MIA/11/8; and PCT/MIA/11/14, paragraphs 7 and 8.

ANNEX

TRADITIONAL KNOWLEDGE-RELATED PERIODICALS
ADDED TO THE LIST OF NON-PATENT LITERATURE
FORMING PART OF THE PCT MINIMUM DOCUMENTATION

The following periodicals were added to the list:

- *Acta Pharmaceutica*;
- *Economic Botany, Journal of the Society of Economic Botany*;
- *Fitoterapia*;
- *Indian Journal of Traditional Knowledge*;
- *Journal of Chinese Medicine*;
- *Journal of Ethnopharmacology*;
- *Journal of Natural Products*;
- *Journal of Nutrition*;
- *Medicinal and Aromatic Plants Abstracts*;
- *Pharmaceutical Biology*;
- *Phytochemistry*;
- *Phytotherapy Research*;
- *Planta Medica*.

[End of Annex and of document]