



C. PCT 1162/C. SCIT 2662

February 26, 2009

Madam,  
Sir,

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

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

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

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

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

#### DESCRIPTION OF CHANGES

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

- PCT/EF/PFC 09/001 (*various DTDs proposals by the International Bureau.*)
- PCT/EF/PFC 09/002 (*wo-bibliographic DTD proposals by the International Bureau.*)

/...

5. The changes to the request DTD relate to modifications of the PCT request form which will be required as a result of changes to the Administrative Instructions regarding sequence listings which will be promulgated shortly following the consultation in circular C. PCT 1149; consultations on the proposed modifications to the PCT request form will be the subject of a separate PCT Circular. The envisaged date of entry into force of these modifications is July 1, 2009. The changes to the wo-bibliographic DTD relate to enhancements in the PCT bibliographic data regarding status information for international applications for which a request for supplementary international search has been received.

#### CONSULTATIONS

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

7. The International Bureau would appreciate receiving any comments on the proposals in PCT/EF/PFC 09/001 and PCT/EF/PFC 09/002 by March 31, 2009. Comments should preferably be made via the "Submit comments" facility on the Website (at [http://www.wipo.int/efiling\\_standard/en/submit\\_comment.htm](http://www.wipo.int/efiling_standard/en/submit_comment.htm)), but may alternatively be made in writing by letter or by fax to +41-22-338 8040. Comments will be included as Annexes to the relevant PFC file. Copies of the proposals on paper are available from the International Bureau on request. Inquiries concerning the proposals should be directed to the International Bureau via a mailbox: *pct.efiling@wipo.int*.

#### FURTHER PROCESS

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

Yours sincerely,



Francis Gurry  
Director General



WORLD INTELLECTUAL PROPERTY ORGANIZATION  
ORGANISATION MONDIALE DE LA PROPRIÉTÉ INTELLECTUELLE  
GENEVA/GENÈVE

ADMINISTRATIVE INSTRUCTIONS UNDER THE  
PATENT COOPERATION TREATY (PCT)  
STANDARD FOR THE ELECTRONIC FILING AND PROCESSING  
OF INTERNATIONAL APPLICATIONS

INSTRUCTIONS ADMINISTRATIVES DU  
TRAITÉ DE COOPÉRATION EN MATIÈRE DE BREVETS (PCT)  
NORME CONCERNANT LE DÉPÔT ET LE TRAITEMENT ÉLECTRONIQUES  
DES DEMANDES INTERNATIONALES

PROPOSAL FOR CHANGE FILE  
DOSSIER RELATIF À LA PROPOSITION DE MODIFICATION

<b>SUBJECT:</b>	Changes to Annex F, Appendix I, section 3.6 (sequence list)	<b>PROPOSED BY:</b>	IB
<b>SUJET :</b>	Modifications de la section 3.6 de l'appendice I de l'annexe F (séquence liste)	<b>PROPOSÉE PAR :</b>	
<b>HANDLING:</b>	Expedited cycle	<b>PROPOSED DATE OF ENTRY INTO FORCE:</b>	01.07.2009
<b>TRAITEMENT :</b>	Cycle accéléré	<b>DATE PROPOSÉE D'ENTRÉE EN VIGUEUR :</b>	
<b>ANNEX/ ANNEXE</b>	<b>CONTENT/CONTENU</b>	<b>ORIGIN/ ORIGINE</b>	<b>DATE</b>
1	Updates to package-data DTD, request DTD and Fees DTD adding additional sequence listing functionality	IB	11.02.2009

[Annex follows/  
L'annexe suit]

<b>NEXT ACTION:</b>	Comments	<b>BY:</b>	31.03.2009
<b>PROCHAINE ACTION :</b>	Comments	<b>POUR LE :</b>	

## ANNEX/ANNEXE

## UPDATES TO DTD RELATING TO SEQUENCE LISTINGS AND TABLES

<p>1-1) package-data</p>	<p><b>Change:</b></p> <pre>&lt;!-- SEQUENCE LISTING According to WIPO ST.25: STANDARD FOR THE PRESENTATION OF NUCLEOTIDE AND AMINO ACID SEQUENCE LISTINGS IN PATENT APPLICATIONS: see http://www.wipo.int/scit/en/index.html "The sequence listing as defined in paragraph 2(i) shall, where it is filed together with the application, be placed at the end of the application. This part shall be entitled Sequence Listing, begin on a new page and preferably have independent page numbering. The sequence listing forms an integral part of the description; it is therefore unnecessary, subject to paragraph 36, to describe the sequences elsewhere in the description." Therefore we create here a separate sub-document for sequence listings, it should follow any drawings or the claims. It should follow the format of ST.25 and be an external file --&gt; &lt;!ELEMENT sequence-list EMPTY&gt;  &lt;!ATTLIST sequence-list id ID #IMPLIED file CDATA #REQUIRED lang CDATA #IMPLIED carriers (internal- electronic   external-electronic   paper ) #IMPLIED seq-file-type CDATA #FIXED 'ST.25' status CDATA #IMPLIED &gt;</pre> <p><b>To:</b></p> <pre>&lt;!-- SEQUENCE LISTING According to WIPO ST.25: STANDARD FOR THE PRESENTATION OF NUCLEOTIDE AND AMINO ACID SEQUENCE LISTINGS IN PATENT APPLICATIONS: see http://www.wipo.int/scit/en/index.html "The sequence listing as defined in paragraph 2(i) shall, where it is filed together with the application, be placed at the end of the <b>description part of the</b> application. This part shall be entitled Sequence Listing, begin on a new page and preferably have independent page numbering. The sequence listing forms an integral part of the description; it is therefore unnecessary, subject to paragraph 36, to describe the sequences elsewhere in the description." Therefore we create here a separate sub-document for sequence listings, it should follow any drawings or the claims. It should follow the format of <b>Annex C</b>/ST.25 and be an external</pre>
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**NEXT ACTION:**

Comments

**BY:**

31.03.2009

**PROCHAINE ACTION :**

Comments

**POUR LE :**

	<pre> file --&gt; &lt;!ELEMENT sequence-list EMPTY&gt;  &lt;!ATTLIST sequence-list id ID #IMPLIED                         file CDATA #REQUIRED                         lang CDATA #IMPLIED                         carriers (internal- electronic                                   external-electronic                                   paper ) #IMPLIED                         seq-file-type CDATA #REQUIRED 'ST.25' or 'ST.25 TEXT'                         status CDATA #IMPLIED                         part-of-application (yes   no ) #IMPLIED &gt; </pre>
Items impacted	ST.36 element sequence-list, package-data.dtd
Reason	<p>There are two changes in the element</p> <p>a) update to attribute seq-file-type to permit the differentiation at the file level as to whether the sequence listing is in a ST.25 text format that is processible by applications including PatentIn or in another no-processible format</p> <p>and,</p> <p>b) add an attribute to indicate, again at the file level, whether the specific sequence listing file referenced by each instance of the sequence-list element forms part of the application (yes) , or is furnished for other purposes (no).</p>
1-2) request	<p><b>Change:</b></p> <pre> &lt;!--   Checklist; a sequence listing is being furnished   quantity - the number of sequence listing files   furnished (not including copies) --&gt; &lt;!ELEMENT cl-sequence-listing EMPTY&gt;  &lt;!ATTLIST cl-sequence-listing quantity CDATA #REQUIRED for-search-only (yes   no ) #IMPLIED additional-copies-including-search-copy (yes   no ) #IMPLIED with-identifying-statement (yes   no ) #IMPLIED page-count CDATA #IMPLIED carriers (internal-electronic   external-electronic   paper ) #IMPLIED &gt; </pre> <p><b>To:</b></p> <pre> &lt;!--   Checklist; a sequence listing or sequence listings is/are   being furnished --&gt; &lt;!ELEMENT cl-sequence-listing EMPTY&gt;  &lt;!ATTLIST cl-sequence-listing quantity CDATA #REQUIRED </pre>

	<pre> for-search-only (yes   no ) #IMPLIED additional-copies-including-search-copy (yes   no ) #IMPLIED with-identifying-statement (yes   no ) #IMPLIED page-count CDATA #IMPLIED carriers (internal-electronic   external-electronic   paper ) #IMPLIED <b>carriers-type ( FD   CD   DVD ) #IMPLIED</b> <b>carriers-quantity CDATA #IMPLIED</b> <b>size CDATA #IMPLIED &gt;</b> </pre>
Items impacted	ST.36 element cl-sequence-list, request.dtd
Reason	<p>This element from July 1, 2009 needs to support 4 cases none of which are available for PAPER filings:</p> <p>a) ST.25 IMAGE FORMAT FILE ONLY (E-FILE)  b) ST.25 TEXT FORMAT FILE ONLY (E-FILE)  c) BOTH ST.25 IMAGE AND TEXT FORMATS (E-FILE)  d) ST.25 TEXT FORMAT ONLY NOT AS PART OF APP (EASY, E-FILE)</p> <p>a) Sequence listing(s) in ST.25 IMAGE format as a separate file as part of the description (not for the purposes of search), but not ST.25/Annex C text format compliant</p> <p>e.g. &lt;cl-sequence-listing quantity 1  page-count 42 &gt;  or &lt;cl-sequence-listing quantity 3  page-count 42 &gt;</p> <p>(The USPTO do not support physical medium for ST.25 image format files? - it is logical as these will be bigger than the text files!)</p> <p>b) Sequence listing(s) file(s) in ST.25/Annex C text format, filed as part of the description of the application, furnished for both this aforementioned purpose, and that of international search</p> <p>e.g. &lt;cl-sequence-listing quantity 1  for-search-only="no"  carriers="internal-electronic" &gt;</p> <p>OR &lt;cl-sequence-listing quantity 1  for-search-only="no"  carriers="external-electronic"  carriers-type="CD"  carriers-quantity=1  size=42123 (Bytes,TOTAL for multiple files)&gt;</p> <p>c) Sequence listing(s) in ST.25 format as a separate file(s) as part of the description, but not compliant with ST.25/Annex C text format PLUS sequence listing(s) file(s) in ST.25/Annex C text format furnished for the purpose of international search only</p> <p>e.g. &lt;cl-sequence-listing quantity 1  for-search-only="yes" (applying only to the text compliant file)  with-identifying-statement="yes"  page-count 42 (applying to the Description non text compliant file)  carriers="external-electronic"  carriers-type="CD"  carriers-quantity=1</p>

	<pre>size=42123 (Bytes, TOTAL for multiple files) &gt;</pre> <p>d) sequence listing(s) in ST.25/Annex C text format (files) furnished for the purpose of international search ONLY (Where for the purposes of the description part of the application the sequence listing is embedded in the text of the main part of the description or the application is a PCT-EASY (diskette plus paper filing accompanied by an electronic carrier for transmission to the searching authority).</p> <p>e.g. &lt;cl-sequence-listing quantity 1 (or 2...n) for-search-only="yes" with-identifying-statement="yes" size=42123 (Bytes, TOTAL for multiple files) &gt;</p> <p>or &lt;cl-sequence-listing quantity 1 (or 2...n) for-search-only="yes" with-identifying-statement="yes" carriers="external-electronic" carriers-type="CD" carriers-quantity=1 size=42123 (Bytes, TOTAL for multiple files) &gt;</p> <p>Furthermore there is an additional requirement to record the size in KB for ST.25/Annex C text format files, and support the filing of this format of file using a separate physical carrier to support receiving offices who support this option (EFS WEB). PCT-SAFE will not support this function, and thus the size attribute could be dropped from this PFC.</p>
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[End of Annex and of file/  
Fin de l'annexe et du dossier]



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DES DEMANDES INTERNATIONALES

<p><b>PROPOSAL FOR CHANGE FILE</b> <b>DOSSIER RELATIF À LA PROPOSITION DE MODIFICATION</b></p>			
<p><b>SUBJECT:</b> Changes to Annex F, Appendix I, section 3.6 (wo-bibliographic DTD) <b>SUJET :</b> Modifications de la section 3.6 de l'appendice I de l'annexe F (wo-bibliographic DTD)</p>		<p><b>PROPOSED BY:</b> IB <b>PROPOSÉE PAR :</b> IB</p>	
<p><b>HANDLING:</b> Expedited cycle <b>TRAITEMENT :</b> Cycle accéléré</p>		<p><b>PROPOSED DATE OF ENTRY INTO FORCE:</b> 01.07.2009 <b>DATE PROPOSÉE D'ENTRÉE EN VIGUEUR :</b> 01.07.2009</p>	
<p><b>ANNEX/ ANNEXE</b></p>	<p><b>CONTENT/CONTENU</b></p>	<p><b>ORIGIN/ ORIGINE</b></p>	<p><b>DATE</b></p>
<p>1</p>	<p>Additional elements to support transmittal of supplementary search information</p>	<p>IB</p>	<p>19.02.2008</p>

[Annex follows/  
L'annexe suit]

<p><b>NEXT ACTION:</b> Comments <b>PROCHAINE ACTION :</b> Comments</p>		<p><b>BY:</b> 31.03.2009 <b>POUR LE :</b> 31.03.2009</p>	
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SUPPLEMENTARY INTERNATIONAL SEARCH BIBLIOGRAPHIC MODIFICATIONS

1-1)	<p><b>Change :</b></p> <pre>&lt;!ELEMENT wo-bibliographic-data (publication-reference? , wo-publication-info? , application-reference? , wo- application-info? , wo-amendment-info? , wo-bib-change- info? , wo-demand-info? , file-reference-id? , invention- title* , parties? , designation-of-states? , wo-priority- info? , search-authority? , declaration-info? , classification-ipc? , classifications-ipcr? , figure-to- publish? , signatories? , correspondence-address? , dtext?)&gt;</pre> <pre>&lt;!ATTLIST wo-bibliographic-data  date-produced CDATA #IMPLIED                                 lang           CDATA #IMPLIED                                 dtd-version    CDATA #IMPLIED                                 file           CDATA #IMPLIED                                 status        CDATA #IMPLIED                                 office-name    CDATA #IMPLIED                                 produced-by (applicant                                   RO                                   ISA                                   IPEA                                   IB                                   DO                                   EO                                   national- office                                   regional- office ) #REQUIRED &gt;</pre> <p><b>To:</b></p> <pre>&lt;!ELEMENT wo-bibliographic-data (publication-reference? , wo-publication-info? , application-reference? , wo- application-info? , wo-amendment-info? , wo-bib-change- info? , wo-demand-info? , file-reference-id? , invention- title* , parties? , designation-of-states? , wo-priority- info? , search-authority? , <b>supplementary-search-info*</b> , declaration-info? , classification-ipc? , classifications- ipcr? , figure-to-publish? , signatories? , correspondence- address? , dtext?)&gt;</pre> <pre>&lt;!ATTLIST wo-bibliographic-data  date-produced CDATA #IMPLIED</pre>
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<b>NEXT ACTION:</b>	Comments	<b>BY:</b>	31.03.2009
<b>PROCHAINE ACTION :</b>	Comments	<b>POUR LE :</b>	

	lang	CDATA
#IMPLIED		
	dtd-version	CDATA
#IMPLIED		
	file	CDATA
#IMPLIED		
	status	CDATA
#IMPLIED		
	office-name	CDATA
#IMPLIED		
	produced-by	
(applicant		RO
		ISA
		IPEA
		<b>SISA</b>
		IB
		DO
		EO
office		national-
		regional-
office ) #REQUIRED >		
<!--		
Supplementary searching authority or authorities. No provision for the inclusion of earlier search documents as yet.		
<!--		
Supplementary International Search (SIS) information: SISA, request and report information, noting for an supplementary-search-info element there must be a request and an SISA (reuses ISA element).		
-->		
<!ELEMENT supplementary-search-info (isa, supplementary-search-request-info, supplementary-search-report-info?)>		
<!--		
For element supplementary-search-request-info Attribute sis-request-status values:		
new - where a sis-request has been received at the IB.		
transmitted - where the sis-request has been received and sent to the SISA.		
withdrawn - where a sis-request has been withdrawn (either by the applicant or has been considered as withdrawn, or not to have been made, by the IB.		
-->		
<!ELEMENT supplementary-search-request-info (received-at-ib)>		
<!ATTLIST supplementary-search-request-info sis-request-status (new   transmitted   withdrawn ) #REQUIRED >		
<!--		
For element supplementary-search-report-info Attribute sis-report-status values:		

	<pre> new          - where a sis-report has been established by the SISA. corrected    - where a corrected sis-report has been established by the SISA. not-established - where the SISA has notified the IB that a sis-report will not be established. --&gt;  &lt;!ELEMENT supplementary-search-report-info (received-at-ib, date-search-completed?, date-search-report-mailed?)&gt;  &lt;!ATTLIST supplementary-search-report-info sis-report-status (new   corrected   not-established ) #REQUIRED &gt;  &lt;!-- The following two elements are already defined in ST.36, but do not appear in wo-bibliographic-data or wo-published- application DTDs.  --&gt; &lt;!ELEMENT date-search-completed (date)&gt;  &lt;!-- Date of mailing of search report. (ST.32:B566)  --&gt; &lt;!ELEMENT date-search-report-mailed (date)&gt; </pre>
Items impacted	ANNEX F DTDs: wo-published-application and wo-bibliographic-data
Reason	<p>To enable the communication of the supplementary search authority information.</p> <p>It should be noted that the proposal uses elements to be added to the ST.36 ICEs, and these elements will be proposed via the PFR procedure.</p>

[End of Annex and of file/  
Fin de l'annexe et du dossier]