

C. PCT 1328

December 13, 2011

Madam,
Sir,

Standardized Clauses in PCT International Search and Preliminary Examination Reports

This Circular is addressed to your Office in its capacity as an International Searching and Preliminary Examining Authority under the Patent Cooperation Treaty (PCT).

The Meeting of International Authorities under the PCT (PCT/MIA), at its eighteenth session, held in Moscow from March 15 to 17, 2011, discussed a proposal from the Canadian Patent Office concerning the introduction of standardized paragraphs in international search reports, written opinions and international preliminary examination reports (document PCT/MIA/18/8).

The discussions of the proposal from the Canadian Intellectual Property Office are summarized in paragraphs 59 to 62 of the report of the session (document PCT/MIA/18/16). Paragraph 62 sets out the follow-up to the proposal agreed by the Meeting:

“62. The Meeting agreed that the International Bureau should consult with all Authorities, by way of a Circular, with a view to further refining the proposal before consulting on such further refined proposal more broadly with other Offices and users of the system. The Meeting further agreed that the Circular should invite Authorities to submit existing standardized clauses to the International Bureau so as to enable the International Bureau to establish whether there was sufficient common ground for moving forward with the proposal. In this context, the International Bureau offered to explore the possibility of arranging for the translation into English of those existing standardized clauses already in use by Authorities which were not in that language.”

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In accordance with the follow-up agreed by the Meeting, this Circular is being sent to invite your Authority to submit to the International Bureau information on any standardized clauses which it uses to complete international search reports, written opinions and international preliminary examination reports. This should include any standardized paragraphs used by your Authority to complete the free text areas on forms PCT/ISA/210 (International Search Report), PCT/ISA/237 (Written Opinion of the International Searching Authority), PCT/IPEA/408 (Written Opinion of the International Preliminary Examining Authority) and PCT/IPEA/409 (International Preliminary Report on Patentability), along with any information on the format followed by examiners in your Authority when ordering these clauses in the free text box of the relevant form. Your Authority is also welcome to supply any other information potentially relevant to establishing new standardized paragraphs for use in international search and preliminary examination reports, such as similar clauses used in examination reports of national patent applications.

If the standardized clauses used by your Authority to complete international search reports, written opinions and international preliminary examination reports are only in a language other than English, your Authority should submit the text in its original language(s), accompanied by a translation into English, if available. Where a translation into English is not available, some labeling should be included on each clause for identification purposes, for example, by making reference to the relevant legal provision in the PCT.

As indicated in the Meeting, the International Bureau will explore the possibility of arranging for translation into English of any clauses submitted which are not in English and are not already accompanied by a translation. Any such translation will, however, depend on the volume of text requiring translation, and the availability of resources for translation from the relevant source languages.

Responses to this Circular should preferably be uploaded as attachments on the PCT/MIA quality subgroup electronic forum. They may alternatively be sent to Mr. Claus Matthes, Director, PCT Business Development Division (e-mail: claus.matthes@wipo.int, fax: +41-22-338 7150) by January 16, 2012. Any pertinent issues arising from responses received by this date will also be able to be reported to the nineteenth session of the Meeting of International Authorities under the PCT, to take place in Canberra from February 8 to 10, 2012 and taken into account in the quality-related discussions at the session.

Yours sincerely,



James Pooley
Deputy Director General