

C. PCT 1615

December 17, 2020

Madam,
Sir,

This Circular is addressed to your Office in its capacity as a receiving Office (RO), International Searching Authority (ISA), International Preliminary Examining Authority (IPEA) and/or designated or elected Office (DO/EO) under the Patent Cooperation Treaty (PCT). It is also being sent to interested intergovernmental organizations as well as certain non-governmental organizations representing users of the PCT System.

As part of transitioning to furnishing search reports and written opinions to the International Bureau of the World Intellectual Property Organization (WIPO) in XML, the Korean Intellectual Property Office (KIPO) observed that the written opinion specification did not allow for the specification of multiple top-up searches for which there is non-establishment of the written opinion and that the statement element prevents the examiner from separating statements relating to amendments into understandable sections. Consequently, KIPO has proposed changes to the specification of the written opinion and to the application body DTDs to enable the transmission of this information. Furthermore, KIPO has requested that the structure supporting citations related to a cited document or passage should allow the inclusion of examiner comments improving the readability of the citation.

In accepting filings including requests for the use of earlier search results, the Spanish Patent and Trademark Office (OEPM) has requested an improvement in the packaging of international applications to assign a specific document type to such requests in the same way as is done for document types that need to be identified in electronic filing packages.

And lastly, the International Bureau has proposed a change to the sequence listing document type used in packaging and publishing applications to allow the indexation of ST.26 sequence listings. This proposal has been made to ensure that ST.26 files may be attached to applications on January 1, 2022 and does not preclude further proposals for change in relation to PCT Forms used in the processing of sequence listings.

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DESCRIPTION OF CHANGES

Proposed changes to Annex F and its appendices are set out in the following Proposal for Change (PFC) files (available at: http://www.wipo.int/pct/efiling_standard/en/pfc_files.htm):

- PCT/EF/PFC 20/002 (Modification of the DTD for the written opinion components DTD, changing the application documents group to allow the possibility of multiple top-up searches)
- PCT/EF/PFC 20/003 (Modification of the package data DTD, changing the package-data element to allow the inclusion of earlier search letters for “PCT Direct”)
- PCT/EF/PFC 20/004 (Modification of the DTDs for IB publication and amendment request, changing the statement element to allow the author to break the statement into sections)
- PCT/EF/PFC 20/005 (Modification of the package data and IB publication DTDs, changing the sequence listing element to allow the attachment of WIPO ST.26 sequence listing files)
- PCT/EF/PFC 20/006 (Modification of the international search report and data and IB publication DTDs, changing the relevant passage element to allow the inclusion of additional information regarding the citation and passage)

CONSULTATIONS

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. The International Bureau has updated the facilities available to the consultative group and has, in addition to the normal process, made this PFC available in the WIPO Wiki (available at: <https://www3.wipo.int/confluence/display/PCTAFCG>) to enable the prompt sharing of comments in a public forum. Existing members of the consultative group have been granted access rights to post comments directly on to the WIPO Wiki page; furthermore, comments submitted using the existing e-mail process, that is, submitted by e-mail sent to the address set out below, will be added to the WIPO Wiki page by the International Bureau.

The International Bureau would appreciate receiving any comments on the proposals by February 12, 2021. Comments should preferably be made by posting them directly onto the WIPO Wiki page or by e-mail to: pctbdd@wipo.int. All comments received will be made available on the WIPO Wiki and later as Annexes to the PFC file. Copies of the proposals on paper are available from the International Bureau upon request. Enquiries concerning the proposals should be directed to the International Bureau by e-mail to: pctbdd@wipo.int.

FURTHER PROCESS

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.

Yours sincerely,

A handwritten signature in black ink, appearing to read "John Sandage". To the left of the signature is the text "P.P.".

John Sandage
Deputy Director General