

C. PCT 1629

September 30, 2021

Madam,
Sir,

Electronic Communication by the International Bureau to Offices and Authorities

This Circular is addressed to your Office in its capacity as a receiving Office (RO), an International Searching Authority (ISA), an International Preliminary Examining Authority (IPEA), an Authority specified for supplementary search and/or a designated or elected Office (DO/EO) under the Patent Cooperation Treaty (PCT).

The purpose of this Circular is to consult on the practices relating to the International Bureau of the World Intellectual Property Organization (WIPO) sending notifications under the PCT. The International Bureau of WIPO proposes to continue, on a permanent basis, the practice in place since the onset of the COVID-19 pandemic of making available all documents and data to Offices and Authorities in electronic online transmissions only.

Background

./ Due to the COVID-19 pandemic, the International Bureau suspended the transmittal by postal mail of PCT notifications to Offices and Authorities on CD/DVD and in paper format as of April 2020. These CD/DVD and paper-based transmissions have been replaced by electronic online transmissions. In addition to ensuring business continuity during the pandemic, the practice of sending electronic online transmissions has resulted in an increase in operational efficiency. Kindly refer to the Annex to this Circular which contains further background information on the ways in which the International Bureau communicates electronically with Offices and Authorities.

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Proposal

To maintain the benefits of online electronic transmission, along with the reduced environmental impact of no longer sending notifications by postal services, the International Bureau proposes to continue to transmit or make available to Offices and Authorities all PCT notifications in online electronic form only on a permanent basis, and therefore not resume the sending of notifications to Offices and Authorities by post.

The International Bureau consequently intends to decommission services that involve the sending of such notifications to Offices and Authorities by postal mail, whether on CD/DVD or in paper format.

The International Bureau also encourages Offices and Authorities to exchange documents by electronic means only. The Annex provides options that could be considered to replace any remaining postal communications.

Requests for Assistance and Comments

Requests for further information or assistance with setting up access to the electronic solutions referred to in the Annex should be sent to the PCT International Cooperation Division at: pcticd@wipo.int.

Your Office is invited to provide comments, if any, on the proposal set out above, by October 31, 2021, preferably by email to: pcticd@wipo.int.

Yours sincerely,



Lisa Jorgenson
Deputy Director General
Patents and Technology Sector

Enclosure: Annex — Available means of communication between the International Bureau and Offices and Authorities

AVAILABLE MEANS OF COMMUNICATION BETWEEN THE INTERNATIONAL BUREAU
AND OFFICES AND AUTHORITIES

Background

The International Bureau transmits copies of international applications and related documents and data to national Offices and International Authorities for essentially three purposes:

- (i) For receiving Offices and International Searching and Preliminary Examining Authorities to perform required functions in the international phase;
- (ii) To provide the documents and data to designated and elected Offices required for national phase processing; and
- (iii) To make information available to search and patent information systems for Offices and the public.

The first of these purposes requires forms and documents to be transmitted to the receiving Offices and International Authorities. A majority of these transmissions take place before publication of the international application. Consequently, the documents are not necessarily available on PATENTSCOPE when they need to be considered by the Office or Authority. The traditional methods for making these communications are (i) through paper copies in the mail; (ii) by batch file transfer using PCT Electronic Data Interface (PCT-EDI); or (iii) using ePCT to deliver individual documents. ePCT has the choice of manual download of documents through a browser interface in response to notifications that new documents are available, or a web service, allowing full automation of the same process.

For the second and third purposes, the traditional route to send this information is two weekly mailings of documents and data, containing the information for all published international applications (the publications of that week, together with certain updates related to applications that had been published previously). These are:

(a) Communications under PCT Rule 87 on DVD

Rule 87 requires the International Bureau to communicate, free of charge, every published international application and related publication information to International Searching Authorities, International Preliminary Examining Authorities and national Offices upon request by the Authority or Office concerned. Before the COVID-19 pandemic, the International Bureau sent this information by DVD to certain Offices. However, the data collection for two weeks (current and previous week) is also available on the WIPO SFTP server for download.

(b) Communications under PCT Article 20 (PCT Documents and Forms) on DVD

Article 20 requires the International Bureau to communicate international applications, international search reports and other information to the designated Office unless the designated Offices waive this requirement, in its entirety or in part. The International Bureau has been communicating this information by DVD tailored to the specific preferences of each Office or Authority in terms of the document types they wish to receive, such as the international application as published, priority documents, declarations, information relating to deposited biological material, International

Preliminary Examination Reports and their English translation, statements of reasons and relevant forms.

Available means of communication

Offices and Authorities can obtain these weekly bulk communications by one of the following three alternative electronic means:

- (i) individually downloading the relevant documents and data from the PATENTSCOPE FTP site ftp.wipo.int;
- (ii) subscribing to PATENTSCOPE Web Services (Machine-to-Machine interface); or
- (iii) receiving the information via PCT-EDI.

Many designated and elected Offices have no practical need for these weekly bulk communications and only wish to receive documents and data relating to the specific international applications that have entered the national phase. To assist in this process, Rule 93*bis* allows for “communication on request”, whereby the relevant Offices may retrieve the specific documents that they need for international applications that have entered the national phase. All of the relevant documents and data for published international applications and forms are available through:

- (i) PATENTSCOPE FTP site at ftp.wipo.int for download;
- (ii) PATENTSCOPE Web Services (Machine to Machine Interface);
- (iii) PCT Electronic Data Interface (PCT-EDI); and
- (iv) ePCT Office account or ePCT web service - extended to allow the retrieval of the relevant documents also for unpublished international applications that have entered the national phase early.

Contact

To plan new, or reconfigure existing, implementations of the available means of communication, please contact the PCT International Cooperation Division at: pcticd@wipo.int.

[End of Annex and of Circular]