

C. PCT 1656

July 26, 2023

Madam,
Sir,

Information about a pilot of a new XML rendering arrangement for international applications in XML format

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 under the Patent Cooperation Treaty (PCT) for the purposes of consultation under PCT Rule 89.2(b). It is also addressed to certain non-governmental organizations representing users of the PCT System and PCT data products.

The purpose of this Circular is to inform interested parties of the pilot of a new XML rendering arrangement to better display the results of correction, rectification, amendment and incorporation by reference (collectively referred to in this circular as “modifications”) of international applications filed in XML format and applications converted to XML under Section 705ter of the Administrative Instructions under the PCT.

Background

At present, international applications filed in XML format are rendered to a set of page-based images according to standard stylesheets. If no modifications are made to these applications, the international publication will use these sheets in exactly the form in which they were originally rendered.

However, where modifications to the international application are made, the applicant is required to submit replacement sheets, normally as PDF files showing pages with text or drawings beginning and ending at appropriate points to match the start and end of the sheets originally rendered that are to be replaced. Once approved by the competent Authority,

/...

these sheets are stamped in the bottom margin with text indicating the fact and nature of the change, such as “SUBSTITUTE SHEET (RULE 26)” or “RECTIFIED SHEET (RULE 91)”. In parallel, the International Bureau of the World Intellectual Property Organization (WIPO) creates an informal, full text copy of the modified application, which is made available in PATENTSCOPE and shows modified paragraphs or drawings with text such as “[Corrected under Rule 26 08.09.2022]” at the start of the paragraph, the claim or next to the figure number.

The pilot arrangements aim to replace the stamping of sheets in the bottom margin with indications in the right hand margin to identify more specifically where modifications have been made and accordingly deliver a more consistent publication, avoiding the inconsistencies in appearance that occur when original pages generated from the XML as filed are combined with replacement sheets provided as PDF documents “printed” from a word processor.

Effects on International Publication

The Annex shows samples of how modifications will appear in published international applications, based on paragraphs, claims and figures modified under different legal provisions in different languages. The samples shown are:

- (1) Different types of modifications to a part of a description in English;
- (2) A modification to a description in English spanning a page break;
- (3) A modification to a claim in Japanese; and
- (4) A modification to a drawing in Chinese.

In each case, instead of indicating that a modification has been made somewhere within a sheet, the relevant material is marked at the level of the title, heading, paragraph, claim or drawing, using a vertical line in the right margin and, to the right of that line, an indication of the relevant rule number and the date on which the relevant modification was submitted to the Office or Authority competent to assess it.

In this way, attention will be quickly drawn to the changes made and the relevant parts identified more accurately than at the image-based page level. The same substantive information is provided, showing the Rule reference and date. It is noted that the change information appears in the right margin rather than the bottom margin. Since bound copies of PCT publications are no longer produced, this information should not be obscured nor inconvenience any users.

The introduction of this change, currently planned to commence in October 2023, will be gradual, depending on the date of processing of a modification, rather than the date of filing. Consequently, within the same publication week, some published applications filed in (or converted to) XML may contain the new modification indications while others contain the old page-stamping indication. The appearance of non-converted paper and PDF filings with modifications will be unaffected for the present.

A similar markup will also be applied to the HTML version of the description, claims and drawings on PATENTSCOPE, around the same time that the first new format publications are published. The change to the HTML display will apply retrospectively to all XML applications that have been processed in the relevant way, in some cases going back to 2008. The previously published PDF versions will not be changed.

/...

Future Directions

In the future, the International Bureau intends to consult on modifications to the PCT Administrative Instructions in order to establish a clear legal basis for the submission and processing of modifications to international applications without the need to submit substitute sheets matching the page breaks generated by XML rendering processes. Instead, applicants would be authorized, for applications in XML format, to provide only the modified paragraphs, claims or drawings, as appropriate.

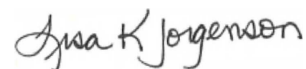
Furthermore, the International Bureau is piloting the use of the full text version of the application with modifications to generate the pages of the international application in a new form that would appear as the official publication.

IT systems are also under development to support easier submission and processing of such modifications. Future developments could include:

–streamlined means for applicants to submit modified content – namely (i) only modified paragraph(s), claim(s) and/or drawing(s) concerned, or (ii) a complete new part (description, claims or drawings) or application with the system detecting the differences from the original; and

–improved full text versions of the international application with packages containing both the original and modified material that allow easy generation of views of the application optimized for the interests of different types of user.

Yours sincerely,



Lisa Jorgenson
Deputy Director General
Patents and Technology Sector

Enclosure: Annex — Sample pages visualizing the planned modified content of the international publication

Description

Title of Invention: Sample Application

Rule 26,
01.01.2023

[0001] This is a sample text. The description must disclose the invention in a manner sufficiently clear and complete for it to be carried out by a person skilled in the art. It must start with the title of the invention as appearing in Box No. I of the request. Rule 5 contains detailed requirements as to the “manner and order” of the description, which, generally, should be in six parts. Those parts should have the following headings: “Technical Field”, “Background Art”, “Disclosure of Invention”, “Brief Description of Drawings”, “Best Mode for Carrying Out the Invention” or, where appropriate (see paragraph 115), “Mode(s) for Carrying Out the Invention”, “Industrial Applicability”, and, where applicable, “Sequence Listing” and “Sequence Listing Free Text”

[0002] This is a sample text. The description must disclose the invention in a manner sufficiently clear and complete for it to be carried out by a person skilled in the art. It must start with the title of the invention as appearing in Box No. I of the request. Rule 5 contains detailed requirements as to the “manner and order” of the description, which, generally, should be in six parts. Those parts should have the following headings:

[0003] This is a sample text. The description must disclose the invention in a manner sufficiently clear and complete for it to be carried out by a person skilled in the art. It must start with the title of the invention as appearing in Box No. I of the request. Rule 5 contains detailed requirements as to the “manner and order” of the sdescription, which, generally, should be in six parts. Those parts should have the following headings:

Rule 91,
01.01.2023

Technical Field

[0004] This is a sample text. For the purposes of according an international filing date, the requirement that the international application be in a prescribed language is met, in most receiving Offices, if the description and claims (but not necessarily the other elements of the international application) are in a language accepted by the receiving Office under Rule 12.1(a) or (c) (see Rule 20.4(c) and paragraph 54). If any of the other elements of the international application are not in a language accepted by the receiving Office, they may be corrected later without affecting the international filing date (see paragraphs 240 and 241).

Background Art

[0005] This is a sample text. Second translation will need to be furnished by the applicant in respect of any international application which is filed in a language which is not a

language accepted by the International Searching Authority which is to carry out the international search and/or a language of publication; see paragraphs 229 to 236).

Summary of Invention

[0006] This is a sample text. In certain Offices, however, Rule 20.4(c) is incompatible with the applicable national law. For as long as that incompatibility continues, that Rule will not apply for those Offices; all elements of an international application filed with those Offices as receiving Office must therefore comply with the language requirements of Rule 12.1 before an international filing date can be accorded (see Annex C for details).

Technical Problem

[0007] This is a sample text. What is the effect of failing to file a paper copy of the international application when the request is prepared using the PCT-EASY software? A PCT-EASY diskette filed alone - without any corresponding application papers - does not meet the requirements for according an international filing date. The paper form of the international application remains the legally determinative version. Thus, the paper form of the international application which accompanies a request prepared filed using PCTEASY must contain the required elements in order to receive an international filing date. See paragraph 240A for further details about receiving an international filing date for requests prepared using the PCT-EASY software.

Solution to Problem

[0008] This is a sample text. What date is accorded as the international filing date? The reply to this question depends on whether the requirements for according an international filing date (see paragraph 222) were fulfilled on the date on which the international application was received by the receiving Office or - following correction of defects in relation to those requirements - on a later date.

Advantageous Effects of Invention

[0009] This is a sample text. The international filing date will, in the former case, be the date on which the international application was received by the receiving Office and, in the latter case, the date on which the correction was received by the receiving Office. Naturally, any correction has to comply with some conditions; in particular it has to be filed within a certain time limit. More is said about this in paragraph 238. Where all the sheets pertaining to the same international application are not received on the same day by the receiving Office, see Rule 20.2 and paragraphs 238(b) and 239.

Brief Description of Drawings

[0010] This is a sample text. Does non-payment, incomplete payment or late payment of fees influence the international filing date? The reply to this question is in the negative. However, those defects will eventually lead the receiving Office to declare that the international application is, or certain designations are, considered withdrawn

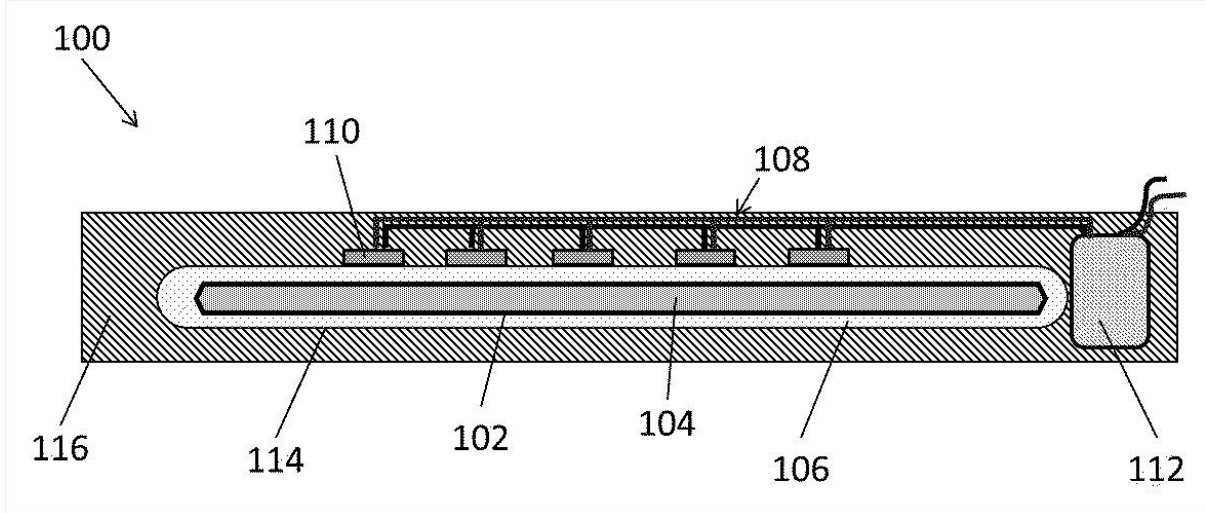
請求の範囲

[請求項1]

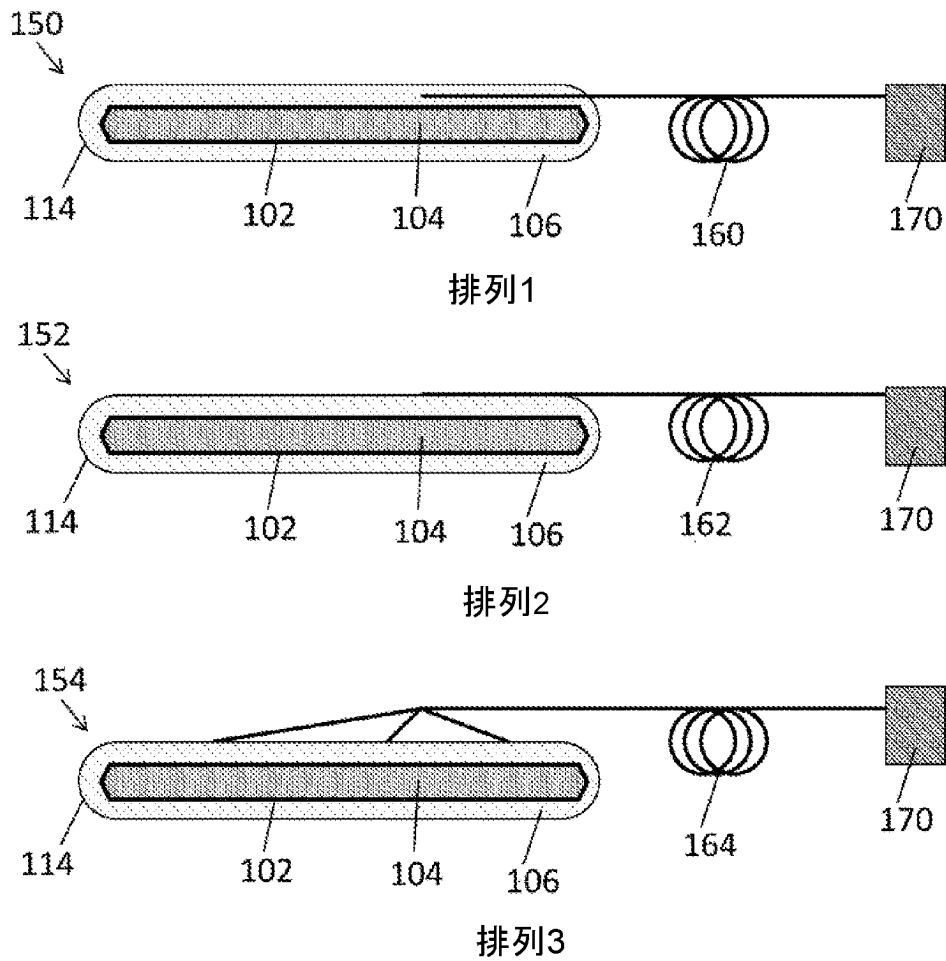
レンズ系を介して書面からの反射散乱光を1次元イメージセンサに受光することで主走査を行い、書面を被覆したハウジングを手送り移動することで副走査を行う書面イメージの入力手段において、該ハウジング内の上部に装着され、その受光面が書面と平行になるように設定された1次元イメージセンサと、書面に垂直でセンサ列方向軸を含む平面に対して傾斜し、かつ該センサ列方向軸と直行した光路面を構成するレンズ系とを備え、該ハウジングの被覆側端部で主走査することを特徴とするハンドスキャナ。

規則 91,
01.01.2020

[图 1]



[图 2]



细则 26,
01. 01. 2023