

PCT ELECTRONIC FILING TAKES SHAPE

The Patent Cooperation Treaty (PCT) electronic filing project is on track for testing among a pilot group of PCT users in early 2002, bringing the goal of paperless patent application filing and processing a significant step closer to reality.

The PCT electronic filing project has had two key objectives since discussions began several years ago: to adopt a standard for the electronic filing and processing of international PCT applications; and to develop a reliable system for the electronic filing of international applications.

Since January 1999, the PCT-EASY (Electronic Application SYstem) software has been available to applicants to facilitate the preparation of international applications. With 33 per cent of PCT filings this year being prepared using PCT-EASY and approximately 7,000 registered users, the software has proved successful. However, PCT-EASY still relies on paper applications. Further development into a complete electronic filing solution is seen as a welcome and needed option for PCT users.

Adopting a Standard

The development of the legal framework and technical standard for the electronic filing and processing of international applications has involved considerable work on the part of WIPO and frequent consultation with PCT Contracting States. The legal framework will be contained in the new Part 7 of the Administrative Instructions of the PCT, and the technical standard will constitute Annex F to the Administrative Instructions (see http://pcteasy.wipo.int/efiling_standards/EFPage.htm for the current drafts of these texts).

The PCT Regulations were modified in October 1997 to contain general provisions relating to electronic filing (PCT Rules 89*bis* and 89*ter*). However, these rules will not fully enter into force until the PCT Administrative Instructions containing the legal provisions and the technical standards are finalized and promulgated.

Pending further consultations with the PCT Contracting States and other interested parties, WIPO plans to finalize the legal framework and technical standards for the electronic filing and processing of international applications in December 2001.

How will PCT Electronic filing work?

Significant work has already gone towards making electronic filing possible with the implementation of the PCT-EASY software. It is foreseen that the electronic filing software, building upon the current version of PCT-EASY, will:

- ▶ generate the full PCT application;
- ▶ combine all of the international application documents in one electronic submission package; and
- ▶ transmit the international application data electronically to the server of the receiving Office.

The electronic filing software will also contain authentication and security components. These components will be used to identify the person submitting the application, through user digital certificates, and ensure that the international application - which contains highly confidential information - is transmitted to the patent office in a secure manner.

Another component of the software will be an extensible mark-up language (XML) authoring tool. This tool will allow the PCT user to create the PCT application compo-



nents – description, claims, abstract, drawings – with precise XML tags. The XML tags will allow the various documents to be easily identified and will facilitate a check to ensure that all of the documents required for the granting of an international filing date have been submitted.

Server software will also be developed to enable the patent offices of PCT Contracting States to receive and process the electronically filed applications. Given that the international applications will be prepared, filed and received using standard software, communications between the PCT user, receiving Offices, the International Bureau, and the International Searching and Preliminary Examination Authorities will be greatly facilitated.

The Technical Aspect

In its advancement of the PCT electronic filing project, WIPO is working in close cooperation with patent offices that have already developed electronic filing solutions. This project is also closely linked to WIPO's IMPACT (Information Management for the Patent Cooperation Treaty) Project, ensuring that the two systems will communicate with maximum efficiency.



Currently, the electronic filing project is in its prototype phase, in which existing electronic filing systems (and PCT-EASY) are being evaluated with a view to identifying components that can be incorporated in the PCT electronic filing system. WIPO is currently establishing a pilot group of PCT users to test initial versions of the electronic filing components early in 2002. This exercise, known as the PCT electronic filing pilot, will entail the electronic filing of PCT applications together with a paper copy at WIPO's PCT receiving Office. Once the pilot is successfully completed, PCT applicants will have the choice of filing electronically or on paper with WIPO's PCT receiving Office.

