

WORLD INTELLECTUAL PROPERTY  
ORGANIZATION

世界知识产权组织

ORGANIZACIÓN MUNDIAL  
DE LA PROPIEDAD INTELECTUAL



ORGANISATION MONDIALE  
DE LA PROPRIÉTÉ INTELLECTUELLE

المنظمة العالمية للملكية الفكرية

ВСЕМИРНАЯ ОРГАНИЗАЦИЯ  
ИНТЕЛЛЕКТУАЛЬНОЙ СОБСТВЕННОСТИ

C. PCT 1055  
– 21.1

Le Bureau international de l'Organisation Mondiale de la Propriété Intellectuelle (OMPI) présente ses compliments et a l'honneur de transmettre ./.  
ci-joint le rapport (document PCT/MIA/12/10) de la douzième session de la Réunion des administrations internationales instituées en vertu du PCT, qui s'est tenue à Genève du 12 au 16 décembre 2005.

Comme la langue de travail de la session était l'anglais, le rapport est disponible seulement en anglais.

Le rapport et les documents de travail sont disponibles sur le site Internet de l'OMPI (voir <http://www.wipo.int/pct/en/meetings>).

Le 21 décembre 2005

Pièce jointe : document PCT/MIA/12/10

# WIPO



PCT/MIA/12/10

ORIGINAL: English only

DATE: December 14, 2005

E

**WORLD INTELLECTUAL PROPERTY ORGANIZATION**

GENEVA

**INTERNATIONAL PATENT COOPERATION UNION  
(PCT UNION)**

**MEETING OF INTERNATIONAL AUTHORITIES  
UNDER THE PATENT COOPERATION TREATY (PCT)**

**Twelfth Session  
Geneva, December 12 to 16, 2005**

REPORT

*adopted by the Meeting*

## INTRODUCTION

1. The Meeting of International Authorities under the PCT (“the Meeting”) held its twelfth session in Geneva from December 12 to 14, 2005.

2. All of the twelve International Searching and Preliminary Examining Authorities were represented at the session: the Austrian Patent Office, the Canadian Intellectual Property Office, the European Patent Office, the Federal Service for Intellectual Property, Patents and Trademarks of the Russian Federation, IP Australia, the Japan Patent Office, the Korean Intellectual Property Office, the National Board of Patents and Registration of Finland, the Spanish Patent and Trademark Office, the State Intellectual Property Office of the People’s Republic of China, the Swedish Patent and Registration Office, and the United States Patent and Trademark Office.

3. The list of participants is contained in the Annex.

## OPENING OF THE SESSION

4. Mr. Francis Gurry, Deputy Director General, on behalf of the Director General, opened the session and welcomed the participants.

## ELECTION OF A CHAIR

5. The Meeting unanimously elected Mr. Francis Gurry as Chair.

## ADOPTION OF THE AGENDA

6. The Meeting adopted for its agenda the draft contained in document PCT/MIA/12/1 Rev.

## QUALITY FRAMEWORK

7. Discussions were based on documents PCT/MIA/12/8 and 8 Add.1.

8. The Secretariat noted that the more general aspects of further work on the quality framework as suggested in document PCT/MIA/12/8 might best be considered after consideration of the draft templates for quality reporting by Authorities which had been proposed by the European Patent Office in document PCT/MIA/12/8 Add.1.

9. The European Patent Office, in introducing its proposals, noted that the introduction of quality management systems involved extensive work and allocation of resources by Authorities. The two draft templates set out in Annexes I and II of document PCT/MIA/12/8 Add.1 were based on the content and structure of Chapter 21 of the Guidelines and were intended to show how Authorities complied with the requirements of that Chapter. The templates were designed, respectively, for the making of initial and subsequent reports by Authorities. The template intended for initial reports would be suitable for reporting by both existing Authorities and Offices that wished to seek appointment as Authorities. The Office suggested that discussion by the Meeting at this session should focus on the proposed general direction and that further detailed drafting could be undertaken via the PCT/MIA electronic forum. It indicated its willingness to lead and coordinate that further work.

10. A number of Authorities welcomed the draft templates, indicating their agreement with the principles and methodology embodied in them, and agreed with the European Patent Office's proposals as to how to proceed further.

11. One Authority expressed the view that the templates should not deal with certain more general quality matters which were outside the scope of Chapter 21 of the Guidelines; for example, it felt that the reference in the introductory section of the templates to such systems as ISO 9000 was not appropriate. The Authority also suggested that the templates should be set out in such a way as to enable the combination of some items where appropriate, and that some sections of the templates would benefit from the addition of examples for the guidance of Authorities.

12. One Authority noted some areas in the draft templates where repetition might be avoided, specifically, in sections 21.8, 21.12 and 21.15 in each draft.

13. The Meeting expressed its satisfaction with the general approach taken in the draft templates set out in document PCT/MIA/12/8 Add.1, agreed that further detailed work on them should be undertaken via the PCT/MIA electronic forum, and accepted the offer of the European Patent Office to lead and coordinate that further work. The Meeting agreed that detailed comments on the drafts should be provided by Authorities by the end of January 2006 in order to enable final drafts to be submitted for consideration by the Meeting at its next session, envisaged for May 2006, at which the Meeting would consider what should be included in a report to the PCT Assembly for consideration at its next session.
14. The Meeting also agreed that, once the templates had been finalized and agreed, the template intended for initial reporting should be used as the basis for the next reports prepared by each Authority.
15. The European Patent Office also indicated its willingness to lead and coordinate future work on the more general matters set out in paragraph 7 of document PCT/MIA/12/8, noting that a uniform approach on all aspects of them would not necessarily be an appropriate or achievable objective.
16. The Meeting agreed that future work should be undertaken via the PCT/MIA electronic forum on certain matters on which a common approach might be desirable, including quality standards, manuals and documentation, examiner skills and training, and quality metrics, and accepted the European Patent Office's offer to lead and coordinate that work. The European Patent Office and the Secretariat would coordinate as to when that further work should be commenced, after the templates referred to above had been finalized.
17. The United States Patent and Trademark Office suggested to the Meeting that a proposal be developed for the amendment of Rule 36.1<sup>1</sup> by adding a new item (v) to the effect that, in order to satisfy the minimum requirements under Article 16(3)(c), "an Office or organization [seeking or holding appointment as an International Searching Authority] must adhere to the standards for 'A Common Quality Framework for International Search and Preliminary Examination' as set forth in Chapter 21 of the PCT International Search and Preliminary Examination Guidelines". The Office believed that such an amendment would attach proper importance to the quality of international search and preliminary examination, thereby building confidence in the PCT system among Contracting States and encouraging Offices to rely on the results of the work of the International Authorities. The amendment would more clearly commit Authorities to the quality standards set out in Chapter 21 and would send a clear signal as to that commitment.
18. Several Authorities indicated their support for a proposal along the lines suggested by the United States Patent and Trademark Office, some noting that further work on the detailed drafting of the proposed amendment would be needed. For example, one Authority suggested that it may not be appropriate to refer to "standards" in this context. Another Authority suggested that a more general reference to the Guidelines, mentioning the relevant particular

---

<sup>1</sup> References in this document to "Articles" and "Rules" are to those of the Patent Cooperation Treaty (PCT) and the Regulations under the PCT ("the Regulations"), or to such provisions as proposed to be amended or added, as the case may be. References to "national laws", "the national phase", etc., include reference to regional laws, the regional phase, etc.

requirements (resources, administrative procedures, feedback and communication channels), would be more appropriate in the Regulations.

19. The Meeting agreed that a proposal along the lines of that set out in paragraph 17 should be further developed with a view to its submission by the Secretariat to the next session of the Working Group on Reform of the PCT, expected to be held in May 2006, and thence to the PCT Assembly for consideration at its next session, expected in autumn 2006. Interested Authorities were invited to make suggestions as to the drafting via the PCT/MIA electronic forum.

## PCT REFORM PROPOSALS WITH RELEVANCE TO THE INTERNATIONAL AUTHORITIES

### *Supplementary International Searches*

20. Discussions were based on document PCT/MIA/12/2.

21. A number of Authorities expressed support for the principle of permitting supplementary searches to be carried out under the PCT. Two Authorities noted that an intended benefit of the PCT was the ability to rely on a single central search, and believed that if the quality of the main international search was not considered adequate to be relied on in the national phase, this was a matter which should be addressed at source rather than by providing for the conduct of multiple or supplementary searches. Nevertheless, these Authorities were prepared to consider a system of suitably focussed supplementary searches.

22. A majority of Authorities considered that supplementary searches should only be carried out after the main international search report had been established. They felt that such sequential searches would provide a more simple and less confusing system than if searches could also be performed concurrently. The supplementary Authority could use the contents of the international search report to avoid the need to reconsider the question of unity of invention and to target more accurately the range of prior art which might not have been covered in the main search, instead of duplicating it. Some Authorities considered that sequential searches would be beneficial in avoiding conflicting reports being given to the applicant by different Authorities. It was also suggested that if multiple Authorities could be requested to perform searches of equivalent scope, it might reduce confidence in the system since it created an expectation of differences in results. Concern was also expressed that offering directly equivalent searches might increase workloads and delays within Authorities due to Authorities spending additional time, out of proportion to the resulting improved quality of search, on search reports which would be directly compared with reports from other Authorities. If applicants wanted multiple complete searches at an early stage in order to be more certain as to the likely outcome in the national phase, this was possible in other ways, such as by seeking commercial searches or by use of the direct Paris Convention filing route.

23. Two Authorities supported a system where Authorities could establish supplementary search reports concurrently with the main international search report. One of these Authorities indicated that it was unlikely to offer supplementary searches other than concurrently with the main report. It considered that, even if the system were slightly more complicated than one where only sequential searches were possible, this might be desirable if it permitted greater participation by Authorities and delivered more complete search results to applicants at an earlier stage. A third Authority stated that it could support a system of sequential searches but preferred one permitting both concurrent and sequential searches.

24. Some Authorities considered that the supplementary Authority should have greater flexibility to determine the scope of search to be performed than was implied by the proposals. One Authority in particular indicated that supplementary searches which it performed should have the same scope as if it were carrying out the main international search. It considered that a broad scope of supplementary search would not lead to duplication of work. Rather, work which would in any case have been done later, in the national phase, by the same Office in its capacity as a designated Office would be brought forward into the international phase, so that the search results would be available to the applicant earlier than otherwise. As to the possibility of differences of opinion occurring in reports by multiple Authorities, this would occur anyway in the form of differences between designated Offices in the national phase. It was likely that supplementary searches targeted at particular languages would not be any cheaper or less time-consuming for International Searching Authorities than complete searches and might not meet the aim of the overall search results being accepted by designated Offices without further searching in the national phase.

25. The Meeting supported the general principle of permitting supplementary searches to be carried out under the PCT and agreed that amendments should be further developed by the Secretariat for submission to the Working Group on Reform of the PCT.

26. The Chair noted that, since the Meeting was not in agreement as to the desirable timing and scope of supplementary searches, the proposals to be made by the Secretariat to the Working Group on Reform of the PCT would need to include options for both (i) sequential searches only and (ii) both sequential and concurrent searches. If possible, a draft would be made available on the PCT Reform electronic forum seeking informal comments prior to a final document being submitted to the Working Group.

27. The following more specific comments were made on the draft Rules in Annexes I and II to document PCT/MIA/12/2. Some of the comments in relation to Rules in Annex I apply equally to equivalent Rules in Annex II.

– *Proposals in Annex I: Sequential Searches Only*

28. *Rule 45bis.2:* Consideration should be given to checks being carried out by the International Bureau, rather than the supplementary Authority, as to whether any limitation on numbers of supplementary searches to be conducted by a particular Authority had been exceeded.

29. *Rule 45bis.4(f)(ii):* The reference to Rule 49bis.9(b) should be deleted since refunds in that case would be given by the supplementary Authority, not the International Bureau.

30. *Rule 45bis.7:* A number of Authorities considered that the suggested objective of supplementary international search was too restrictive and a more open objective (possibly as provided in the equivalent provision in Annex II) would afford individual Authorities more scope to determine what was appropriate.

31. *Rule 45bis.12:* Consideration should be given to including an express provision to the effect that the supplementary search report would be made available to the public by the International Authority.

32. *Rule 45bis.13*: Consideration should be given to whether the matters related to supplementary searches should be covered in the agreements between Authorities and the International Bureau, rather than by providing for notifications outside the agreements. It should also be clarified whether limitations on the supplementary searches to be performed by an International Authority were permitted on the basis of factors other than the number of searches which an Authority was prepared to carry out or the subject matter which an Authority was prepared to search.

33. *Rule 53.2(a-bis)*: The reference to Rule 44bis.13 should be to Rule 45bis.13.

34. *Rule 58.3(b)(i)*: It is not clear whether the term “associated” would apply to a request for supplementary search which had been furnished other than with the demand. More broadly, consideration should be given to whether it should be possible to submit separately a request for supplementary search and a demand for international preliminary examination to be undertaken by the same Authority. This would be an even more significant issue in the system proposed in Annex II, where it would be more likely that a demand could be filed after a supplementary search had already been requested.

35. *Rule 68*: Consideration needs to be given to the extent to which it should be possible to demand international preliminary examination and request supplementary search by the International Preliminary Examining Authority in respect of different inventions.

– *Proposals in Annex II: Concurrent and Sequential Searches*

36. Some Authorities suggested that if both concurrent and sequential searches were permitted, it was desirable for the Rules and procedures to be the same for either type of search as far as possible, although total equivalence might not be achievable.

37. *Rule 4.1*: One Authority pointed out that the possibility of including a request for supplementary international search in the request under Article 3(2) would increase the workload of receiving Offices, since it would involve processing accompanying translations (for example, scanning the pages and making at least a cursory check of whether this corresponded to what was stated in the request to be included) and possibly also fees, and it would therefore be preferable if requests for supplementary search could be made only to the International Bureau. On the other hand it was noted that, since there is inevitably a delay in notifying the international application number to the applicant, it might be difficult to submit a complete and timely request for supplementary search to the International Bureau in cases where the Authority had specified a very short time limit for making such requests (for example, 13 months from the priority date, as one Authority had stated would be likely in its case).

38. *Rule 45bis.1(a)*: Some Authorities noted again their view that it should only be possible to request supplementary searches after the main international search report had been established.

39. *Rule 45bis.1(b)*: One Authority considered that the possibility for the supplementary Authority to specify its own time limit would add to the complexity of the proposed system. Another Authority responded that, in practice, an applicant would only need to be aware of two limits: a very short one (for example, expiring 13 months from the priority date) for those Authorities which performed only concurrent searches, and the generally prescribed time limit for all other Authorities.

40. *Rule 45bis.1(c-bis)*: One Authority considered that providing for the applicant to make an indication relating to a possible future finding of lack of unity of invention, prior to consideration of the matter by the supplementary Authority, further demonstrated the complications of a system allowing for concurrent searches. Another Authority stated that the Rule should be expressed to more clearly relate to a possible subsequent finding of lack of unity by the supplementary Authority and set out the effect of the indication.

41. *Rule 45bis.1(d)(ii)*: The words “has been required” may not properly distinguish from the words “was required”, as used in the equivalent provision of Annex I, to make it clear that this provision only applies in the case where the main Authority has already required the applicant to provide a sequence listing in electronic form.

42. *Rule 45bis.6(b)*: For clarity, the word “supplementary” should be inserted before “report” in the last line.

43. *Rule 45bis.7*: One Authority which considered that the scope of a supplementary search should be the same as that for a main search believed that it was not appropriate to express the objective of a supplementary search as being to find prior art “complementary” to that which has been found, or is likely to be found, by the main Authority.

44. *Rule 45bis.8*: One Authority expressed concern about the lack of a provision equivalent to paragraph (c) in the equivalent Rule in Annex I, permitting a supplementary Authority to decide not to perform a supplementary search of a claim which had not been the subject of search by the main Authority. It considered that an Authority which performed sequential searches, targeted at limited subject matter, would set an accordingly reduced fee, but in the absence of such a provision would be faced with the choice of either performing a complete search of the invention or else producing a report of doubtful quality.

45. *Rule 45bis.10*: One Authority considered that it was undesirable to provide for a protest procedure for cases where the supplementary Authority requested payment of additional fees for search of additional inventions. Another Authority believed that a protest system, though an exceptional case under the PCT, was a necessary exception. However, the latter Authority was concerned that, under the system proposed under this Rule, an applicant could be faced with several different findings on lack of unity from different Authorities at around the same time, each with different procedures and time limits for response. Another Authority considered that the approach taken in Annex I should apply to Authorities which conducted sequential searches.

#### *Other Matters*

46. The United States Patent and Trademark Office gave notice that it intended to introduce two proposals for amendment of Rule 11 to the next session of the Working Group on Reform of the PCT:

(a) to increase the minimum size of font specified in Rule 11.9(d) to approximately 12-point, since the current minimum, which approximates to 8-point text if using a Times New Roman font, was too small to permit reliable optical character recognition of applications filed in paper form;



(b) to remove the limitation in Rule 11.13 to black and white drawings since applicants had indicated that some inventions could only be represented adequately using color drawings.

#### PCT INTERNATIONAL SEARCH AND PRELIMINARY EXAMINATION GUIDELINES

47. Discussions were based on document PCT/MIA/12/3.

48. The Meeting agreed that the PCT International Search and Examination Guidelines required updating. In addition to making changes which were required to reflect recently adopted amendments of the Rules and modifications of the Administrative Instructions, the opportunity should be taken to address certain matters on which it had not been possible to arrive at a common approach when the current Guidelines were drafted.

49. The Meeting accepted the offer of the United States Patent and Trademark Office to coordinate the drafting exercise using a similar approach to that followed when the current version of the Guidelines was drafted.

50. The Meeting noted that the recently adopted provisions relating to restoration of the right of priority and to missing parts and elements would also require the drafting of modifications of a substantive rather than merely procedural nature to the Receiving Office Guidelines, and it would be necessary for consultations on each of the two sets of Guidelines to take into account comments and proposals made on the other. Consequently, the Meeting agreed that the main principles of the new draft should be established by the end of August 2006 and a final draft of the revised Guidelines should be completed by December 2006.

#### CLASSIFICATION OF INTERNATIONAL APPLICATIONS NOT SEARCHED BEFORE INTERNATIONAL PUBLICATION

51. Discussions were based on document PCT/MIA/12/4.

52. The Meeting noted the new arrangements which were in place, which meant that the great majority of international applications not searched before international publication once again included an international classification code at the time of international publication.

#### IMPLICATIONS OF IPC REFORM FOR THE INTERNATIONAL AUTHORITIES

53. Discussions were based on document PCT/MIA/12/5 containing, in particular, recommendations on the new presentation of International Patent Classification (IPC) symbols in international search reports and on other relevant PCT forms.

54. The Japan Patent Office indicated that it was not in a position to follow the recommended tabular form of presentation of IPC symbols in view of the design of its computer system and, instead, a linear form of presentation would be used in international search reports. The Office informed the Meeting that a sample illustrating that mode of presentation had been made available to the Secretariat.

55. The Japan Patent Office, supported by other Authorities, requested that a concrete example should be provided of an IPC symbol error report, such as would be transmitted by the International Bureau to International Authorities, as indicated in Circular C. PCT 1047. The Secretariat agreed to make such an example available to all Authorities.

56. Following a query by one Authority concerning error reporting in respect of PCT applications having an earlier time limit for the preparation of an international search report, the Secretariat confirmed that there was some possibility that IPC symbols might become invalid by the date of the international publication due to IPC revision after the preparation of the search report, but that this should occur only rarely. The Secretariat explained that the International Bureau would have to report such cases to the Authority concerned because renewing or correcting the IPC symbols in those cases might not be a routine task.

57. The Meeting noted the contents of document PCT/MIA/12/5.

#### PCT MINIMUM DOCUMENTATION

58. Discussions were based on document PCT/MIA/12/6. The document provided an update of activities since the last meeting including the completion of the exercise relating to the selection of traditional knowledge related periodicals for addition to the non-patent literature list and the subsequent publication of the updated list<sup>2</sup>. Information was also provided on the work towards the addition of patent documentation of the Republic of Korea into the PCT minimum documentation and a summary of the exchanges within the task force on the comprehensive review of minimum documentation. With respect to the latter activity, the Secretariat drew the attention of the meeting to the recent contribution of the Japan Patent Office to the task force discussions and a document produced by the Chairman of the Comprehensive Review task force, who was unable to attend the present session.

59. With regard to the proposal for a review of Rule 34 that had been made by the Austrian Patent Office to the task force, the Meeting was of the opinion that a change in Rule 34 would probably be necessary at some stage but that it should remain unchanged for the time being. One Authority stated that the present Rules were flexible enough and highlighted the need to continue to focus on the contents of the documentation to be searched and not on the databases providing access to such documentation. The latter were simply tools for access to the search documentation and decisions as to which databases should be used for this purpose should rest with the Authority concerned.

60. One Authority stressed that, alongside such criteria as access, reliability, searchability, etc., the task force should not lose sight of the notion of “minimum” in connection with the minimum documentation. There was a danger that overlapping areas of patent documentation might be included unless the evaluation of usefulness continued to be undertaken. The Authority considered that a set of criteria was necessary to reinforce such an evaluation and some tentative proposals in this direction had been made in its submission to the task force. The delegation urged other delegations to give support to this activity.

---

<sup>2</sup> See <http://www.wipo.int/scit/en/standards/pdf/04-02-01.pdf> and Special Issue S-01/2005 of the PCT Gazette, dated August 11, 2005.

61. The Secretariat informed the Meeting that the document received from the Chairman of the comprehensive review task force would be posted to the task force's electronic forum for its consideration.

62. The Meeting underlined the importance that it attached to the comprehensive review and, with regard to timing for completion, encouraged the task force to undertake its work as expeditiously as possible.

#### SEARCH GUIDANCE IPDL

63. Discussions were based on document PCT/MIA/12/7, which provided a status report on the Search Guidance IPDL (SGIPDL) project, detailing the progress made since the last meeting and the proposed next steps to be undertaken. There had been a healthy exchange of views between the task force members and the Secretariat in respect of version 1 of the prototype SGIPDL product resulting in requests for changes to, and enhancement of, the requirements. The first phase of these changes was being incorporated in version 2 of the prototype which would be issued shortly by the Secretariat for consideration by the task force.

64. The Secretariat drew the attention of the meeting to the recent publication of search templates on the web site of the United States Patent and Trademark Office, which provided details of the proposed sources of documentation to be searched in particular areas of technology. This was an interesting development and the SGIPDL task force had been alerted to their availability and comments sought on the potential interaction with the SGIPDL project.

65. The Meeting, in confirming its continuing support for the SGIPDL development, noted the proximity between the activity of the SGIPDL task force and that of the comprehensive review task force and encouraged close communication between the two groups.

#### AUTOMATION OF THE PCT PROCEDURE

66. Discussions were based on document PCT/MIA/12/9, containing a proposal made by the Spanish Patent and Trademark Office. The Office, in introducing its proposal, recalled that in recent years the International Bureau and national Offices had made great progress in offering improved common systems for providing services to applicants. However, less attention had been paid to improving common systems for the work of the Offices themselves and to enhancing communication systems. In particular, the Office felt that more could be done with respect to networking and avoiding duplication of work. Recent developments regarding PatentScope and the use of Electronic Data Interchange (EDI) had shown a clear potential for information technology to improve the performance of the Offices, but the Office believed that there was potential to develop and use systems more effectively.

67. The Spanish Patent and Trademark Office believed that this was a good moment to consider whether Offices could take further advantage of this new environment, and to find synergies between national Offices and the International Bureau. It would be desirable to avoid a multiplicity of electronic repositories all over the world, so that the benefits of information centralization could be reaped more easily. Some particular matters to consider included:

(a) whether the obligation that every receiving Office has regarding the maintenance of individual dossier repositories (see Rule 93) could be avoided in the new electronic environment, by maintaining receiving Office records in a system maintained by the International Bureau with appropriate access provided to receiving Offices;

(b) the early use by Offices, especially those with less resources, of the information generated by other Offices; and

(c) the possibility of single platforms in order to make life easier for applicants.

68. The Spanish Patent and Trademark Office offered to participate in pilot projects to test the concept of such arrangements.

69. One Authority expressed the belief that it would be worthwhile to investigate the possibilities, but pointed out that the Meeting could not authorize new expenditures.

70. One Authority requested further details on the types of arrangement which might be considered, and noted that some matters might more properly be dealt with in another forum, such as the Standing Committee on Information Technologies.

71. The Secretariat noted that the suggested new arrangements need not involve major new projects, but rather the appropriate use of systems that already existed or were under development.

72. The Meeting accepted the offer of that the Spanish Patent and Trademark Office to prepare more detailed proposals for consideration at a future date.

#### PCT STATISTICAL UPDATE

73. The Secretariat presented statistics concerning filing trends and the processing of international applications<sup>3</sup>. The estimated figures shown in the charts, based on filings up to the end of September 2005, indicated an 8.1% growth on the previous year, but it was noted that the latest figures showed growth of around 9.5%. There was growth across the system as a whole, but most notably in international applications from north-eastern Asia, with international applications from Japan, the Republic of Korea and the People's Republic of China showing increases of 26.0%, 34.6% and 47%, respectively. It was predicted that the overall number of international filings would continue to increase over the coming years, though at a reduced rate. As expected, the number of demands made for international preliminary examination continued to drop, though at a lower rate, following the changes to the Regulations which came into force on January 1, 2004.

74. Fully electronic filing now represented 26.8% of all international applications, and applications including at least the request in electronic form now represented over half of all applications. It was expected that the use of electronic filing would now stabilize until further large Offices were able to accept applications in electronic form.

---

<sup>3</sup> The presentation is available at  
[http://www.wipo.int/meetings/en/details.jsp?meeting\\_code=PCT/MIA/12](http://www.wipo.int/meetings/en/details.jsp?meeting_code=PCT/MIA/12).

75. A slight improvement had been seen in the timeliness of the receipt of record copies from receiving Offices. It was hoped to see further improvements. There had been some improvements in the timeliness of the receipt of international search reports, though 30.8% of international applications were still being published without an international search report.

76. Attention was drawn to recent and forthcoming improvements in the provision of data on national phase entry. A large number of States were now providing aggregate statistics on national phase entry. The statistics section of PatentScope<sup>4</sup> currently showed information for six States, but this would increase significantly early in 2006. Also in 2006, a trial would be launched of the provision of national phase entry information for individual applications, to the extent that this information was provided by Contracting States. Following discussions in the Standards and Documentation Working Group of the Standing Committee on Information Technologies (see paragraphs 50 to 57 of document SCIT/SDWG/6/11), the International Bureau and the European Patent Office were collaborating on a common standard for submission of national phase entry information to both the International Bureau and to the European Patent Office's INPADOC database, to maximize the information available on both national phase entry and on applications which had definitely not entered the national phase.

77. The Meeting noted the presentation on PCT statistics given by the Secretariat.

#### FUTURE WORK

78. The Meeting noted that it was envisaged that the next session would be held in Geneva from May 3 to 5, 2006, this being the end of the week before the envisaged next session of the Working Group on Reform of the PCT.

*79. The Meeting unanimously adopted this report on December 14, 2005.*

[Annex follows]

---

<sup>4</sup> Patent statistics can be found at <http://www.wipo.int/ipstats/en/statistics/patents/>.

ANNEX

LIST OF PARTICIPANTS

I. INTERNATIONAL AUTHORITIES

(in the English alphabetical order of their names)

AUSTRIAN PATENT OFFICE

Peter HOFBAUER, Head, Department of Technical Support

CANADIAN INTELLECTUAL PROPERTY OFFICE

Nathalie C. TREMBLAY (Ms.), Project Officer, Patent Branch

J. Scott VASUDEV, Acting Chief, Patent Administrative Policy, Classification and International Affairs, Patent Branch

Alan TROICUK, Senior Counsel, Legal Services, Industry Canada

EUROPEAN PATENT OFFICE

Colin PHILPOTT, Principal Director, Quality Management

Mark WEAVER, Director, Directorate 2.0.21, Practice and Procedure

Hubert PLUGGE, Director, Directorate 2.0.22, Quality Management Support

Brian DERBY, Principal Lawyer, Directorate 5.2.5, International and Legal Affairs (PCT)

FEDERAL SERVICE FOR INTELLECTUAL PROPERTY, PATENTS AND TRADEMARKS OF THE RUSSIAN FEDERATION (ROSPATENT)

Vera ARKHIPOVA (Mrs.), Head of Division, Department for the International Cooperation and Information Support

Gennady NEGULYAEV, Senior Researcher, Federal Institute of Industrial Property

IP AUSTRALIA

Philip SPANN, Deputy Commissioner of Patents

JAPAN PATENT OFFICE

Satoshi MORIYASU, Director, Multilateral Policy Office, International Affairs Office

Kosuke MINAMI, Deputy Director, Examination Standards Office, Administrative Affairs Division, First Patent Examination Department

Kenichi MATSUNAGA, Assistant Director, Examination Standards Office, Administrative Affairs Division, First Patent Examination Department

Shintaro TAKAHARA, First Secretary, Permanent Mission, Geneva

KOREAN INTELLECTUAL PROPERTY OFFICE

Eun-woo LEE, Director General, Machinery, Metal and Construction Examination Bureau

Joo-ik PARK, First Secretary, Permanent Mission, Geneva

Dong-wook KIM, Deputy Director, Intellectual Property Protection Division

Sei-young YUN, Deputy Director, Patent Examination Policy Division

NATIONAL BOARD OF PATENTS AND REGISTRATION OF FINLAND

Kristiina GRÖNLUND (Ms.), Director, Patent Library and Advisory Services

Juha REKOLA, Head, Development Division, Patents and Innovations Line

SPANISH PATENT AND TRADEMARK OFFICE

Isabel SERIÑÁ RAMÍREZ (Ms.), Technical Advisor, Department of Patents and Technological Information

Javier VERA, Head, Industrial Techniques, Patent Department

STATE INTELLECTUAL PROPERTY OFFICE OF THE PEOPLE'S REPUBLIC OF CHINA

YIN Xintian, Director General, Legal Affairs Department

YU Zhilong, Deputy Director, The Guidelines Division, Patent Affairs Administration Department

SWEDISH PATENT AND REGISTRATION OFFICE

Jan-Eric BODIN, Deputy Head, Patent Department

Marie ERIKSSON (Ms.), Head of Legal Affairs, Patent Department

UNITED STATES PATENT AND TRADEMARK OFFICE

Charles A. PEARSON, Director, PCT Legal Administration

Minna MOEZIE (Ms.), Patent Attorney, Office of International Relations

Richard COLE, PCT Legal Examiner, Office of PCT Legal Administration

II. OFFICERS

Chair: Francis GURRY (WIPO)

Secretary: Michael RICHARDSON (WIPO)

III. INTERNATIONAL BUREAU  
OF THE WORLD INTELLECTUAL PROPERTY ORGANIZATION (WIPO)

Francis GURRY, Deputy Director General, Sector of PCT and Patents, Arbitration and Mediation Center and Global Intellectual Property Issues

Jay ERSTLING, Director, Office of the PCT

Philip THOMAS, Senior Director-Advisor (PCT and Patents), Arbitration and Mediation Center and Global Intellectual Property Issues

Matthew BRYAN, Director, PCT Legal Division

Diego Agustín CARRASCO PRADAS, Acting Director, PCT External Legal Relations Division

William GUY, Deputy Director and Head, Patent and Technical Information Section

Mikhail MAKAROV, Acting Director, Patent Information, Classification and IP Standards Division

Claus MATTHES, Acting Director, PCT Reform Division

Michael RICHARDSON, Consultant, PCT International Authorities Unit