



WORLD INTELLECTUAL PROPERTY ORGANIZATION
ORGANISATION MONDIALE DE LA PROPRIÉTÉ INTELLECTUELLE
GENEVA/GENÈVE

ADMINISTRATIVE INSTRUCTIONS UNDER THE
PATENT COOPERATION TREATY (PCT)
STANDARD FOR THE ELECTRONIC FILING AND PROCESSING
OF INTERNATIONAL APPLICATIONS

INSTRUCTIONS ADMINISTRATIVES DU
TRAITÉ DE COOPÉRATION EN MATIÈRE DE BREVETS (PCT)
NORME CONCERNANT LE DÉPÔT ET LE TRAITEMENT ÉLECTRONIQUES
DES DEMANDES INTERNATIONALES

PROPOSAL FOR CHANGE FILE
DOSSIER RELATIF À LA PROPOSITION DE MODIFICATION

SUBJECT: Corrections to the DTDs consequential to the modifications of the PCT Regulations which enter into force on January 1, 2004		PROPOSED BY: EP, JP, US, IB	
SUJET : Corrections apportées aux DTDs en rapport avec les modifications du Règlement d'exécution du PCT avec effet le 1 ^{er} janvier 2004		PROPOSÉE PAR :	
HANDLING: Expedited consideration		PROPOSED DATE OF ENTRY INTO FORCE: 01.04	
TRAITEMENT : Examen accéléré		DATE PROPOSÉE D'ENTRÉE EN VIGUEUR :	
ANNEX/ ANNEXE	CONTENT/CONTENU	ORIGIN/ ORIGINE	DATE
1	Proposal/Proposition	EP, JP, US, IB	30.10.03
2	Circular C. PCT 959/Circulaire C. PCT 959	IB	05.11.03
3	Comments/Commentaires	EP, JP, US, IB	16.12.03

[Annex 1 follows/
L'annexe 1 suit]

NEXT ACTION: Promulgation	BY: 01.01.04
PROCHAINE ACTION : Promulgation	POUR LE :

PROPOSAL BY THE EUROPEAN PATENT OFFICE, THE JAPAN PATENT OFFICE,
AND THE UNITED STATES PATENT AND TRADEMARK OFFICE
(THE TRILATERAL OFFICES) AND THE INTERNATIONAL BUREAU

Changes to DTDs and the text of Annex F

Description:

1	Change : <!ELEMENT international-fee (basic-fee,designation-fee, fee-reduction?,amount-total, payment-mode) > To: <!ELEMENT international-fee (basic-fee,designation-fee, fee-reduction*,amount-total, payment-mode) >
Items impacted	PCT Reform fee-sheet DTD
Reason	There may be more than one fee reduction associated with an international application.
2	Add: <!ATTLIST fee-reduction reduction-type CDATA #IMPLIED > To: <!ELEMENT fee-reduction (amount-each) > <!ATTLIST fee-reduction reduction-type CDATA #IMPLIED >
Items impacted	PCT Reform fee-sheet DTD
Reason	It is necessary to store and render the reason for the fee reduction.
3	Change: <!ELEMENT international-fee (basic-fee , designation-fee, fee-reduction?, amount-total, payment-mode)> To: <!ELEMENT international-fee (basic-fee, designation-fee?, fee-reduction*, amount-total, payment-mode) >
Items impacted	PCT Reform fee-sheet DTD
Reason	PCT Fee structures no longer require the designation-fee; optional inclusion of this element allows for backwards-compatibility.

4	<p>Add:</p> <pre><!--checklist; a table containing sequence listings is being furnished --> <!ELEMENT cl-sequence-listing-table EMPTY > <!ATTLIST cl-sequence-listing-table quantity CDATA #REQUIRED page-count CDATA #IMPLIED carriers (internal-electronic external-electronic paper) #IMPLIED ></pre> <p>To:</p> <pre><!ELEMENT check-list (cl-request?,cl-description?, cl-claims?,cl-abstract?, cl-drawings?,cl-sequence-listing?, cl-sequence-listing-table?, cl-fee-calculation?, cl-separate-power-of-attorney?, cl-general-power-of-attorney?, cl-copy-general-power-of-attorney?, cl-lack-of-signature?, cl-priority-document?, cl-translation-of-application?, cl-biological-material?, cl-other-document*) ></pre>
Items impacted	PCT Reform Request DTD, PCT Reform Demand DTD
Reason	It is necessary to store and render any Sequence listings submitted as a 'mega-table' with the request or demand.

5	<p>Add:</p> <pre>carriers (internal-electronic external-electronic paper) #IMPLIED ></pre> <p>To:</p> <pre><!ATTLIST cl-sequence-listing quantity CDATA #REQUIRED page-count CDATA #IMPLIED carriers (internal-electronic external-electronic paper) #IMPLIED ></pre>
Items impacted	PCT Reform Request DTD, PCT Reform Demand DTD
Reason	It is necessary to indicate the type and number of carriers for sequence listings submitted with the request or demand (Request form check list Box 9).

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6	<p>Change:</p> <pre><!ELEMENT request ((file-reference-id?, request-petition, invention-title?, parties, designation-of-states?, priority-claims?, search-authority?, declarations?, check-list?, figure-to-publish?, language-of-filing?, signatories?, dtext?, office-specific-data*) doc-page+) ></pre> <p>To:</p> <pre><!ELEMENT request ((file-reference-id?, request-petition, invention-title?, parties, designation-of-states?, priority-claims?, search-authority?, declarations?, check-list?, figure-to-publish?, language-of-filing?, signatories?, dtext*, office-specific-data*) doc-page+) ></pre>
Items impacted	PCT Reform Request DTD
Reason	Repeated instances of descriptive text may be necessary

7	<p>Change :</p> <pre><!ELEMENT designation-of-states (designation-pct, (precautionary-designation-statement, exclusion-from-designation?))? ></pre> <p>To:</p> <pre><!ELEMENT designation-of-states (designation-pct, (precautionary-designation-statement?, exclusion-from-designation?)) ></pre>
Items impacted	PCT Reform request DTD
Reason	Precautionary designation statement is no longer required, and exclusion from designation may be requested without a precautionary designation statement.

8	<p>Add attributes:</p> <pre>ppf CDATA #IMPLIED pp1 CDATA #IMPLIED</pre> <p>To:</p> <pre><!ELEMENT cl-abstract EMPTY> <!ATTLIST cl-abstract page-count CDATA #IMPLIED ppf CDATA #IMPLIED pp1 CDATA #IMPLIED > --> <!ELEMENT cl-claims EMPTY> <!ATTLIST cl-claims page-count CDATA #IMPLIED ppf CDATA #IMPLIED pp1 CDATA #IMPLIED > <!ELEMENT cl-description EMPTY> <!ATTLIST cl-description page-count CDATA #IMPLIED ppf CDATA #IMPLIED pp1 CDATA #IMPLIED ></pre>
Items impacted	Request DTD.

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Reason	Indicates the first image page number and the last image page number of the associated content in the associated image file
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9	<p>Add an attribute: fig-count CDATA #IMPLIED</p> <p>To: <!ELEMENT cl-drawings EMPTY> <!ATTLIST cl-drawings page-count CDATA #IMPLIED fig-count CDATA #IMPLIED ></p>
Items impacted	Request DTD.
Reason	Indicates the total number of figures in the associated drawing pages.

10	<p>Change: <!ELEMENT postpone EMPTY ></p> <p>To: <!ELEMENT postpone-examination EMPTY ></p>
Items impacted	PCT Reform Demand DTD
Reason	This element name is more descriptive

11	<p>Add: <!ELEMENT begin-examination-early EMPTY ></p> <p>To: <!ELEMENT concerning-amendments (the-application?, the-description?,the-claims?, the-drawings?, reverse-art19-amendment?, postpone-examination?, begin-examination-early?) ></p>
Items impacted	PCT Reform Demand DTD
Reason	The applicant may elect to have the examination to start earlier than at the expiration of the applicable time limit under Rule 54bis.1(a) (Demand Box IV 4)

12	<p>Change: <!ELEMENT demand ((file-reference-id?, application-reference?, date-of-earliest-priority?, invention-title*, applicants, correspondence-address?, agents-for-demand?,bases-examination, election-of-states, demand-check-list?, signatories?) doc-page+) ></p> <p>To: <!ELEMENT demand ((file-reference-id?, application-reference?, date-of-earliest-priority?, invention-title*, applicants, correspondence-address?, agents-for-demand?,bases-examination, demand-check-list?, signatories?) doc-page+) ></p>
Items impacted	PCT Reform Demand DTD

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impacted	
Reason	The filing of the demand now constitutes the election of all Contracting States which are designated and bound by Chapter II of the PCT.

13	<p>Add:</p> <pre><!ELEMENT ipea-info (date-of-actual-receipt, receipt-pct-rule60-1?, (receipt-after-19month receipt-pct-rule80-5 receipt-pct-rule82 receipt-after-pct-rule54bis1-a receipt-within-pct-rule54bis1-a receipt-after-pct-rule54bis1-a-excused))></pre> <p>To:</p> <pre><!ELEMENT ipea-info (date-of-actual-receipt, receipt-pct-rule60-1?, (receipt-after-19month receipt-pct-rule80-5 receipt-pct-rule82))></pre>
Items impacted	PCT Reform IPEA Demand Receiving Info DTD
Reason	PCT Rule changes of 2004 allow for the receipt of the demand after the time limit under Rule 54bis.1(a) under certain circumstances.

14	<p>Permit a subscript to have a subscript or a superscript, and permit a superscript to have a subscript or a superscript.</p> <p>Replace:</p> <pre><!ELEMENT sup (#PCDATA b u i)*> <!ELEMENT sub (#PCDATA b u i)*></pre> <p>With:</p> <pre><!ELEMENT sup (#PCDATA b u i sup2 sub2)*> <!ELEMENT sub (#PCDATA b u i sup2 sub2)*></pre> <p>And add:</p> <pre><!ELEMENT sup2 (#PCDATA b u i)*> <!ELEMENT sub2 (#PCDATA b u i)*></pre>
Items impacted	All DTDs that use sup and sub
Reason	Each year, the USPTO publishes approximately 700 patent documents that contain approximately 3,300 instances of a superscript or a subscript with either a superscript or a subscript. Although it is possible to encode these equations using MathML, doing so requires exception processing and specialized labor. In addition, MathML is often not appropriate since many of them are not mathematical in nature. Making the proposed change significantly reduces the cost of encoding these equations by not requiring exception processing or other labor-intensive procedures.

15	<p>Add to paragraph content model:</p> <pre><!ELEMENT pre (#PCDATA)> <!ATTLIST xml:space preserve #FIXED "preserve" listing-type (sequence program-listing other) #REQUIRED id ID #IMPLIED></pre>
Items impacted	Paragraph content model and all DTDs that use it.
Reason	This element is one method to identify content consisting of text objects that require preservation (pre) of their whitespace in order to preserve internal logical relationships (e.g., sequence listing fragments, computer program listings).

16	<p>Add:</p> <pre>external-type (other math chemistry program-listing) #IMPLIED To: <!ELEMENT table-external (#PCDATA) > <!ATTLIST table-external id ID #IMPLIED file CDATA #REQUIRED lang CDATA #IMPLIED status CDATA #IMPLIED carriers (internal-electronic external-electronic paper) #IMPLIED external-type (other math chemistry program-listing) #IMPLIED ></pre>
Items impacted	Application body DTD and any DTD that uses components thereof
Reason	The attribute permits identification of the type of content in the external table. Normally, such content is of a size that it is not practical to include it in the main XML document.

17	<p>Add a new attribute:</p> <pre>lang CDATA #IMPLIED To: <!ELEMENT nplcit (text (article book online othercit)*)> <!ATTLIST nplcit id ID #IMPLIED num CDATA #REQUIRED npl-type CDATA #IMPLIED medium CDATA #IMPLIED file CDATA #IMPLIED url CDATA #IMPLIED lang CDATA #IMPLIED ></pre>
Items impacted	All DTDs that use the paragraph content model.
Reason	It may be important to know the language of the non-patent literature cited (nplcit).

18	<p>Add a new attribute: class-type CDATA #IMPLIED</p> <p>To: <!ELEMENT nplcit (text (article book online othercit)*)></p> <pre><!ATTLIST nplcit id ID #IMPLIED num CDATA #REQUIRED npl-type CDATA #IMPLIED medium CDATA #IMPLIED file CDATA #IMPLIED url CDATA #IMPLIED lang CDATA #IMPLIED class-type CDATA #IMPLIED ></pre>
Items impacted	All DTDs that use the paragraph content model.
Reason	It may be important to indicate the classification scheme (LoC, Dewey, UDC, IPC, etc.) of the classification (class) of the cited literature.

19	<p>Add a new attribute: figure-labels CDATA #IMPLIED</p> <p>To: <!ELEMENT figure (img)></p> <pre><!ATTLIST figure id ID #IMPLIED num CDATA #REQUIRED figure-labels CDATA #IMPLIED ></pre>
Items impacted	All DTDs that use the figures content model.
Reason	Indicates which figure is in the associated drawing page file. This may be a list of one or more figures, space delimited.

[Annex 2 follows/
L'annexe 2 suit]



C. PCT 959
– 07.2

November 5, 2003

Madam,
Sir,

*Proposed modifications of Annex F
of the Administrative Instructions under the PCT*

*Standard for the electronic filing and processing of international applications:
Proposals for change (files PCT/EF/PFC 03/001 to 005)*

1. This circular concerns proposals for change to the standard for the electronic filing and processing of international applications under the Patent Cooperation Treaty (PCT) which will, if adopted, result in modifications of Annex F of the Administrative Instructions under the PCT. It is being sent, for the purposes of consultation pursuant to Rule 89.2(b) of the Regulations under the PCT, and under the change procedure provided for in section 2.5.5 of Annex F (expedited consideration of proposals for change), to the national and regional patent Offices of, or acting for, all PCT Contracting States, including all receiving Offices, International Searching Authorities, International Preliminary Examining Authorities, and designated and elected Offices, and to interested intergovernmental organizations, as well as to certain non-governmental organizations representing users of the PCT system.

2. The International Bureau has received and prepared a number of proposals for change to the standard for the electronic filing and processing of international applications relating to corrections and additions to the DTDs in view of the entering into force of a number of changes to the PCT Regulations on January 1, 2004 (see http://www.wipo.int/pct/reform/en/measures_adopted.htm). Those proposals are available on WIPO's Website as annexes to the following proposal for change (PFC) files (see http://www.wipo.int/pct/efiling_standard/en):

/...

- PCT/EF/PFC 03/001 “Corrections to the DTDs consequential to the modifications of the PCT Regulations which enter into force on January 1, 2004” (Annex F, Appendix I) (proposal by the International Bureau, the European Patent Office, the United States Patent and Trademark Office and the Japan Patent Office);
- PCT/EF/PFC 03/002 “Corrections to version 1.1 DTDs” (Annex F, Appendix I) (proposal by the International Bureau);
- PCT/EF/PFC 03/003 “New DTD on priority documents” (Annex F, Appendix I) (proposal by the International Bureau);
- PCT/EF/PFC 03/004 “Corrections and additions to the recommended file naming convention and to Appendix I” (Annex F, section 4.3, and Appendix I) (proposal by the International Bureau);
- PCT/EF/PFC 03/005 “Corrections to version 1.2 DTDs” (Annex F, Appendix I) (proposal by the International Bureau).

3. The International Bureau would appreciate receiving any comments on the proposals by December 15, 2003. Comments should preferably be made via the “Submit comments” facility on the Website (at http://www.wipo.int/pct/efiling_standard/en/submit_comment.htm), but may alternatively be made in writing by letter or by fax to 41-22-338 8040. Comments will be included as Annexes to the relevant PFC files. Copies of the proposals on paper are available from the International Bureau on request. Inquiries concerning the proposals should be directed to Mr. Thiam Ming Song (e-mail: thiam_ming.song@wipo.int; phone: 41-22-338 9640; fax: 41-22-338 8040). Please note that, in order for the International Bureau to update the electronic filing systems in view of the entry into force of modifications to the PCT Regulations on January, 1, 2004, the Consultative Group has also been asked to make its recommendations on the proposals contained in PCT/EF/PFC 03/001, 002 and 005 files by December 15, 2003.

4. The International Bureau intends to promulgate the proposals contained in the PCT/EF/PFC 03/001, 002 and 005 files, revised if necessary in the light of any comments received, by December 2003, with effect from January 1, 2004. The International Bureau intends to promulgate the proposals contained in PCT/EF/PFC 03/003 and 004 files, revised if necessary in the light of any comments received, by February 2004, with immediate effect.

Sincerely yours,



Francis Gurry
Assistant Director General



C. PCT 959
– 07.2

Le 5 novembre 2003

Madame,
Monsieur,

*Propositions de modification de l'annexe F
des instructions administratives selon le PCT*

*Norme concernant le dépôt et le traitement électroniques
des demandes internationales :
Propositions de modification (dossiers PCT/EF/PFC 03/001 à 005)*

1. La présente circulaire concerne des propositions de modification de la norme concernant le dépôt et le traitement des demandes internationales selon le Traité de coopération en matière de brevets (PCT) qui, si elles étaient adoptées, aboutiraient à la modification de l'annexe F des instructions administratives du PCT. Elle est adressée, aux fins de la consultation prévue à la règle 89.2.b) du règlement d'exécution du PCT, et conformément à la procédure de modification prévue à la section 2.5.5 de l'annexe F (examen accéléré des propositions de modification), aux offices de brevets nationaux et régionaux de tous les États contractants du PCT ou agissant pour eux, notamment l'ensemble des offices récepteurs, des administrations chargées de la recherche internationale, des administrations chargées de l'examen préliminaire international et des offices désignés et élus, ainsi qu'aux organisations intergouvernementales intéressées et à certaines organisations non gouvernementales représentant les utilisateurs du système du PCT.

2. Le Bureau international a reçu et préparé un certain nombre de propositions de modification de la norme concernant le dépôt et le traitement électroniques des demandes internationales relatives à des corrections et à des adjonctions apportées aux DTDs en vue de l'entrée en vigueur au 1^{er} janvier 2004 d'un certain nombre de modifications du Règlement d'exécution du PCT (voir http://www.wipo.int/pct/reform/fr/measures_adopted.htm). Ces propositions peuvent être consultées sur le site Web de l'OMPI en tant qu'annexes des dossiers de propositions de modification suivants (voir http://www.wipo.int/pct/efiling_standard/fr) :

/...

- PCT/EF/PFC 03/001 “Corrections apportées aux DTDs en rapport avec les modifications du Règlement d'exécution du PCT avec effet le 1^{er} janvier 2004” (appendice I de l'annexe F) (proposition du Bureau international, de l'Office européen des brevets, de l'Office des brevets et des marques des Etats-Unis d'Amérique et de l'Office des brevets du Japon);
- PCT/EF/PFC 03/002 “Corrections apportées à la version 1.1 des DTDs” (appendice I de l'annexe F) (proposition du Bureau international);
- PCT/EF/PFC 03/003 “Nouvelle DTD relative aux documents de priorité” (appendice I de l'annexe F) (proposition du Bureau international);
- PCT/EF/PFC 03/004 “Corrections apportées à la version 1.2 des DTDs” (section 4.3 et appendice I de l'annexe F) (proposition du Bureau international);
- PCT/EF/PFC 03/005 “Corrections apportées à la version 1.2 des DTDs” (appendice I de l'annexe F) (proposition du Bureau international).

3. Le Bureau international souhaiterait recevoir tout commentaire sur ces propositions le 15 décembre 2003 au plus tard. Les commentaires doivent de préférence être envoyés grâce à la fonction “envoyer un commentaire” prévue sur le site Web (voir http://www.wipo.int/pct/efiling_standard/fr/submit_proposal_fr.htm), mais peuvent aussi être envoyés par courrier postal ou par télécopie (41-22-338 8040). Les commentaires éventuels seront inclus dans les annexes des différents dossiers de propositions de modification. Des copies de ces propositions sous forme imprimée sont disponibles auprès du Bureau international sur demande. Les demandes de renseignements concernant ces propositions sont à adresser à M. Thiam Ming Song (courriel : thiam ming.song@wipo.int; téléphone : 41-22-338 9640; télécopie : 41-22-338 8040). Veuillez noter que, afin que le Bureau international mette à jour les systèmes de dépôt électronique en vue de l'entrée en vigueur des modifications du Règlement d'exécution du PCT avec effet le 1^{er} janvier 2004, il a également été demandé au groupe consultatif de présenter ses recommandations portant sur les propositions qui figurent dans les dossiers PCT/EF/PFC 03/001, 002 et 005, le 15 décembre 2003 au plus tard.

4. Le Bureau international a l'intention de promulguer les propositions qui figurent dans les dossiers PCT/EF/PFC 03/001, 002 et 005 en décembre 2003, si nécessaire après les avoir révisées en fonction des commentaires reçus, avec effet le 1^{er} janvier 2004. Le Bureau international a l'intention de promulguer les propositions qui figurent dans les dossiers PCT/EF/PFC 03/003 et 004 en février 2004, si nécessaire après les avoir révisées en fonction des commentaires reçus, avec effet immédiat.

Veillez agréer, Madame, Monsieur, l'assurance de ma considération distinguée.



Francis Gurry
Sous-directeur général

ANNEX 3/ANNEXE 3

COMMENTS BY THE EUROPEAN PATENT OFFICE, THE JAPAN PATENT OFFICE,
AND THE UNITED STATES PATENT AND TRADEMARK OFFICE
(THE TRILATERAL OFFICES) AND THE INTERNATIONAL BUREAU

Some of the proposed changes are for PCT Reform (1—7, 10—13) and must be expedited for effect from 2004 January, while others are not so urgent and could follow the normal revision cycle (8, 9, 14—19) with effect from 2005 January. In fact, JPO indicated that they will implement the changes in this sequence rather than all at once. For PCT reform, wo-published-application.dtd must also be revised, but it was not included in the circular.

The Trilateral Offices endorse the proposed changes.

[End of Annex and of file/
Fin de l'annexe et du dossier]