

WIPO



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WORLD INTELLECTUAL PROPERTY ORGANIZATION
GENEVA

INTERNATIONAL PATENT COOPERATION UNION
(PCT UNION)

PCT COMMITTEE FOR TECHNICAL COOPERATION

Twenty-First Session
Geneva, September 26 to October 5, 2005

REPORT

adopted by the Committee

INTRODUCTION

1. The PCT Committee for Technical Cooperation (“the Committee”) held its twenty-first session in Geneva from September 26 to October 5, 2005, during the same period as the 34th (15th ordinary) session of the Assembly of the PCT Union (“PCT Assembly”) held in the context of the 41st series of meetings of the Assemblies of the Member States of WIPO. The list of participants in those meetings is contained in document A/41/INF/3, noting that all States members of the Assembly of the PCT Union and all International Searching and Preliminary Examining Authorities are members of the Committee.

OPENING OF THE SESSION

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

ELECTION OF A CHAIR AND TWO VICE-CHAIRS

3. Mrs. Nadia Ibrahim Mohamed Abdallah (Egypt) was elected Chair of the Committee; Mr. Yin Xintian (China) and Mr. Paul E. Salmon (United States of America) were elected Vice-Chairs.

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ADOPTION OF THE AGENDA

4. The Committee unanimously adopted the draft agenda set out in document PCT/CTC/21/1.

PCT MINIMUM DOCUMENTATION: ADDITION OF PATENT DOUMENTS OF THE REPUBLIC OF KOREA

5. Discussions were based on documents PCT/CTC/21/2 and 2 Add.
6. The Delegation of Japan welcomed the decision to include the patent documents of the Republic of Korea into the search databases of the International Searching Authorities from the earliest time, noting the importance of this documentation. The Delegation stated that the Authorities should endeavour to prepare for this move as early as possible.
7. The Committee:
 - (i) noted that most International Searching Authorities either already searched the patent documents of the Republic of Korea to the extent required by the proposed amendments of Rule 34 set out in the Annex to document PCT/CTC/21/2 and Annex III to document PCT/A/34/2 Rev., or would be ready to begin doing so in 2006;
 - (ii) noted that the remainder of the International Searching Authorities expected to have their databases ready to begin such searches by January 1, 2007;
 - (iii) recommended to the PCT Assembly that, for reasons of administrative convenience, the proposed amendments of Rule 34 be adopted with the same date of entry into force as the amendments set out in Annex II to document PCT/A/34/2 Rev.; and
 - (iv) decided to advise the PCT Assembly that, notwithstanding the date of entry into force of the proposed amendments of Rule 34, the International Searching Authorities intend to include the relevant documentation in their databases at the earliest possible date and in any event by January 1, 2007.

8. The Delegation of the Republic of Korea expressed its gratitude for the unanimous support of the PCT Contracting States and patent information users for the inclusion of the patent documents of the Republic of Korea in the PCT minimum documentation. The Delegation noted that this was an era of information technology where there was enormous potential for patent systems to contribute to the creation of wealth. Recent developments in the intellectual property area, such as the digitization of patent information and the advent of new types of information, had been driving States and Offices to reconsider the concept, definition and content of the PCT minimum documentation. With the help of information technology, it was possible to surf across the borders of information. To take advantage of this opportunity, the International Authorities, as part of reform of the PCT, were conducting a comprehensive review of the PCT minimum documentation addressing, amongst other things, the questions of which countries, languages and non-patent literature should be included in the minimum documentation, as well as whether utility models should be included. In the course of this review, the International Authorities had come to the conclusion that the patent documents of the Republic of Korea should be added to the

minimum documentation before the review was complete, in view of the fact that this documentation represented a large body of unique technical information which was already available in searchable electronic format. This course of action was supported by the eleventh session of the Meeting of International Authorities Under the PCT and a draft amendment of Rule 34 to give effect to the proposal was approved by the Working Group on Reform of the PCT. In response to the support which had been received, the Korean Intellectual Property Office (KIPO) had undertaken a number of actions in order to facilitate the searching of the patent documents of the Republic of Korea. On September 15, 2005, KIPO had distributed to the other International Searching Authorities a full set of data comprising the Korean Patent Abstracts in English, Korean patent publications covering the period of January 1979 to February 2005 and a table outlining the correspondences between documents. This would permit other Offices to load the information into their databases more efficiently. Supplementary data would be provided by the end of the year. KIPO was also prepared to assist in other ways including sending technical experts to other International Searching Authorities on request. The Delegation noted that in addition to the work being done to include the patent documents of the Republic of Korea into the search databases of International Authorities, this information was already available to all patent information users through a free Internet-based search system, KIPRIS, which permitted the search and downloading of patent abstracts and information in English concerning the legal status of a patent. This was also linked to the full text of the patent. KIPO had also developed a Korean to English translation system, which was being further improved following feedback from the Japan Patent Office and the United States Patent and Trademark Office. This system will provide, from November 2005, access to the full text of Korean patents in English. The documentation would also soon be available to the public through other freely accessible systems, including the esp@cenet system of the European Patent Office and the IPDL of the Japan Patent Office. The Delegation hoped that the inclusion of the patent documents of the Republic of Korea in the PCT minimum documentation would contribute to further improving the quality of international searches, thereby enhancing the value of the patents. The Delegation expressed its thanks to Mr. Giroud, the leader of the task force reviewing the concept, definition and content of the PCT minimum documentation, and the members of that task force for their hard work and cooperation in ensuring that it was possible to include the patent documents of the Republic of Korea into the PCT minimum documentation.

PCT MINIMUM DOCUMENTATION: RECENT DEVELOPMENTS

9. Discussions were based on document PCT/CTC/21/3.
10. The Committee noted the extension of the Rule 34 non-patent literature list to include traditional knowledge-related periodicals and the progress made in the comprehensive review of the PCT minimum documentation and the development of a Search Guidance Intellectual Property Digital Library.

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