

WIPO



PCT/AAQ/VI/9

ORIGINAL: English

DATE: September 15, 1975

WORLD INTELLECTUAL PROPERTY ORGANIZATION

GENEVA

PATENT COOPERATION TREATY

INTERIM ADVISORY COMMITTEE FOR ADMINISTRATIVE QUESTIONS

Sixth Session: Geneva, October 27 to November 3, 1975

PROPOSAL OF THE SOVIET UNION OFFICE FOR THE TEST OF CERTAIN ASPECTS OF PCT PROCEDURE THROUGH SIMULATED PCT PROCEDURES

Report prepared by the International Bureau

Background

1. At its fifth session in November 1974, the PCT Interim Advisory Committee for Administrative Questions (hereinafter referred to as "the Interim Committee"), received a proposal by the Soviet Union Office (document PCT/AAQ/V/6, paragraph 67) for a program related to the conducting of tests for the processing of sample PCT international applications.
2. The International Bureau, after consultation with the State Committee for Inventions and Discoveries of the Council of Ministers of the USSR, received a detailed proposal, attached as Annex A to this document, from the said State Committee for the conduct of the test program.
3. The test program proposal involves the preparation of two or three purported international applications in the English language in which the State Committee would act in the capacity of the applicant and send such applications to another Office, which would assume the role of the receiving Office under the PCT. The State Committee, in turn, would be willing to act as the receiving Office for international test applications generated by other cooperating Offices.
4. All test applications would be deliberately prepared with defects, in order to ensure a variance with PCT requirements for formality. This would ensure the wide use of the existing PCT forms dealing with formality requirements as well as the Administrative Instructions. The International Bureau of WIPO would assume its functions as the "International Bureau" under the PCT.
5. In February 1975, the German Patent Office expressed its willingness to participate in the test program (see Annex B of this document) and suggested that the test applications should not be too extensive in nature.
6. In May 1975, the State Committee, acting as an applicant, sent the German Patent Office three test applications to be processed by said latter Office acting as a "receiving Office under the PCT". The State Committee further proposed that certain conditions should be applied to all correspondence under the test program. These conditions are recited in Annex C (pages 1 and 2) attached to this document and are summarized as follows :

- (i) the receiving Office will date-stamp all pages of test applications with the actual date or any other date which will stimulate correspondence;
- (ii) if applicant elects not to respond, he informs the receiving Office of his intention;
- (iii) all PCT test material should be sent to cooperating Offices along with a cover letter to avoid fictitious addresses;
- (iv) staff members of the cooperating Offices may, for training purposes, ask which mistakes were deliberate;
- (v) cooperating Offices should use the forms for correspondence provided in document PCT/AAQ/WGF/1.

Progress of Test to Date

7. The International Bureau has received the two record copies of purported international applications transmitted by the German Patent Office under its role as a receiving Office. In turn, the International Bureau has notified the applicant, receiving Office and designated States of the receipt of the record copy of the applications. This is as far as the test program has proceeded at the time of preparation of this document.

8. In May 1975, the Patent and Trademark Office of the United States of America expressed an interest in the PCT test program for international applications.

9. The Interim Committee is invited to note the information contained in this document and to express its views, if any, on the test program.

[Annex A follows]

PROPRIÉTÉ INDUSTRIELLE

14 FEV. 1975

PCT 1494-01-3

T R A N S L A T I O N

Y. Gyrdymov

State Committee for Inventions and Discoveries
of the USSR Council of Ministers

No. 14/11-153/45

February 7, 1975

Dear Mr. Pfanner,

The representatives of the State Committee for Inventions and Discoveries of the USSR Council of Ministers and the representative of WIPO, Mr. Y. Gyrdymov, consulted together and discussed the questions relating to the USSR proposal on planning a detailed program for the conduct of tests relating to the processing of international applications (document PCT/AAQ/V/6, Item 67(v)).

It was agreed that it would be advisable - already at the preparatory stage of such a program - to carry out an initial experiment relating to correspondence based on the procedure for processing international applications.

With reference to a proposal by the representative of the International Bureau of WIPO that this activity could be carried out between separate groups of officials or separate officials, respectively acting, for instance, as an applicant and as a Receiving Office, we consider that such a proposal could be implemented most effectively if the activity is carried out between different offices. It would be advisable, therefore, to ask the Patent Office of the Federal Republic of Germany to participate in the test, in view of the interest which was shown by the Delegation of the Federal Republic of Germany for the proposal of the Soviet Union.

In such a case, the Soviet Office could draft two or three test applications in English, playing the role of the applicant and could send such applications to the Patent Office of the Federal Republic of Germany, which would play the role of the Receiving Office. In its turn, the Soviet Office is ready to play the role of the Receiving Office and to process the

applications received from the Patent Office of the Federal Republic of Germany playing the role of the applicant.

In accordance with recommendations of the representative of the International Bureau of WIPO, the test applications to be drafted by each office could have a varying degree of conformity with the PCT formal requirements, with a view to stimulating wider use of the PCT forms.

As mentioned during the consultations, if the International Bureau of WIPO could carry out its activity, as provided for in the PCT at the stage of initial test correspondence, this would be a considerable help to the preparation of the "detailed program". If the Patent Office of the Federal Republic Germany is not, for one reason or another, able at present to participate in the above-mentioned test, the Soviet Office will carry out on its own the test relating to the correspondence between the applicant and the Receiving Office and will participate in correspondence with the International Bureau of WIPO as mentioned above.

The Soviet Office is of the opinion that if the applications are transmitted in April, or in May, it would be possible to complete the correspondence relating to this stage and to use the results of such test during the preparation of a similar program for the purposes of its discussion at the next Session of the Interim Committee for Technical Cooperation in 1975.

Yours sincerely,

L. Komarov
Deputy Chairman

[Annex B follows]

Mr. K. Pfanner
Deputy Director General
WIPO,
Geneva, Switzerland.

Annex B

DER PRÄSIDENT
DES DEUTSCHEN PATENTAMTS

8000 MÜNCHEN 2, den March 7, 1975

Zweibrückenstraße 12

Fernruf (08 11) 2 19 51

Fernschreiber 5 23 534

Fernrufdurchwahl (08 11) 21 95

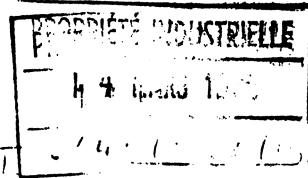
Hausruf _____

Geschäfts-Nr.: 9330/10(11)-3.1.3.Bd XIII
Bitte in der Antwort die vorstehende Geschäftsnummer angeben S

Dr. Klaus Pfanner
Deputy Director General
World Intellectual Property
Organization (WIPO)
32, chemin des Colombettes

CH - 1211 G e n e f 20

- Schweiz -



Re: PCT-Tests for Processing International Applications
Ref.: Your letter of February 19, 1975, 1478 - 081.3

Dear Dr. Pfanner,

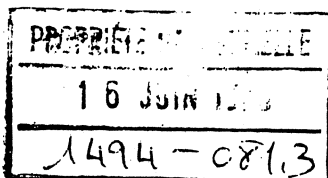
in reply to your above-mentioned letter I should like to inform you that the German Patent Office is ready to take part in the test as described in Mr. Komarov's letter of February 7, 1975.

I agree with the proposed number of two or three test applications and I am looking forward to receiving these applications. Since the applications will have to be translated into German and we would like to observe the prescribed time limits, I should like to suggest that the test applications should not be too extensive.

For the moment the German Patent Office has no additional suggestions regarding the conducting of the tests.

Sincerely yours,

Haertel
Haertel



Der Präsident
Des Deutschen Patentamts
Mr. Haertel
8 000 München, 2
Zweibrückenstraße, 12

Dear Mr. Haertel

I'd like to thank you for your consent to participate in the first stage of the PCT - Test program, as described in Dr. Pfanner's letter of March 21, 1975, PCT(1494)-081.3 with reference to your letter of March 7, 1975, 9330/10(11)-3:1.3. **Bd XIII.**

Allow me to express confidence that our offices' participation in that program will contribute toward better experience in international applications processing and in preparation of a further detailed program.

Sending three not too extensive applications prepared only for the purposes of processing by Receiving Office and having some defects intentionally injected as to create frequent correspondence, I'd like to specify the possibility of receiving test applications from you for analogous processing by our office.

Since the purpose of the first stage of PCT - Tests program is mainly the accumulation of material for further development of detailed program which could be submitted for discussion at the next session of the PCT Interim Committee and since performing the functions of an "applicant" and "Receiving Office" by offices of different countries gives a specific character to relevant correspondence I should like to suggest for discussion the following conditions of correspondence:

1. The "Receiving Office" while recording any material

may mark actual receiving date or any other date (e.g. earlier date) if this date is considered to stimulate further correspondence or produce a certain collision which can be interesting as regards the applying of PCT.

2. If the "applicant" is not going to perform any responsive action (e.g. to send required materials) he informs another office about it.

3. In order to eliminate any misuse of simulated addresses by post all materials pertaining to PCT tests should be sent as an enclosure to ordinary covering letters to the addresses of corresponding office.

4. Every office for purpose of training its staff may inquire what was implied in any action (e.g. what mistakes were deliberately permitted) and another office has to give such an information.

5. Every office will apply as far as possible the correspondence forms as they are given in the documents PCT/AAQ/WGF/I in order to add the remarks arising from the practical usage of forms to the remarks made at the first session of the Working group on forms.

I should be very obliged to you for your opinion about the suggested conditions of correspondence and for any suggestions concerning the considered question:

Sincerely yours

L. Komarov

Deputy Chairman of the
State Committee of Inventions
and Discoveries of the USSR
Council of Ministers.