

## International Applications Published Without Classification

*Encouraging creativity and innovation*



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## Issue

- » Around 5-6% of international applications still being published without classification
  - significant fluctuations over weeks
  - apparently down from high of 8-9% some weeks end 2007-start 2008, but still high
  - later classifications taking a long time to feed through system (typically >50% still have no classification in IB systems 6 weeks after publication)



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## Range of Problems

- » Preliminary analysis of 4 week publication sample shows unclassified publications:
  - from 28 receiving Offices, 10 ISAs
  - some where RO=ISA as well as RO≠ISA
  - some search copies received by ISA within 1 month of international filing date
  - a few search copies sent >1 year after filing



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## Record Copy vs. Search Copy

- » Most record copies (>80%) now sent electronically, but most search copies going to other Offices sent on paper
  - >20% of search copies received by ISA a month or more later than record copy received by IB
    - ▶ means of transmission is significant, but not only factor
  - small %age (but significant total number) received by ISA after international publication



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## Causes

- » Not fully clear - no individual party has sufficient records to determine all causes
- » Main likely issues:
  - general delays at RO
  - general delays at ISA
  - slow postal delivery of paper search copies
  - search copy delayed compared to record copy because of fee problems
  - late transfer to RO/IB under Rule 19.4
  - difficult formalities issues (e.g. “missing parts”)



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## Possible Actions (1)

- » Improved processing at ROs/ISAs
  - for individual review - not a collective issue
- » Increased use of electronic transfer of search copies
  - if difficulties in sending directly between pairs of Offices, could IB forward record copy to act as search copy? (probably requires change for all cases to be effective - if only for certain pairs, mistakes are too likely)



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## Possible Actions (2)

### » Sending documents earlier

- Is it essential for search copy to wait until all formalities defects resolved?
  - probably - risk of added subject matter not being spotted, especially in replacement sheets for drawings, if not sent to ISA; also particular issues of missing parts
- Could search copy be sent before it was confirmed that search fee had been paid?
  - change in procedure for ROs and ISAs, but not necessarily added work (since fee checking often separate activity from preparation of record and search copies)



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## Possible Actions (3)

- » IB able to offer copy of application to ISA if requesting classification of case about to be published but not yet available to ISA?
- » Anything else?



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## Most Effective Actions

- » Uncertain since proportion of cases with different causes not known
  - electronic transmission highly desirable anyway
  - earlier transmission of search copy may be desirable if many delays due to difficulties in confirming payment of search fee
- » Suggest detailed investigation into cases from a sample week
  - data to be sought from RO, IB and ISA



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## Issues for Investigation

- » When did the cases move between different points?
  - ▶ date of receipt by RO/IB from non-competent RO
  - ▶ RO transmittal (i) to IB, (ii) to ISA
  - ▶ IB receipt
  - ▶ ISA receipt (is this often much later than by IB?)
- » Major issues involved
  - ▶ when (and from where) application transferred under Rule 19.4?
  - ▶ late fee payment or difficulties in confirming fee payment?
  - ▶ missing parts or other major issue? [information on why process took so long would be useful for review of system]
  - ▶ other common problems not yet appreciated?



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