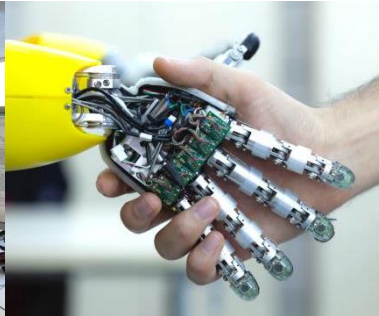




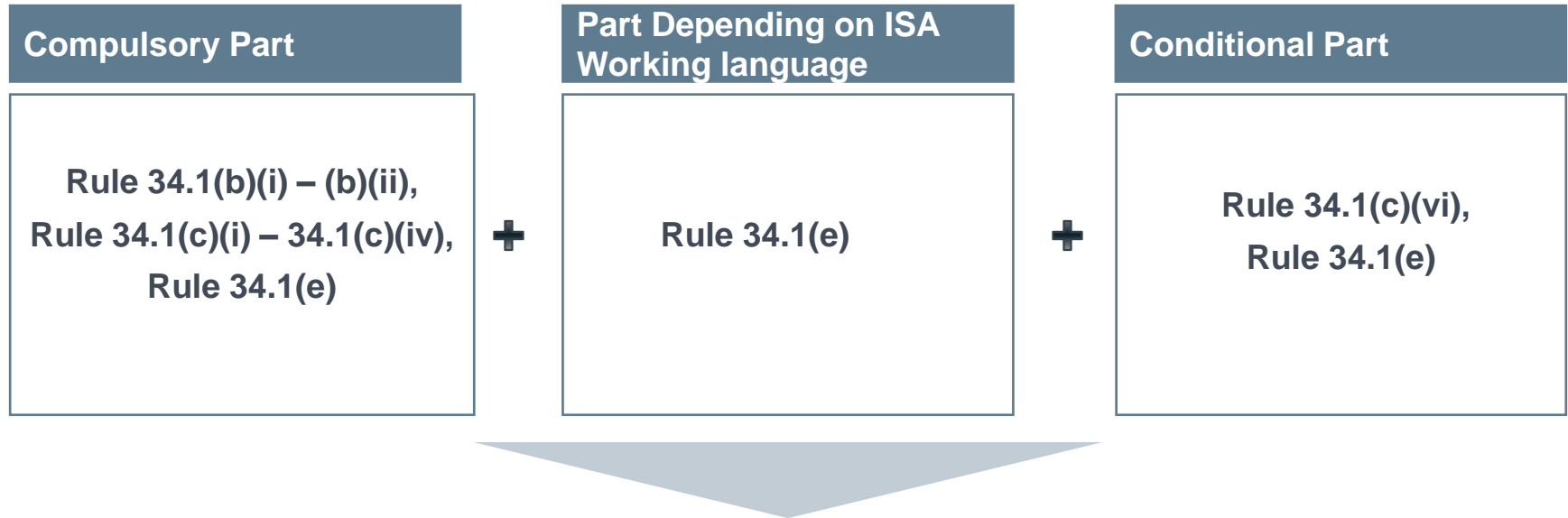
Europäisches
Patentamt
European
Patent Office
Office européen
des brevets

PCT Minimum Documentation

Language Issues – Open Issues regarding Utility Models and NPL



PCT Minimum Documentation: Current Situation



An **ISA-specific PCT Minimum Documentation** whose content depends on:

1. The ISA's working languages; and
2. The availability of English language Abstracts of CN, JP, KR, RU & SU patent documents, as well as patent documents published in Spanish

3 Categories of PCT Min. Documentation Patents

1. Compulsory Patent Collections belonging to the PCT Minimum Documentation

- ✓ **AP**
- ✓ **EA**
- ✓ **EP**
- ✓ **GC**
- ✓ **OA**
- ✓ **WO**
- ✓ **CH** (in DE & FR)
- ✓ **DD**
- ✓ **DE**
- ✓ **FR**
- ✓ **GB**
- ✓ **US**
- ✓ **CN** docs having EN Abstracts
- ✓ **JP** docs having EN Abstracts
- ✓ **KR** docs having EN Abstracts
- ✓ **RU/SU** docs having EN Abstracts

2. Patents belonging to the PCT Min. Doc. depending on the ISA's Working Language

- for ISAs with at least 1 working language in Chinese:
 - + **CN** docs with no EN Abstracts
- for ISAs with at least 1 working language in Spanish:
 - + **ES** docs with no EN Abstracts
- for ISAs with at least 1 working language in Japanese:
 - + **JP** docs with no EN Abstracts
- for ISAs with at least 1 working language in Korean:
 - + **KR** docs with no EN Abstracts
- for ISAs with at least 1 working language in Russian:
 - + **RU/SU** docs with no EN Abstracts

3. Allowable Patent Collections that *conditionally* belong to the PCT Minimum Documentation

- **First Filings in any other country published in the following languages:**
 - English
 - French
 - German
 - Spanish having EN Abstracts

Currently:

- + **AT** 1st Filings
- + **AU** 1st Filings
- + **CA** 1st Filings
- + **ES** 1st Filings having EN Abstracts

Open Issues with Utility Models

- **Current situation:**

 - only **French** utility certificates are part of the PCT Minimum Documentation

- **Options for the future (for discussion):**

 - **including all** utility models of the patent offices whose patent collections are part of the PCT Minimum Documentation provided that specific **requirements** are met (e.g. similar language requirements as for patent documentation)
 - **excluding all** utility models

Open Issues with Non-patent literature (NPL) 1/2

▪ **Current situation:**

- The **last official list** of NPL publications belonging to the PCT Minimum Documentation was published in Part 4.2 of the WIPO Handbook on Industrial Property Information and Documentation in **February 2010**
- The list was **conceived** and **defined for the paper era**
- An updated version of this list was established by the EPO in collaboration with the PCT Minimum Documentation Task Force members – updated list posted on the wiki on 27.10.2017

▪ **Objective D:**

“Recommend criteria and standards for the review, addition and maintenance of non-patent literature and traditional knowledge-based prior art (...)”

Open Issues with Non-patent literature (NPL) 2/2

- **Options for the future (for discussion):**
 - Regularly updated list compiled by all ISAs and complying with specific requirements
 - No NPL with the exception of NPL contained in databases
 - meeting specific requirements and
 - for which inclusion in the PCT Minimum Documentation has been requested