

WIPO



WORLD INTELLECTUAL PROPERTY ORGANIZATION
UNITED INTERNATIONAL BUREAUX FOR THE PROTECTION OF INTELLECTUAL PROPERTY

PATENT COOPERATION TREATY

INTERIM COMMITTEE ON TECHNICAL COOPERATION

First Session: Geneva, February 8 to 11, 1971

PREPARATORY DOCUMENT

submitted by the International Bureau

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I. Action by the Washington Conference

1. The Washington Diplomatic Conference on the Patent Cooperation Treaty, 1970, "considering the desirability of preparing the application of the Patent Cooperation Treaty pending the entry into force of the Treaty," invited the Assembly and the Executive Committee of the International (Paris) Union for the Protection of Industrial Property and the Director General of WIPO "to adopt, direct and supervise the measures necessary for the preparation of the entry into force of the Treaty." (The quotations are from the "Resolution concerning Preparatory Measures for the Entry Into Force of the Patent Cooperation Treaty," June 17, 1970, hereinafter referred to as "the Resolution.")

2. The same Conference recommended in the same Resolution that such measures include the setting up of three Interim Committees, namely:

- (i) one for technical assistance,
- (ii) one for technical cooperation,
- (iii) one for administrative questions.

3. The Resolution also expressed the desire that the organizations of inventors, industries, and the patent profession be associated, as in the preparation of the PCT, in the preparatory work for the entry into force of the PCT.

4. The present document concerns the second committee, that is, the "Interim Committee for Technical Cooperation" (hereinafter referred to as "the Interim Committee"). The Resolution provides that this Committee "should prepare the establishment of the Committee for Technical Cooperation referred to in Article 56 of the Treaty and advise the prospective International Searching and Preliminary Examining Authorities on the questions which will require solution when the Treaty enters into force."

II. Action by the Paris Union

5. The Assembly, the Conference of Representatives and the Executive Committee of the Paris Union, in their sessions held at Geneva in September 1970:

- (i) endorsed the Resolution of the Washington Conference,

- (ii) adopted the proposals of the Director General of WIPO concerning the implementation of the Resolution, and

(iii) decided which States were members of the Interim Committee (see document AB/I/33, paragraph 99, and document AB/I/18).

6. The proposals concerning implementation comprise the following:

(i) the Executive Committee of the Paris Union may appoint additional members to the Interim Committee,

(ii) the Executive Committee of the Paris Union is "to direct and supervise the work" of the Interim Committee,

(iii) the Interim Committee has to meet at least once before the September 1971 ordinary session of the Executive Committee of the Paris Union,

(iv) the Interim Committee should suggest to the September 1971 ordinary session of the Executive Committee of the Paris Union rules of procedure and a draft program of its activities for the year 1972 and possibly beyond. Both the rules of procedure and the program will be adopted by the said session of the Paris Union Executive Committee.

7. As to membership, the September 1970 sessions of the Assembly, Conference of Representatives and Executive Committee of the Paris Union decided that all States which had signed or would sign the PCT would be members of the Interim Committee. At the time of writing the present document, the following 21 States have signed the PCT: Algeria, Brazil, Canada, Denmark, Finland, Germany (Federal Republic), Holy See, Hungary, Iran, Ireland, Israel, Italy, Japan, Norway, Philippines, Sweden, Switzerland, United Arab Republic, United Kingdom, United States, Yugoslavia. These States have been invited to the first session of the Interim Committee. Any additional State which will sign the PCT will also be invited (the PCT is open for signature until December 31, 1970).

8. The following 9 intergovernmental organizations have been invited to the first session of the Interim Committee: United Nations (UN), International Bank for Reconstruction and Development (IBRD), United Nations Development Programme (UNDP), United Nations Conference on Trade and Development (UNCTAD), United Nations Industrial Development Organization (UNIDO), Inter-Governmental Conference for the setting up of a European System for the Grant of Patents (EPC), Industrial Development Centre for Arab States (IDCAS), International Patent Institute (IIB), African and Malagasy Industrial Property Office (OAMPI).

9. The following 12 international nongovernmental organizations have been invited to the first session of the Interim Committee: Asian Patent Attorneys Association (APAA), Committee of National Institutes of Patent Agents (CNIPA), Council of European Industrial Federations (CEIF), European Industrial Research Management Association (EIRMA), Inter-American Association of Industrial Property (ASIPI), International Association for the Protection of Industrial Property (IAPIP), International Chamber of Commerce (ICC), International Federation of Inventors Associations (IFIA), International Federation of Patent Agents (FICPI), Pacific Industrial Property Association (PIPA), Union of European Patent Agents, Union of Industries of the European Community (UNICE).

III. Rules of Procedure

10. In suggesting draft rules of procedure, the Interim Committee may wish to rely on the "General Rules of Procedure" of WIPO, which apply, inter alia, to the ad hoc committees of experts convened by the Director General of WIPO. In the terminology of the General Rules of Procedure, the Interim Committee is an ad hoc committee of experts (see Rules 1(1) and 46(1)). The Interim Committee may, on any given point, suggest that its rules of procedure be different from the General Rules of Procedure. The Director General of WIPO believes that the General Rules of Procedure could be adopted for the Interim Committee without any modification but, naturally, will submit to the Executive Committee of the Paris Union any other suggestion that the Interim Committee might wish to make. A copy of the General Rules of Procedure of WIPO (excerpt from document AB/I/34) is distributed together with the present document.

11. The Interim Committee is invited to suggest its own rules of procedure and, subject to later approval by the Executive Committee of the Paris Union, provisionally to apply them.

IV. Election of Officers

12. Rule 52 of the General Rules of Procedure provides that:

"(1) During its first meeting, the ad hoc committee of experts shall elect from among its members a Chairman and two Vice-Chairmen.

"(2) With the consent of the Director General, the ad hoc committee of experts may elect the Director General himself or another staff member of the International Bureau as Chairman."

13. The Director General would not wish that, in the present case, paragraph (2) of Rule 52 be applied.

14. The Interim Committee is invited to elect, from among its members, a Chairman and two Vice-Chairmen.

V. Tasks of the Interim Committee

15. As already stated, the Interim Committee, according to the Resolution of the Washington Conference, "should prepare the establishment of the Committee for Technical Cooperation referred to in Article 56 of the Treaty and advise the prospective International Searching and Preliminary Examining Authorities on the questions which will require solution when the Treaty enters into force."

16. It is recalled that Article 56 of the Treaty reads as follows ("Assembly" and "Executive Committee" refer to the Assembly and the Executive Committee of the International Patent Cooperation Union):

"(1) The Assembly shall establish a Committee for Technical Cooperation (referred to in this Article as "the Committee").

"(2)(a) The Assembly shall determine the composition of the Committee and appoint its members, with due regard to an equitable representation of developing countries.

(b) The International Searching and Preliminary Examining Authorities shall be ex officio members of the

Committee. In the case where such an Authority is the national Office of a Contracting State, that State shall not be additionally represented on the Committee.

(c) If the number of Contracting States so allows, the total number of members of the Committee shall be more than double the number of ex officio members.

(d) The Director General shall, on his own initiative or at the request of the Committee, invite representatives of interested organizations to participate in discussions of interest to them.

"(3) The aim of the Committee shall be to contribute, by advice and recommendations:

(i) to the constant improvement of the services provided for under this Treaty,

(ii) to the securing, so long as there are several International Searching Authorities and several International Preliminary Examining Authorities, of the maximum degree of uniformity in their documentation and working methods and the maximum degree of uniformly high quality in their reports, and

(iii) on the initiative of the Assembly or the Executive Committee, to the solution of the technical problems specifically involved in the establishment of a single International Searching Authority.

"(4) Any Contracting State and any interested international organization may approach the Committee in writing on questions which fall within the competence of the Committee.

"(5) The Committee may address its advice and recommendations to the Director General or, through him, to the Assembly, the Executive Committee, all or some of the International Searching and Preliminary Examining Authorities, and all or some of the receiving Offices.

"(6)(a) In any case, the Director General shall transmit to the Executive Committee the texts of all the advice and recommendations of the Committee. He may comment on such texts.

(b) The Executive Committee may express its views on any advice, recommendation, or other activity of the Committee, and may invite the Committee to study and report on questions falling within its competence. The Executive

Committee may submit to the Assembly, with appropriate comments, the advice, recommendations and report of the Committee.

"(7) Until the Executive Committee has been established, references in paragraph (6) to the Executive Committee shall be construed as references to the Assembly.

"(8) The details of the procedure of the Committee shall be governed by the decisions of the Assembly."

17. It is noted that the Resolution defines the mandate of the Interim Committee only in very general terms. Consequently, it would seem to be desirable to define the tasks of the Interim Committee in more detail. Such definition will be needed also in connection with the draft program of the Interim Committee's activities referred to in paragraph 6(iv), above.

18. The Interim Committee is invited to interpret and define in more detail its mandate.

19. It is the wish of the Director General that the Interim Committee respond to this invitation in complete independence. At the same time, he believes that it might facilitate the tasks of the Interim Committee if he set forth a few points which the Interim Committee might wish to deal with.

20. Generally. It would seem that among the most urgent tasks of the Interim Committee there should be the following:

(i) carrying out studies and formulating recommendations to the prospective Searching Authorities so that their search reports, as to their substance, be of the highest possible quality and the greatest possible uniformity and, as to their form, be of the greatest possible clarity and uniformity;

(ii) doing likewise in respect of the prospective International Preliminary Examining Authorities and the preliminary examining reports they would prepare;

(iii) studying and recommending the best methods for furnishing copies of documents cited in the said reports.

21. In carrying out these tasks, a certain amount of activity will be expected from the Interim Committee as such, but much of the work will have to be carried out in the national Offices--particularly the prospective Searching Authorities (expressions which should always be understood, in the context of this document, as also comprising the International Patent Institute)--and in the International Bureau. It might be useful to set up a standing sub-committee consisting of the prospective International Searching and Preliminary Examining Authorities (hereinafter referred to as "Prospective Authorities"), as most of the tasks will be of primary concern to them.

22. Minimum Documentation. It would seem to be desirable that the International Bureau, under the guidance of the Interim Committee, should:

(i) prepare a detailed inventory of the patent documents to be included in the minimum documentation, this inventory to comprise also the status of abstracts of Japanese and Russian language documents and those English, French and German language documents which, under Rule 34.1(c)(vi) of the PCT Regulations, may be expected to be included in the minimum documentation;

(ii) carry out a survey on the question which of the patent documents of the minimum documentation are missing in any of the Prospective Authorities and recommend measures (exchange of documents, microfilms, etc.) to fill the gaps by the time the Treaty comes into effect;

(iii) carry out a survey of existing abstracting services--whether government-operated, offered for sale to the general public (as, for example, Chemical Abstracts and Derwent), or private and restricted (as in the case of some industry groups)--and of their plans for the future;

(iv) study the possibilities of coordination and cooperation among the abstracting services and the use of such services by the Prospective Authorities;

(v) study the most efficient methods by which Prospective Authorities may acquire patent documents and abstracts in the most practical form (paper, microfilm, microcard, etc.) from national Offices, public or private documentation services, and other possible sources, on a continuing basis before and after the entry into force of the Treaty;

(vi) carry out, in view of establishing the list referred to in Rule 34.1(b)(iii) of the PCT Regulations, a survey to identify the kind of non-patent literature items which are now used by the Prospective Authorities;

(vii) work with a view to formulating proposals as to what should be included in the list referred to in the preceding item and in what form (abstracts, etc.);

(viii) study the possibilities of alerting Prospective Authorities to and enabling them to exchange or otherwise acquire non-patent literature items which might be included in the said list but presently are missing in the collections of the Prospective Authorities.

23. Information Meetings on Searching Techniques. It would seem to be desirable to familiarize the examiners of any Prospective Authority with the searching and examination techniques of all the other Prospective Authorities. Mutual awareness of these matters seems, indeed, an almost indispensable prerequisite to any discussion on how to achieve uniform standards. It is therefore proposed that information meetings be organized. Each meeting would deal with a different major branch of technology and each Prospective Authority would be represented therein by examiners well informed on all the details of search techniques in such branch.

24. In the information meetings, the participants would merely try to communicate to each other what kinds of documents are actually in their search files, what searching aids they use, what classifications they use, what is done when the documents are in a language which the examiner himself does not understand, to what extent abstracts are used, how documents pertaining to the same invention are identified and eliminated, how continuity is assured in case of high turnover of staff, and, in general, what problems are most commonly encountered and what main solutions are adopted to solve them in the course of the searching and examination of patent application.

25. Test Searches (Proposal by the German Patent Office). The Patent Office of the Federal Republic of Germany has asked that its proposal "concerning the carrying out of a PCT test search at the prospective International Searching Authorities" be placed on the agenda of this Interim Committee.

26. The full text of the proposal received by the International Bureau on November 24, 1970, is attached to the present document.

27. Computerized or Computer-Aided Storage and Retrieval of Patent Documents. It would seem to be useful if the Interim Committee became a forum in which information would be exchanged--not only between national Offices and the International Patent Institute but also between the said Offices and Institute and private undertakings operating in this field--on the plans for computerized or computer-aided storage and retrieval systems of scientific documents, particularly patent documents.

28. The following seem to be among such systems:

(i) DPS (Documents Processing System), TEXT PAC, and other systems of IBM,

(ii) GOLEM and PRIMAS of Siemens,

(iii) SMART of the Western Reserve University (Salton),

(iv) CAC (Computer Aided Classification) of the US Patent Office.

29. Such exchange of information should help each Prospective Authority to profit from the experiments and experiences of others and possibly lead to the establishment of coordinated or more generally usable systems.

30. Patent Families and Bibliographic Data. It would seem to be desirable that the Interim Committee take stock of the existing and planned facilities--whether government-operated or privately operated--for indexing bibliographic data appearing on patent documents, particularly as an aid to identifying those which relate to the same invention and some of which, for that very reason, certain Prospective Authorities would wish to eliminate from their active search files.

31. In particular, the possibilities should be studied of creating standardized, compatible--and, consequently, exchangeable and mutually usable--computer tapes carrying such bibliographic data. The question of the creation or extension of a centralized service--whether operated internationally or by private enterprises--should be studied.

32. Computerization of the International Patent Classification. The question referred to here is not that of classifying by computer but simply whether the Classification--which today exists only in a 3-volume printed publication--should not be stored in a computer and so programmed as to facilitate:

- (i) the introduction of changes in the Classification, and the reproduction and publication of the updated portions,
- (ii) the constitution of catchword indexes,
- (iii) the detection of repetitions, gaps and inconsistencies,
- (iv) the translation of the Classification in languages other than English,
- (v) the updating of concordance lists between the International Patent Classification and other classifications.

33. It is proposed that the Interim Committee study the possibilities of such computerization, which, if achieved, would make the International Patent Classification more attractive, more practical, and more economical. Such improvements would facilitate the generalization of the International Patent Classification, which, if attained, would introduce a potent factor for achieving uniformity among the working methods of the Prospective Authorities and the presentation of documents used by them.

34. Remarks Concerning Paragraphs 25 to 33. It should be noted that some of the questions recommended for study in paragraphs 25 to 33 have been or are currently being studied to some extent by ICIREPAT and by Working Group V of the Ad Hoc Committee on International Classification. The Interim Committee, in fixing its tasks and program, will therefore doubtless wish to take the necessary measures to avoid any duplication of work and see to it that the results already obtained are fully used and future activities are complementary rather than duplicative.

VI. Program for 1972 and Beyond

35. As stated above (paragraph 6(iv)), the Executive Committee of the Paris Union expects the Interim Committee to adopt a draft program of its activities for the year 1972 and possibly beyond.

36. The Interim Committee is invited to draw up such a draft program.

37. Again, it is the wish of the Director General that the Interim Committee respond to this invitation in complete independence.

38. Among the questions to be considered in this connection are the following:

(i) what tasks should be carried out;

(ii) in carrying out each task, what the role should be of the Interim Committee itself, of a possible subcommittee of the Prospective Authorities (and who the members of such a subcommittee should be), of national Offices (which?) and the International Patent Institute, of private organizations and groups, and of the International Bureau;

(iii) what the priorities among the different tasks should be;

(iv) what the time table for each task should be;

(v) how many times, how many days each time, and when, the Interim Committee should meet in 1971 and 1972.

39. The suggested program will be reported to the September 1971 session of the Executive Committee of the Paris Union. The extent of the involvement of the International Bureau will mainly depend on the amount of the special PCT contributions of the member States of the Paris Union, the programs of the other two Interim Committees, and the priorities that the Executive Committee of the Paris Union will fix.

/Follows Annex/

PCT/TCO/I/2
ANNEX

German Proposal

Concerning the Carrying Out of a PCT Test Search
at the Prospective International Searching Authorities

Preparatory to the date of the entry into force of the Patent Cooperation Treaty it appears to be appropriate to entrust the PCT Interim Committee to be established with carrying out a large-scale test intended to give the search system and the documentation required a trial run.

This test should include 250 searches at least, covering alike the entire area of technology; moreover, all prospective International Searching Authorities concerned should participate in this test. In order to safeguard the applicants' interests, it is further proposed not to base this test on "living" applications but to "construct", for the test program, 250 model applications built up in accordance with the procedural provisions of the Patent Cooperation Treaty. Only if patent claims are built up in accordance with the same principle, it may be expected that a comparison of the test searches carried out at the individual prospective International Searching Authorities will indicate the degree of conformity of searches to be achieved at the individual offices by means of the existing documentation.

It is proposed to adopt the following procedure:

1. The prospective International Searching Authorities compile approximately 40 PCT model applications each in a specific technological field on the basis of English-language printed publications to the effect that 250 to 300 PCT applications of this kind are established covering alike the entire area of technology.

2. Search reports on these "packages" of 40 model applications are established in accordance with the provisions of the PCT by one of the other prospective International Searching Authorities.
3. Additionally, a monitor report on these "packages" of search reports is established by a third prospective International Searching Authority.
4. These monitor reports are digested, by the International PCT Committee, into a final report that indicates which degree of conformity has been achieved in the searches concerning a single subject matter, and carried out within the various prospective International Searching Authorities.

Distribution of the tasks among the individual prospective International Searching Authorities could be systematized as follows (the prospective International Searching Authorities being arbitrarily numbered):

Elaboration of model ap- plications	Field of technology (Int.Cl. Section)	PCT search Searching Authority	Monitor reports Searching Authority
No. 1	A	No. 2	No. 3
No. 2	B	No. 3	No. 4
No. 3	C, D	No. 4	No. 5
No. 4	E	No. 5	No. 6
No. 5	F	No. 6	No. 7
No. 6	G	No. 7	No. 1
No. 7	H	No. 1	No. 2

The expenditure caused by this test at the authorities involved appears to be relatively insignificant when compared to the possible advantages and experiences this approach may provide for the International Bureau and the prospective International Searching Authorities.

(Original English)
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