

# WIPO



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

## **PATENT COOPERATION TREATY**

INTERIM COMMITTEE FOR TECHNICAL COOPERATION

First Session: Geneva, February 8 to 11, 1971

### REPORT

prepared by the International Bureau

### INTRODUCTION

1. The "Interim Committee for Technical Cooperation" set up by the Assembly and the Executive Committee of the International Union for the Protection of Industrial Property (hereinafter referred to as "the Paris Union") in September 1970, pursuant to a resolution of the Washington Diplomatic Conference of May/June 1970 which adopted the Patent Cooperation Treaty (hereinafter referred to as "the PCT"), was convened by the Director General of the World Intellectual Property Organization (WIPO) and held its first session in Geneva from February 8 to 11, 1971. In this document, the said Committee is referred to as "the Interim Committee."

2. The 35 States which have signed the PCT are the members of the Interim Committee. The following 27 were represented: Algeria, Argentina, Austria, Brazil, Canada, Denmark, Finland, France, Germany (Federal Republic), Hungary, Ireland, Israel, Italy, Japan, Monaco, Netherlands, Norway, Romania, Soviet

Union, Sweden, Switzerland, Syria, Togo, United Arab Republic, United Kingdom, United States of America, Yugoslavia. The following eight were not represented: Belgium, Holy See, Iran, Ivory Coast, Luxembourg, Madagascar, Philippines, Senegal.

3. Of the nine intergovernmental organizations invited, the following seven were represented by observers: United Nations (UN), United Nations Conference on Trade and Development (UNCTAD), United Nations Development Programme (UNDP), United Nations Industrial Development Organization (UNIDO), Industrial Development Centre for Arab States (IDCAS), International Patent Institute (IIB), African and Malagasy Industrial Property Office (OAMPI). The International Bank for Reconstruction and Development (IBRD) and the Intergovernmental Conference for the Setting Up of a European System for the Grant of Patents (EPC) were not represented.

4. Of the 12 international non-governmental organizations invited, the following 11 were represented by observers: 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), International Association for the Protection of Industrial Property (AIPPI), 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). The Inter-American Association of Industrial Property (ASIPI) was not represented.

5. The number of participants was nearly one hundred. The list of participants is annexed to this Report.

6. The Interim Committee unanimously elected Mr. R. Labry (France) as Chairman, and Mr. R.D. Tegtmeyer (United States of America) and Mr. M. Eklo (Togo) as Vice-Chairmen. Part of the time Mr. Labry presided and part of the time Mr. Tegtmeyer.

7. Dr. Arpad Bogsch, First Deputy Director General of WIPO, acted as Secretary of the Interim Committee.

8. The session was opened by Professor G.H.C. Bodenhausen, Director General of WIPO. He greeted the representatives of States, meeting for the first time as representatives of the signatories of the PCT. The great number of signatures and the fact that among the signatories were countries from the developed and the developing countries, from all continents, and from all social and economic systems, showed the global importance of the Patent Cooperation Treaty. This fact and the great number of participants augured well for the ultimate success of the Treaty.

9. He specially welcomed the representatives of the inter-governmental organizations. WIPO intended to extend its cooperation with them also into the field of the PCT.

10. He emphasized the importance of the active participation of the non-governmental organizations representing the prospective users of the PCT. As in the preparation of the Treaty, so also in the work of the Interim Committee WIPO was counting on their advice and cooperation. He was glad that they had sent highly representative delegations.

11. Finally, Professor Bodenhausen said that his words of welcome and wishes for fruitful discussions applied also to the other two Interim Committees meeting on the same days.

#### RULES OF PROCEDURE

12. The Interim Committee suggests that its rules of procedure be those applicable to "ad hoc Committees of Experts" which are provided for in the General Rules of Procedure of WIPO, subject to the understanding that the members would be States and would be represented by government-appointed delegations.

#### DISCUSSION

13. The Interim Committee discussed its mandate and tasks on the basis of document PCT/TCO/I/2, paragraphs 15 to 34 (hereinafter referred to as "document No. 2"). Where discussions resulted in positive recommendations, they appear, or also appear, in the part entitled "Suggested Program" at the end of this Report.

14. Generally. In connection with paragraph 20 of document No. 2, the Delegation of the United States of America said that although the highest possible quality and uniformity in international search and preliminary examination reports were desirable, they might not be feasible for financial reasons and therefore a realistic rather than idealistic goal should be set. The Delegation of the United Kingdom agreed with this view and called attention to the need for examining any limitation which might exist in the copyright laws in connection with the furnishing of copies of documents cited in the said reports. The Delegation of France, supported by the

Delegation of Germany (Federal Republic), said that the reports in question would have to be of the high quality provided for in the Patent Cooperation Treaty. The Delegation of Denmark, supported by the Delegations of Sweden and Israel, urged that the Interim Committee should give equal attention to preparing the work of the prospective International Searching Authorities and the prospective International Preliminary Examining Authorities. Subject to these understandings, paragraph 20 of document No. 2 was adopted.

15. Standing Subcommittee. A standing subcommittee, as recommended in paragraph 21 of document No. 2, was established and it was decided that its members would be the prospective International Searching and Preliminary Examining Authorities, that is, Austria, Germany (Federal Republic), Japan, the Soviet Union, Sweden, the United Kingdom, the United States of America, the International Patent Institute, and--as observer--Brazil.

16. Minimum Documentation; Information Meetings on Searching Techniques; Test Searches (Proposal of the German Patent Office) (paragraphs 23 to 26 of document No. 2). These three questions were discussed in great detail with the participation of most Delegations, the International Patent Institute, and a number of the non-governmental organizations. The conclusions are reflected below in the part entitled "Suggested Program." As to test searches, the Delegation of Germany (Federal Republic) modified its written proposal during the discussion, suggesting that such tests should be conducted on each test application by all the prospective International Searching Authorities. The Delegation of the Netherlands referred to the test search proposed by Technical Committee I of ICIREPAT and said that due account should be taken of that proposal. As to information meetings, the Delegation of the

Soviet Union reserved its position and expressed the view that, in any case, such meetings should be preceded by efforts to complete the documentation of the Offices concerned.

17. Computerized and Computer-Aided Storage and Retrieval of Patent Documents (paragraphs 27 to 29 and 34 of document No. 2). Pursuant to the wish expressed by the Representative of the International Patent Institute, as well as the Delegations of the Soviet Union, the United States of America, Germany (Federal Republic), the Netherlands, Israel and the United Kingdom, the Interim Committee decided not to include the question of computerized and computer-aided storage and retrieval of patent documents among its tasks. The Delegation of the United States of America emphasized the importance of these tasks.

18. The reason for the said decision was that the question was on the program of ICIREPAT and had been dealt with by the latter for several years. The Interim Committee decided to ask the Executive Committee of the Paris Union to request ICIREPAT to make yearly progress reports on this subject and transmit to it (the Interim Committee) a copy of such reports.

19. Patent Families and Bibliographic Data (paragraphs 30 and 31 of document No. 2). After a discussion in which the proposals contained in document No. 2 concerning this question received strong support from the Delegations of Japan, the Soviet Union, Germany (Federal Republic), the United Kingdom, the United States of America, the Netherlands, Austria and France, as well as from the Representative of the International Patent Institute, the relevant decisions reported in the part entitled "Suggested Program" were unanimously approved by the Interim Committee.

20. It was agreed that a service for the identification of patent families was urgent and, in order to put it into effect, cooperation between the International Bureau and private firms would, in principle, be acceptable. The negotiations between the International Bureau and Derwent Publications Ltd. (London), specializing in abstracting and indexing patent documents, were referred to.

21. The Representative of the International Chamber of Commerce, supported by the Representative of the European Industrial Management Research Association, said that documents should not be automatically eliminated by any prospective International Searching Authority merely on the ground that they were members of the same "family" (that is, related to the same invention) as a document which that Authority already had in its search files since the latter filed applications might contain additional matter not contained in the first filed application.

22. Computerization of the International Patent Classification (paragraphs 32 to 34 of document No. 2). The Delegations of Switzerland, the United States of America, the Soviet Union, the Netherlands, the United Kingdom, and Germany (Federal Republic), as well as the Representative of the International Patent Institute, having expressed the view that this was a matter for the organs in charge of administering the International Patent Classification, the Interim Committee decided not to include it in its program.

23. Patent Information Services. On a proposal by the Delegation of Israel, it was agreed that the Interim Committee should be competent for, and in due course deal with, the preparation of the patent information services referred to in Article 50 of the PCT except where the matter was mainly

of direct concern to developing countries (where the Interim Committee for Technical Assistance was competent). It was also noted that the program on patent families was closely linked to the said Article 50.

#### SUGGESTED PROGRAM

24. The Interim Committee arrived at the following conclusions as to its program.

##### Minimum Documentation

25. The International Bureau, under the guidance of the Interim Committee and with the advice of the Standing Subcommittee of that Committee, should:

- (i) prepare a detailed inventory of the patent documents to be included in the PCT minimum documentation (the inventory should comprise also the status of abstracts of Japanese and Russian language documents referred to in Rule 34.1(e) 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; the inventory should refer to document numbers in terms of "from No..... to No....." only rather than listing all the numbers and without necessarily identifying scattered numbers not used);
- (ii) carry out a survey, to the extent considered useful by the Standing Subcommittee, on the question which of the patent documents of the minimum documentation are missing in any of the prospective International Searching and Preliminary Examining Authorities (hereinafter referred to as "the prospective Authorities"), and recommend measures (exchange of documents, microforms, etc.) to fill any gaps by the time the Patent Cooperation Treaty comes into effect;



- (iii) carry out a survey of existing abstracting and translation services of patent documents likely to be of direct usefulness to the prospective Authorities (the survey should encompass, irrespective of geographical location, government-operated services, services offered for sale to the general public, and services which are private and restricted) and recommend measures to fill any gaps by the time the Patent Cooperation Treaty comes into effect;
- (iv) study the possibilities of coordination and cooperation among the abstracting and translating services referred to in the preceding subparagraph, as well as the possibilities for the use of such services by the prospective Authorities;
- (v) study the most efficient methods, differing possibly for each of the prospective Authorities, by which the said Authorities may promptly acquire patent documents, abstracts, and translations of such documents and abstracts, in the desired 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 Patent Cooperation Treaty, it being understood that, where satisfactory bilateral or other arrangements exist, those should be used;
- (vi) to the extent that previous surveys do not provide the required information, carry out, with a view to 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 systematically used by the prospective Authorities;

- (vii) prepare the material necessary for formulating proposals as to what should be included in the list referred to in the preceding subparagraph and in what form (abstracts, etc.);
- (viii) study the possibilities of alerting prospective Authorities to and, subject to respecting the applicable copyright laws, 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.

Information Meetings on Searching Techniques; Test Searches  
(Proposal by the German Patent Office)

26. The Standing Subcommittee should study the merits, costs, feasibility, usefulness and possible timetable of information meetings on searching techniques and of test searches (see document PCT/TCO/I/2, paragraphs 23 to 26) and report to the Interim Committee. The study should also deal with the question to what extent the information meetings could be replaced or preceded by an exchange of information in written form (through a survey based on a questionnaire) and by an exchange program of examiners. The advice of non-governmental organizations should be sought on the question what documents (fictitious or real applications) any test searches should be carried out on and, if they are to be carried out on fictitious applications, such organizations should be invited to assist in drafting them and in submitting test searches based upon the documentation available in industry; they should also be invited to comment on the results of the tests. The study should include exploring also the feasibility of methods other than information meetings and test searches to attain the objectives which such meetings and tests were intended to achieve.

Before the latter study starts, the International Bureau should invite the members of the Standing Subcommittee and the interested non-governmental organizations to make concrete proposals for methods other than the said information meetings and test searches for achieving the said objectives.

#### Patent Families and Bibliographic Data

27. The Interim Committee, after due preparation by the International Bureau and the Standing Subcommittee, should:

- (i) take stock of the existing 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;
- (ii) study the possibilities of creating standardized, compatible--and, consequently, exchangeable and mutually usable--computer tapes carrying the bibliographic data of patent documents;
- (iii) study the possibilities of the creation or extension of a centralized service--whether operated as a cooperative enterprise of the prospective International Searching and Preliminary Examining Authorities and WIPO, or of WIPO, the said Authorities and commercial or other independent enterprises--for assembling, processing and disseminating the said bibliographic data primarily for the purpose of identifying "patent families."

#### Priorities

28. The Interim Committee agreed that work on the items "Minimum Documentation" and "Patent Families" was more

urgent than work on the items "Information Meetings on Searching Techniques; Test Searches" and the patent information services (other than patent families; see paragraph 20).

#### Future Meetings

29. The Interim Committee agreed that the Standing Subcommittee should meet on December 8 to 10, 1971, at Geneva and that the Interim Committee itself should meet in 1972. The date of that meeting would depend on the progress made by the Standing Subcommittee, which might, if necessary, meet for a second time before the meeting of the Interim Committee.

#### Executive Committee of the Paris Union

30. The Interim Committee noted that its suggested program would be reported to the Executive Committee of the Paris Union when it met in September 1971, that it was the Executive Committee which would establish the final program, and that the extent of the involvement of the International Bureau in the program would depend on the amount of the special PCT contributions of the member States of the Paris Union (cf. paragraph 39 of document No. 2).

31. This Report was unanimously adopted by the Interim Committee in its closing meeting on February 11, 1971.

[Annex follows]

ANNEXE/ANNEX

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