



PCT/TCO/VI/10

ORIGINAL: English

DATE: September 24, 1976

WORLD INTELLECTUAL PROPERTY ORGANIZATION GENEVA

PATENT COOPERATION TREATY

INTERIM COMMITTEE FOR TECHNICAL COOPERATION

Sixth Session

Geneva, November 3 to 8, 1976

PRELIMINARY SURVEY OF THE DATES OF PUBLICATION OF PATENT DOCUMENTS CITED IN THE COURSE OF ASCERTAINING PRIOR ART ("CUT-OFF DATES")

Report prepared by the International Bureau

Introduction

- 1. The International Bureau, by its Circular letter No. 2504 dated June 4, 1976, invited the prospective International Searching Authorities to undertake a preliminary survey showing the year-dates of publication of patent documents cited in the course of discovering the relevant prior art with respect to a certain number of patents and/or inventors' certificates (or applications therefor). The objective of the survey was to obtain information that would provide a basis for discussion and further study concerning the most appropriate date or dates from which the search documentation that would constitute the minimum documentation under PCT Rule 34.1(c) should commence ("cut-off dates").
- 2. It is to be noted that the survey requested by the International Bureau was of a limited scope (i.e., at least 100 patents and/or inventors' certificates selected on a random basis in each of the three broad technical fields: Chemical, Electrical and Physics, and Mechanical) and that it was indicated that the results of the survey would be submitted to the Interim Committee for Technical Cooperation (hereinafter referred to as "the Interim Committee") at its sixth session in order to seek its advice as to whether, and in what way, studies should be continued.
- 3. Replies to Circular letter No. 2504 were received from the following Offices: Austrian Patent Office, German Patent Office, State Committee for Inventions and Discoveries of the USSR Council of Ministers, Swedish Patent Office, United States Patent and Trademark Office and the International Patent Institute (IIB).

Contents of Annexes to the Present Document

- 4. Attached to the present document are the following annexes:
 - Annex A: Circular letter No. 2504, mentioned in paragraph 1 above;
 - Annex B: Reply received from the Austrian Patent Office;
 - Annex C: Reply received from the German Patent Office;
 - Annex D: Reply received from the State Committee for Inventions and Discoveries of the USSR Council of Ministers;
 - Annex E: Reply received from the Swedish Patent Office;

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- Annex F: Reply received from the United States Patent and Trademark Office;
- Annex G: Reply received from the International Patent Institute (IIB);
- Annex H: Summary, presented in tabular form, of the replies received, showing the distribution of patent documents cited in the course of discovering relevant prior art in accordance with their publication dates, expressed in percentages for each technical field. In this summary are indicated both the percentages of documents cited for given periods of publication (numbers appearing between arrows) and cumulative percentages (in frames) showing the amount of cited documents published before a given date. It should be noted that the reply received from the International Patent Institute (IIB), which indicates the distribution of patent documents cited, in accordance with the eight sections of the International Patent Classification, has not been included in the summary since such breakdown does not permit easy comparison with the other replies.

Comments

- 5. The question of the establishment of cut-off dates has been dealt with extensively in the framework of ICIREPAT for the purposes of reducing the indexing costs of a mechanized search system. In this context, the competent body of ICIREPAT established several principles to be followed when determining cut-off dates for mechanized search systems. Although these principles were agreed upon in the framework of the "ICIREPAT Procedure for the Development and Introduction of Systems", and do not apply as such to the establishment of cut-off dates for the purposes of the minimum documentation under PCT Rule 34.1(c), they raise a certain number of basic issues which might be taken into account by the Interior Committee when considering the results of the survey referred to in paragraphs and 2 above. The principles mentioned above are as follows:
 - (i) "A cut-off date should be regarded as a means of reducing the indexing costs of a mechanized search system."
 - (ii) "An individual cut-off date should be established separately for each particular subject matter field."
 - (iii) "The documents contained in the search file dated before the cut-off date should not be discarded from the search file; ways and means of identifying these documents should be found."
 - (iv) "There are cases where no single cut-off date exists for the whole field."
 - (v) "Cut-off dates may be advantageous for some subfields and not for others. If the scope of a mechanized system is restricted to the active subfields, no cut-off date other than that inherent in the subfields will be necessary."
 - (vi) "Guidelines for determining a cut-off date can be formulated on the basis of citation frequency studies and of the proposed use of the system."
 - (vii) "An alternative to a cut-off date would be to index older documents (from an agreed date of publication) on a more restricted basis, this basis to be set out in the manual for the system."
 - 6. The Interim Committee is invited to consider the results of the survey contained in this document and to give its advice as to any further action that should be taken.

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ANNEXE A/ANNEX A



WORLD INTELLECTUAL PROPERTY ORGANIZATION

ORGANISATION MONDIALE DE LA PROPRIÉTÉ INTELLECTUELLE

Circular No. 2504 PCT 081.3 June 4, 1976

Sir,

. **1**.

The International Bureau is giving consideration to the question of the most appropriate date or dates from which the search documentation that would constitute the minimum documentation under PCT Rule 34.1(c)(i) should commence ("cut-off dates"). The International Bureau is aware that a number of surveys concerning cut-off dates have been made in recent years, particularly the survey submitted to the PCT Interim Committee for Technical Cooperation in 1972 (document PCT/TCO/SS/III/9). For your convenience, a copy of the said document is annexed.

As a starting point in its present studies, the International Bureau requests that your Office, as a prospective International Searching Authority under the PCT, should undertake a survey of at least 100 patents and/or inventors' certificates (or applications for the same), selected on a random basis in each of the three broad technical fields set out below and indicate, in relation to such documents, the year-dates of the publication of the patent documents cited in the course of discovering the relevant prior art. The three broad technical fields mentioned above are, as follows:

Chemical - mainly chemistry and chemical engineering
but also metallurgy, textiles, paper, foodstuffs,
medicine and biology;

Electrical and Physics - mainly electrical and electronics but including also communications, data processing, automation, control, instrumentation, lighting, nucleonics and physics;

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Circular No. 2504 PCT 081.3 2.

Mechanical - mainly mechanical and civil engineering, but including also, in general, everything not included in the other two above-mentioned fields.

We realize that the effort we invite you to undertake will not produce conclusive findings. Our main goal is to have a basis for further study and discussions.

Furthermore, it would be appreciated if the International Bureau were also supplied with information on any recent statistical studies concerning the publication dates of cited patent documents within different technological fields which might be considered useful.

We would also appreciate receiving any information you can supply concerning any characteristics of your search files, or of search procedures, which you might consider as useful in the interpretation of the statistical data requested above.

The results of this first preliminary survey will be submitted to the Interim Committee for Technical Cooperation at its sixth session, in order to seek its advice as to whether, and in what way, the studies of the International Bureau should be continued.

It is requested that you should kindly communicate to the International Bureau your response to this circular by the end of August 1976.

Sincerely yours,

Felix A. Sviridov Deputy Director General PCT/TCO/VI/10

ANNEXE B/ANNEX B

DER PRÄSIDENT DES ÖSTERREICHISCHEN PATENTAMTES

GR 997/76-33

Wien, am August 31, 1976
I., Kohlmarkt 8-10
Postanschrift: Postfach 95, A-1014 Wien

Mr. Felix A. SVIRIDOV

Deputy Director General

World Intellectual Property
Organization

32, chemin des Colombettes
CH-1211 G e n è v e 20

Dear Mr. Sviridov,

AC-2504

In reply to your letter of June 4, 1976, I have the honour to submit a survey of 100 Austrian patents in the three broad technical fields.

The patent documents are selected at random basis from those published in 1975/1976. The survey relates to patents which were subject to an examination as to novelty and inventive step and does not include applications refused. The Austrian patent law does not provide for an "isolated search".

I agree with your interpretation that conclusions on a later cutt-off-date for the minimum documentation can only be drawn from a study concerning small classification units. However, at present the Austrian Patent Office has no statistical data of this nature at its disposal.

Sincerely yours,

Dr. Leberl

TECHNICAL FIELD:

Chemical

	- 1919	1920-1929	1930-1939	1940-1949	1950-1959	1960-1964	1965-1969	1970-1974	Σ
DT	1	-	2	-	6	11	13	32	65
FR	-	_	1	-	1	1	4	6	13
СН	-	1	-	1	1	3	2	4	12
GB	-	1 .	-	1	1	4	3	5	15
US	1	-	2	4	3	3	9	5	27
0E	_	-	3	-	4	9	18	18	52
DL	-	-	-	-	1	1	2	5	9 .
Σ	2	2	8	6	17	32	51	75	193

PCT/TCO/VI/10
Annexe B/Annex B

TECHNICAL FIELD: Electrical and Physics

	-1919	1920-1929	1930-1939	1940-1949	1950-1959	1960-1964	1965-1969	1970-1974	Σ
DT	2	-	1	1	3	12	22	26	67
FR	-	-	1	1	2	1	8	4	17
СН	-	1	1	1	2	-	3	4	12
GB	-	1	-	2	1	3	5	1	13
US	1	2	1	-	2	4	1,2	7	29
0E	1	-	- -	-	-	3	7	lo	21
DL	-	-	-	-	-	-	1	-	1
Σ	4	4	4	5	lo	23	. 58	52	160

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TECHNICAL FIELD: Mechanical

	-1919	1920-1929	1930-1939	1940-1949	1950-1959	1960-1964	1965-1969	1970-1974	5
DT	5	6	6	1	9	12	17	49	105
FR	1	-	1	-	8	7	9	2	28
СН	1	-	-	3	5	4	5	3	21
GB	4	1	3	-	2	1	5	3	19
US	3	3	6	3	9	3	12	9	48
0E	-	1	4	-	. 1	8	12	16	42
DL	-	<u>-</u>	-	-	2	-	2	3	4
\sum	14	11	20	7	36	35	62	85	270

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PCT/TCO/VI/10 ANNEXE C/ANNEX C

DER PRÄSIDENT
DES DELTCCHEN PATENTAMTS

8000 MUNCHEN 2, den August 19, 1976

Zweibrücksnetraße 12

Fernruf (0 89) 2 19 51

Fernschreiber 5 23 534

Fernrufdurchwahl (0 89) 21 95

Hausruf 3971

Geschäfts-Nr.: 9330/10 (11) - 3.1.3.

Bitte in der Antwort die vorstehende Geschäftsnummer angeben.

Bd XV 2

Mr. Felix A. S v i r i d o
Deputy Director General
World Intellectual Property
Organization (WIPO)

32, chemin des Colombettes

<u>CH - 1211 Genf 20</u>

Re: Circular No. 2504 - 081.3

Dear Mr. Sviridov.

In response to the above mentioned circular I am forwarding you enclosed the requested survey of about 3 000 examined T applications (Auslegeschriften) with the filing date of 1970.

In addition thereto I am sending you the text of a lecture concerning the age of citations from prior art given by the head of our search file section, Mr. Schiffels at the 18th Annual Meeting of the Patent Documentation Committee (Ausschuß für Patentdokumentation) on May 6 and 7 of this year.

Sincerely yours,

Köhne

Vice-President

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SURVEY

For the present survey reference is made to the enclosed report on the "Age Distribution of Citations from Prior Art".

The results are broken down according to the following three broad technical fields:

- I. Chemical
 (covering the Int.Cl. subdivisions C, A 2,
 A 6, D, B 22)
- III. Mechanical
 (covering the remaining subdivisions not
 included in I and II)

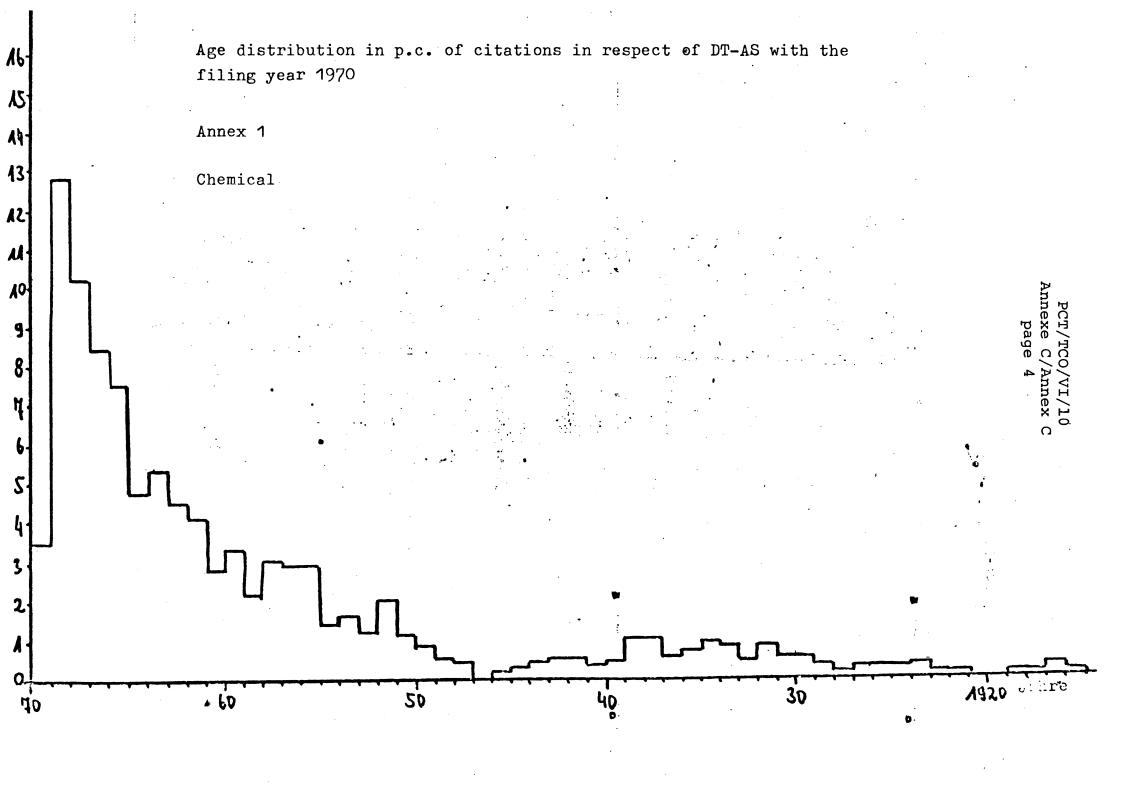
It appeared that the age distribution of citations substantially follows the age distribution of technology as such (cf the annexed diagrams).

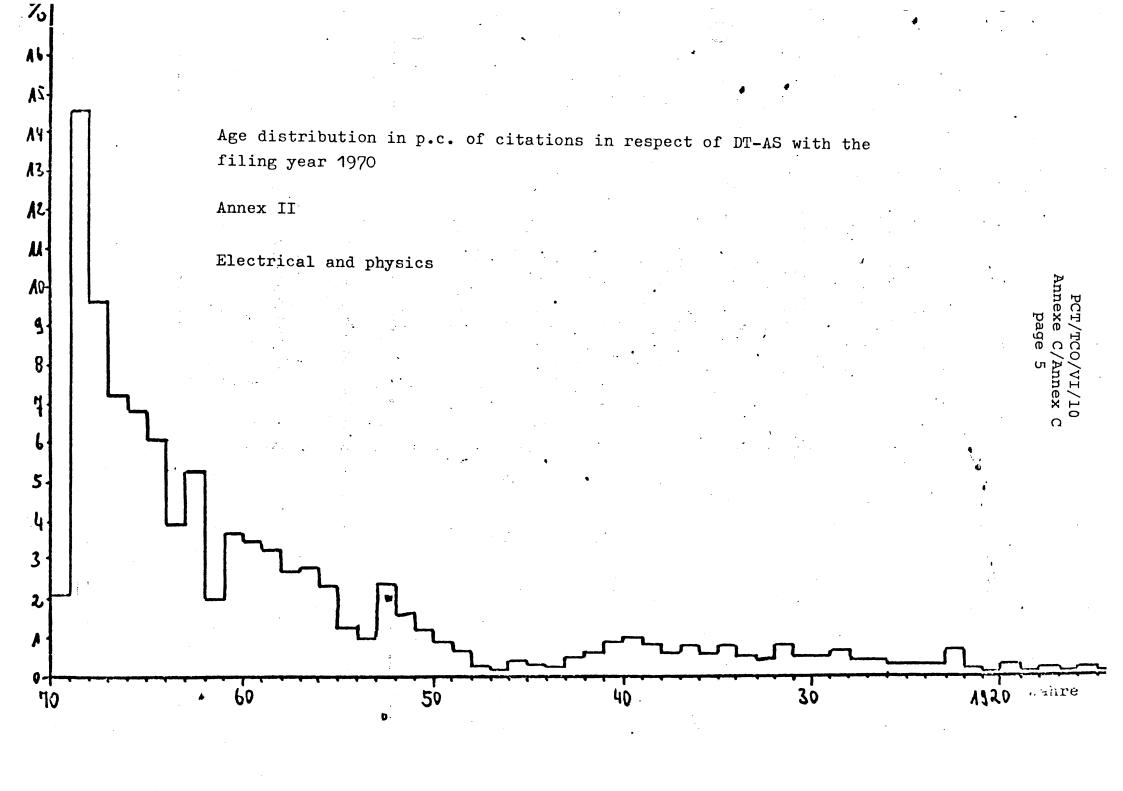
The most recent citations have been ascertained in field II, electrical and physics, whereas field III, mechanical, shows the earliest citations (cf the table reproduced below).

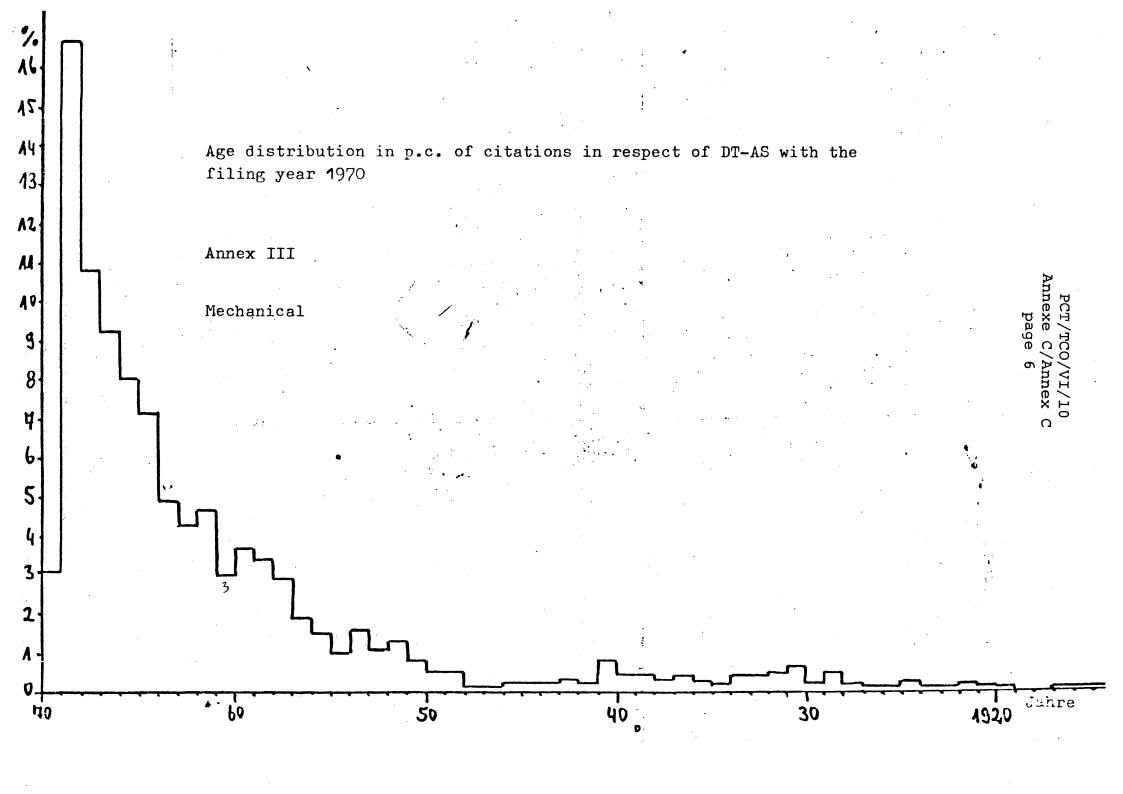
	Technical Field average age in years		Indication of the year from which on backward only 10 pc. of the citations have been ascertained
I.	Chemical	11,2	1940
II.	Electrical and Physics	9,1	1951
III.	Mechanical	12,0	1939
Total I,II,III	All fields of technology	11,0	1942

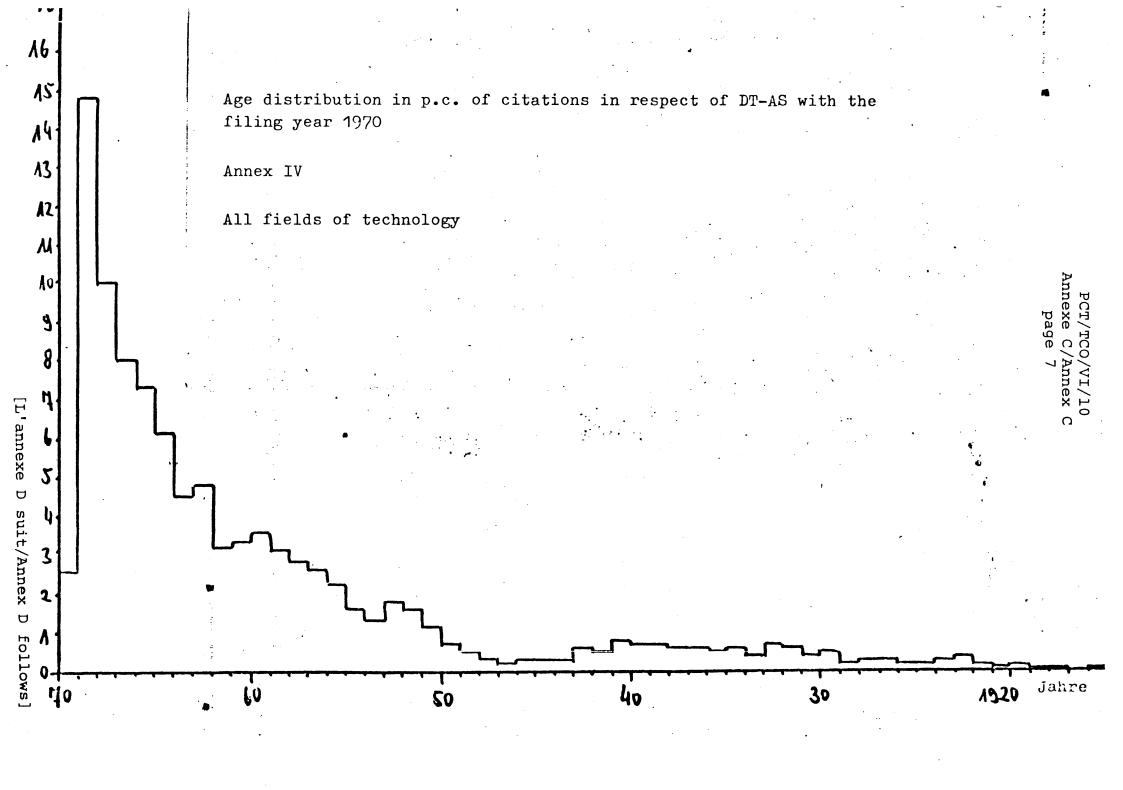
- 2 -

Subject to a more detailed study, it follows from this table already now that as far as search files prior to 1940 are concerned, the search effort required as compared to the number of the relevant citations ascertained is such that the cut-off-date 1940 would seem worth considering.









PCT/TCO/VI/10 ANNEXE D/ANNEX D

) (* 19) (* * *)

VE/ip 14/11-27936/45 16.08.76

Dear Dr. Sviridov,

With reference to your letter No. 2504 dated June 4, 1976 concerning the preparation of data on the citation frequencies according to the years of publication for the discussion of the problem of the selection of the optimal cut-off date for the minimum documentation in correspondence with Rule 34.1(c)(i) of the PCT, I have pleasure in forwarding you the results of the investigation of citation frequencies according to the years of publication in the three fields of technology as it was proposed by the International Bureau.

The results of the investigation are presented in the attached Tables 1, 2, 3 and 4.

The citation frequencies received on the basis of the study of 350 applications, which are at present under the national examination procedure. At least one most relevant citation is indicated in the decision of the expertise on each of these applications.

Tables 2 and 4 show the citation frequencies received on the basis of the study of 43 applications for which an experimental international search was made in accordance with a procedure close to the requirements of the PCT. In that case each search report contains from 2 to 15 citations (in average 8) disclosing the preceding state of the art.

The number of (+) signs in Tables 3 and 4 is equal to the number of citations relating to the respective date and fields of technology.

We hope that these data can be used by the International Bureau in its study of the problem of the selection of the optimal cut-off date for the PCT minimum documentation.

Yours sincerely,
L. Komarov
Deputy Chairman of the State Committee

Dr. F. Sviridov
Deputy Director General
WIPO

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Table 1.

Year		Technical	Fie:	ld - American Company
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before 1920	0	en de grande e de grande de servición de la composition della comp	0	and the property of the second
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1936 - 1940	3	de La journalista	0	
1941 - 1945	0		0	2 · · · · · · · · · · · · · · · · · · ·
1946 - 1950	3	ez. Sin	1	4 1
1951 – 1955	4		1	3
956 - 1960	8	±0. ±0. Σi ± 4m	8	, 6 . 4
1961 - 1965	3 0	10	13	28
966 - 1970	44	nj.	43	56
971 - 1975	80		67	57
otal cit.	173		134	162

Table 2.

Year	Tecl	nnical Field	
	Chemical,	Electrical,	Mechanical,
before 1920	0	1	0
1921 - 1925	0	1	1 ∮ 3
1926 - 1930	0	1	2
1931 - 1935	О	1	2
1936 - 1940	0	* 1	0
1 941 - 1945	2	3	3
1946 - 1950	2	1	6
1951 - 1955	<u>,</u> 6	4	1
1956 - 1960	10	7	11
1961 - 1965	19	16	17
1966 - 1970	42	48	42
1971 - 1975	29	42	25
total cit	110	126	110

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	Technical Field	
Chemical,	Electrical,	Mechanical,
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KUNGL PATENT- OCH REGISTRERINGSVERKET ANNEXE E/ANNEX E

August 13, 1976

Mr. Felix A. Sviridov
Deputy Director General
WIPO
32, chemin des Colombettes
CH-1211 Genève 20
Schweiz

Dear Mr. Sviridov,

In reply to your letter of June 4, 1976, circular No. 2504/PCT 081.3, I have the honor to submit the result of a survey at the Swedish Patent Office conducted in compliance with your suggestion on the conduct of the investigation as to "cut-off dates" with regard to citations in patent applications searched at the Swedish Patent Office.

The random selection has been achieved by taking the applications in which a first action - i.e. the result of the novelty search - was delivered in the period March - May, 1976 until a number of 100 were achieved in the general technical fields of Chemistry, Electrical and Physics, and Mechanical arts respectively (i.e. a total of 300 applications).

The investigation shows that as a general trend the great majority of citations are from within a 20 year period from the date of the application. Appr. 0.75 % of the applications were dated prior to the year 1900, 8 % prior to 1920 and 18 % prior to 1940. With regard to the different fields only the mechanical field shows a significant number of citations dated prior to 1925, the electrical a significant number around the years 1930 - 1940, whereas in the chemical field the citations to a higher degree are concentrated to the time after the year 1950.

Further details are shown in the attached table and curves, numbered I - III.

We believe the results are self-explanatory and that they in the main conform to general experience not

requiring any further analysis or exaplanations in relation to characteristics of search files etc.

I hope this will meet with your intentions, and that the results will be useful for further studies in the advisability of introducing "cut-off dates".

Sincerely yours

Saul Lewin

Deputy Director General

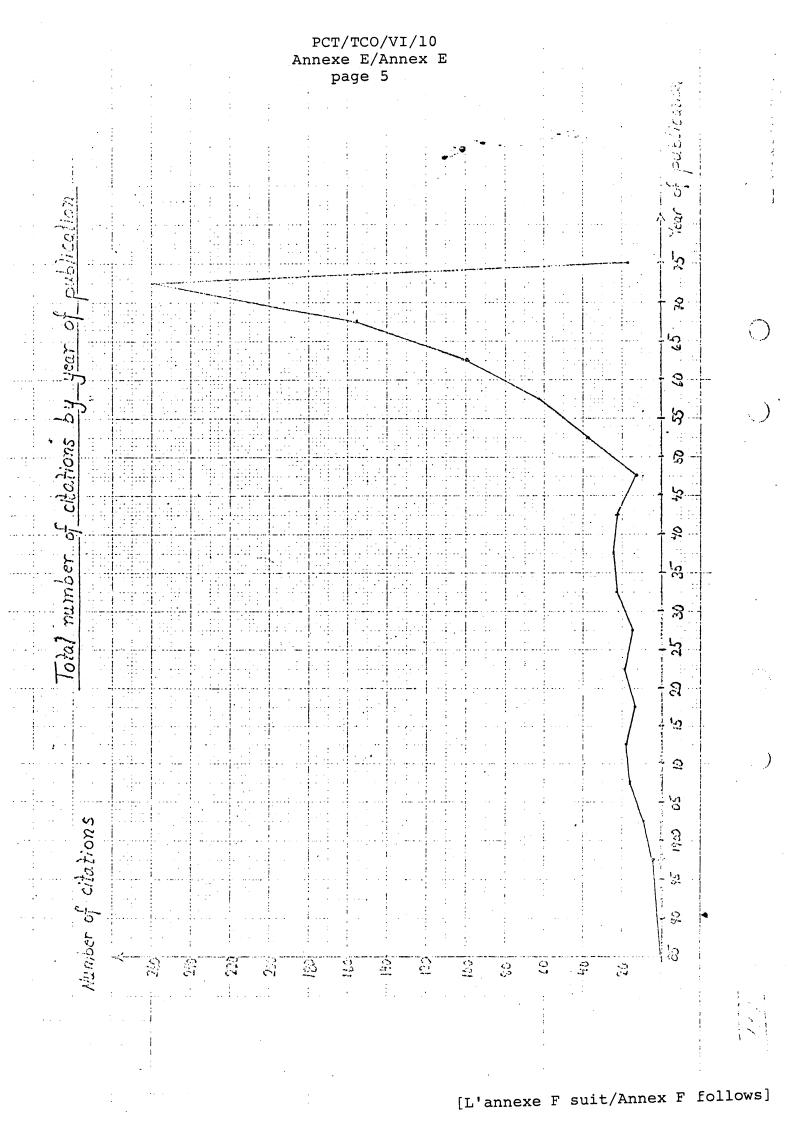
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	Chemical	Electrical ono Physics	Mechanical	10101
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Total number of citations

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PCT/TCO/VI/10 ANNEXE F/ANNEX F



UNITED STATES DEPARTMENT OF COMMERCE Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS Washington, D.C. 20231

August 25, 1976

Dr. Felix A. Sviridov
Deputy Director General
World Industrial Property Organization
32 chemin des Colombettes
1211 Geneva 20, Switzerland

Dear Dr. Sviridov:

In response to WIPO Circular 2504, dated June 4, 1976, we are submitting the attached table. This table presents a statistical compilation of the publication dates for the documents cited in patents issued in the United States Patent and Trademark Office during the period of January 1, 1975 through June 30, 1976. The publication dates are grouped into five intervals: Pre-1920, 1920-1939, 1940-1959, 1960-1969, and Post 1969. The patents are grouped by Chemical, Electrical, and Mechanical.

Sincerely yours,

Al/fred C. /Marmor

Administrator for Documentation

Attachment



PCT/TCO/VI/10 Annexe F/Annex F page 2

lication Dates for Documents

ited United States Patents Issued from
January 1, 1975 through June 30, 1976

Publication Date	The No.	mical	Elect	rical	Mecha No.	nical	Total No.	9,
Pre 1920	2808	.2	4538	3	19035	8	26381	5
1920-1939	7821	5	8902	6	27863	11	44586	8
740-1959	24461	16	22867	15	51296	20	98624	17
ь Э60-1969	57449	37	50611	33	81065	32	189125	34
Post 1969	62812	40	65998	43	72044	29	200854	36
Total	155351	100	152916	100	251303	100	559570	100

PCT/TCO/VI/10 ANNEXE G/ANNEX G



INSTITUT INTERNATIONAL DES BREVETS

TÉLÉPHONE:
906789

ADRESSE TÉLÉGRAPHIQUE:
BREVPATENT
TÉLEX No. 31.651

ADRESSE:
PATENTLAAN 2. RIJSWIJK (Z.

PATENTLAAN 2. RIJSWIJK (Z.H.) (PAYS-BAS) Mr. F. Sviridov
Deputy Director General
W.I.P.O.
32, chemin des Colombettes
1211 GENEVE20
Switzerland

VDC/238/Lc

RIJSWIJK (Z.H.), le July 27th, 1976

Dear Mr. Sviridov,

With reference to circular n° 2504 (PCT) I am sending you, in the annexes I and II, the result of a study of the age of patent documents cited in search reports produced at the IIB in the beginning of July '76.

Annex I indicates the distribution of 436 search reports taken into consideration for the present study, over the eight sections of the Int. Cl. In the third, fourth and fifth column are put the numbers of documents cited (patent documents, non-patent litterature and the total number).

Annex II indicates cumulatively for the period up to 1950 in periods of 10 years, and from 1950 to 1976 in periods of 5 years, the number of documents cited which are dated before the end of each period.

The IIB search documentation goes beyond the PCT minimum documentation for the following countries:

United Kingdom

(from 1909)

France

(from 1902)

Germany

(from 1877)

VDC/238/Lc

2.

Moreover, the patent documents of Belgium (from 1926 on), Luxembourg (from 1946 on) and The Netherlands (from 1912 on) are also included in the search files.

Yours sincerely,

A. VANDECASTEELE Conseiller au Service Technique

Technical Field (Int. Cl. Section)	Number of Search Reports	Number of Patent Doçuments cited	Other documents cited (Non-patent litt.)	Total number documents cited
A	60	132	9	141
В	56	125	4	129
С	77	109	6	115
D	32	69	2	71
E	35	128	3	131
F	46	117	3	120
G	67	126	20	146
Н	63	150	23	173
TOTAL:	436	956 (93,18%)	70 (6,82%)	1.026

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ANNEX II Number of documents cited in 436 search reports eriod of ablication Total number Section Section Section Section Section Section Section Section of documents Н G nefore: F E С D В cited Α 0! /0 % % % % % % % % 17 3 2 6 1 1920 1,78 0,8 2,61 2,9 3,13 0,92 4,55 45 3 2 8 5 5 5 14 3 1930 4,72 1,33 2,4 6,25 4,35 7,25 4,59 2,4 10,67 8 5 102 19 10 11 28 12 9 1940 10,7 6,4 3,33 8,7 15,94 14,84 8,26 9,6 21,21 143 12 9 15 6 25 14 15 18 35 1950 15,01 9,6 13,04 21,74 19,53 12,84 14,4 26,52 15 193 28 17 31 16 20 25 41 1955 20,25 10 ' 13,6 24,22 24,35 28,99 14,68 31,06 20 265 27 21 35 28 26 40 36 1960 52 27,81 16,8 18 30,43 37,68 31,25 25,69 28,8 39,39 399 48 32 53 57 39 50 67 53 1965 41,87 25,6 32 41,41 49,57 56,52 45,87 42,4 50,76 661 94 71 85 53 : 90 77 90 69,36 62,67 56,8 73,91 101 1970 76,81 70,31 70,64 76,52 72 150 953 125 115 128 69 109 125 1976 total 132 100 100 100 100 100 100 100 100 100

[L'annexe H suit/Annex H follows]

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