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PCT/TCO/VI/7

ORIGINAL: English

DATE: July 26, 1976

WORLD INTELLECTUAL PROPERTY ORGANIZATION GENEVA

PATENT COOPERATION TREATY

INTERIM COMMITTEE FOR TECHNICAL COOPERATION

Sixth Session

Geneva, November 3 to 8, 1976

REPORT ON THE SURVEY TO ESTABLISH PRESENT COVERAGE AND TO ACHIEVE
COMPLETE FUTURE COVERAGE OF ENGLISH LANGUAGE ABSTRACTS
OF THE PATENT DOCUMENTS OF JAPAN AND THE SOVIET UNION

prepared by the International Bureau

Background to the Present Document

1. The PCT Interim Committee for Technical Cooperation (hereinafter referred to as "the Interim Committee"), at its fifth session, held in Geneva from October 29 to November 3, 1975, requested the International Bureau to seek solutions in order to establish the present coverage and to achieve complete future coverage of English language abstracts of the patent documents of Japan and the Soviet Union (see paragraphs 43 and 71(iv) of the report of the fifth session, document PCT/TCO/V/20).

Carrying Out the Survey

2. In keeping with that request, the International Bureau addressed letters to all prospective International Searching Authorities (hereinafter referred to as the "prospective Authorities") (see Annex A of this document).

3. These letters inquired as to:

- (i) the interpretation given to the expression "generally available" in PCT Rule 34.1(e);
- (ii) the total number of English language abstracts of the patent documents of Japan and the Soviet Union collected since 1920, this number including the abstracts prepared by the Office concerned, if any, as well as the total number of abstracts produced outside the Office;

- (iii) whether English language abstracts prepared outside the Office were supplied by outside services, and in such cases, the names and addresses of the outside abstracting services as well as the year such services commenced and the time which elapsed between the publication date of the patent document and the date of receipt of the abstract;
- (iv) the technical fields in which English language abstracts of patent documents were presently available, including the years for which such abstracts were available and the completeness of coverage;
- (v) any future plans in respect of the preparation of English language abstracts for those technical fields which were not completely covered;
- (vi) whether an analysis of the quality of English language abstracts had been carried out and the results thereof;
- (vii) the cost of different formats of the English language abstracts available;
- (viii) any interest in obtaining English language abstracts for the period since 1920 and the price considered reasonable for the acquisition thereof.

Responses

4. The official replies of the Austrian Patent Office, the German Patent Office, the Japanese Patent Office, the State Committee for Inventions and Discoveries of the USSR Council of Ministers, the Swedish Patent Office, the United States Patent and Trademark Office and the International Patent Institute (IIB), respectively, are set forth in Annexes B to H.

5. In addition to the aforementioned replies, the Swiss Patent Office provided comment to the International Bureau with respect to the interpretation which should be given to the expression "generally available" in PCT Rule 34.1(e) (see Annex J).

6. Attached to this document are tabulations of the replies from the prospective Authorities, which indicate the results received by the International Bureau (see Annexes K and L of this document).

The Notion "generally available"

7. The Interim Committee agreed at its last session that the clarification of the notion "generally available" (in PCT Rule 34.1(e)) should be included in the continuation of the work on English language abstracts. A number of propositions may be extracted from the responses of the prospective Authorities. These propositions are summarized below:

- (i) "generally available" means that a sufficient number of duplicates of English language abstracts are available under normal circumstances for sale to the prospective Authorities and to the public;
- (ii) "generally available" means that a sufficient number of copies of English language abstracts may be purchased at a reasonable price;
- (iii) "generally available" means that there are indices available showing the numbers of the corresponding patent documents of Japan and the Soviet Union including the bibliographic data of the corresponding abstracts;
- (iv) "generally available" means that English language abstracts are readily sold or distributed by means of subscriptions at the time of their issuance and the prospective Authorities have the opportunity to fill any gaps within their documentation at the time of entry into force of the PCT;

- (v) "generally available" means that English language abstracts published in the future can be purchased at a reasonable cost (as stated in item (ii) above), but such cost should not be above the level of cost for comparable publications made available by commercial publishers;
- (vi) "generally available" requires that consideration be given both to the price of English language abstracts that are on sale and to what is involved in making the relevant Japanese and Soviet Union patent documents accessible in a proper way for search purposes;
- (vii) "generally available" means that it should be possible to make copies of the English language abstracts for the public and designated Offices without copyright restrictions;
- (viii) "generally available" means to be readily obtainable at no or minimal cost from sources producing English language abstracts for major purposes other than for the purpose of qualifying Japanese and/or Soviet Union patent documents for inclusion in the PCT minimum documentation.

Additionally, one prospective Authority suggested that the decision as to which English language abstracts are "generally available" should be made by the competent PCT organ and that this decision should be followed by all International Searching Authorities.

Availability of English Language Abstracts

8. In summary, the results of the survey show that English language abstracts of the patent documents of Japan and the Soviet Union are at present only prepared by commercial abstracting services. However, one prospective Authority (Japan) reported that it is planning to publish English language abstracts of Japanese patent documents, whereas another prospective Authority (Soviet Union) has expressed its readiness to study the possible publication of English language abstracts of Soviet Union patent documents depending upon the interest shown by prospective subscribers.

9. With respect to English language abstracts collected for the period since 1920, the replies show that:

- (i) as far as English language abstracts of Japanese patent documents are concerned, complete coverage has been achieved for the period since 1920 by one prospective Authority in the chemical field; the electrical and mechanical fields are covered since 1975 only by one prospective Authority;
- (ii) as far as English language abstracts of Soviet Union patent documents are concerned, complete coverage has been achieved by certain prospective Authorities since 1959 for all technical fields and complete coverage has been achieved by one prospective Authority for the chemical field for the period since 1920.

Interest of the Prospective Authorities in Obtaining English Language Abstracts for the Period Since 1920

10. Two prospective Authorities expressed the opinion that their possible interest in acquiring such abstracts would depend upon various conditions (costs, scope, volume and quality) in effect at the time such abstracts would be made available.

11. Three other prospective Authorities expressed interest in obtaining some English language abstracts in the future.

Discussion Points Suggested by the International Bureau

12. Having regard to the responses of the various prospective Authorities and means previously adopted to find solutions to problems relating to the PCT minimum documentation, the following factors are suggested for discussion by the Interim Committee, as important factors leading to the finding of solutions to the problem of providing present coverage and achieving complete future coverage of English language abstracts of the patent documents of Japan and the Soviet Union:

- (i) a demonstrated interest of prospective Authorities to acquire such abstracts either from Offices willing to provide such abstracts or to purchase English language abstracts under PCT Rule 34.1(e) on the open market from an abstracting service which presently provides such abstracts;
- (ii) the agreement and assistance of those Offices having the necessary linguistic capabilities to produce and provide English language abstracts at a reasonable cost;
- (iii) whether any Offices are prepared and able to offer their collections by means of bilateral arrangements among themselves, subject of course, to a solution being found to the question of copyright restrictions..

13. The Interim Committee is invited to consider the information contained in this document with a view to arriving at solutions to establish present coverage and to achieve complete future coverage of English language abstracts of patent documents of Japan and the Soviet Union.

[Annexes follow]



WORLD INTELLECTUAL PROPERTY ORGANIZATION
ORGANISATION MONDIALE DE LA PROPRIÉTÉ INTELLECTUELLE

C. 2378
PCT 21

December 19, 1975

Dear Sir,

I have the honor to call to your attention that the PCT Interim Committee for Technical Cooperation, at its fifth session, held in Geneva between October 29 and November 3, 1975, adopted the following item in its 1976 program: "Search for solutions to establish present coverage and to achieve complete future coverage of English language abstracts of patent documents of Japan and the Soviet Union" (see paragraph 71(iv) of the Report of the Interim Committee contained in document PCT/TCO/V/20).

In order to assist in carrying out this item of the 1976 program, the International Bureau would appreciate your cooperation in answering the annexed questionnaire and returning it, with any further information which might help to provide solutions to the availability of English language abstracts of patent documents of Japan and the Soviet Union at the time of entry into force of the PCT.

In view of the time needed for evaluating the annexed questionnaire and developing possible solutions to the subject matter in question, it would be appreciated if you would send us any comments you might wish to make at your earliest convenience but preferably not later than March 31, 1976.

Sincerely yours,

F. Sviridov
Deputy Director General

Annex to Circular No. 2378

Questionnaire Concerning the Availability of
English Language Abstracts of the Patent
Documents of Japan and the Soviet Union

1. As far as English language abstracts of the patent documents of Japan and the Soviet Union are concerned, what is your interpretation which would assist in clarifying the notion "generally available" (in PCT Rule 34.1(e))?

2. What is the total of English language abstracts of Japan and/or the Soviet Union patent documents your Office has collected since 1920?

In this connection, please specify with respect to :

- (i) total number of abstracts which have been prepared by your Office?
- (ii) total number of abstracts produced by some abstracting services outside your Office?

3. Assuming that your Office is not preparing English language abstracts of Japanese and/or Soviet Union patent documents itself, what is(are) the required name(s) and address(es) of the abstract service(s) presently performing such abstracting service(s)?

With regard to such service(s), if possible, please specify :

- (i) the year when such service(s) commenced?
- (ii) the time elapsed between the publication date of the patent document and when the English language abstracts were actually received by your Office?

4. As far as English language abstracts of Japanese and/or Soviet Union patent documents are concerned, which technical fields are being partly or fully covered? Please specify not only the technical fields partly or fully covered but also :

- (i) the year or years of coverage;
- (ii) the extent of percentage of completeness of coverage for each year or years covered.

5. In the case where the coverage of technical fields of English language abstracts of Japanese and/or Soviet Union patent documents are not complete, does your Office anticipate increased coverage of those fields so that such abstracts will be generally available at the time of entry into force of the PCT? If so, please specify.

PCT/TCO/VI/7
ANNEXE A / ANNEX A

Annex to Circular No. 2378

6. Has your Office ever made an analysis of the quality of the English language abstracts of Japanese and/or Soviet Union patent documents which have been received or prepared and would be considered as "generally available"? If so, please specify the results of such analysis.

7. If your Office is presently receiving or preparing English language abstracts of Japanese and/or Soviet Union patent documents, what are the costs to your Office of the different formats (see (ii), (iv) and (v) below) of such abstracts :

Please distinguish between cost :

- (i) per copy (received or prepared);
- (ii) per yearly subscription.

As far as the different formats of English language abstracts are concerned, please distinguish between :

- (iii) paper copies (specify size);
- (iv) microfilm, microfiche, other microform (specify);
- (v) magnetic tapes.

8. In the case where English language abstracts could be prepared by an Office having the necessary language capacity, what would be the interest of your Office in the following :

- (i) in obtaining English language abstracts of Japanese and/or Soviet Union patent documents since 1920?
If not, please explain; and
- (ii) if possible, the reasonable price your Office would be willing to pay for such abstracts?



PCT/TCO/VI/7
ANNEXE E/ANNEX B

Bundesministerium für
Handel, Gewerbe und Industrie
Referat für den gewerblichen Rechtsschutz
1014 Wien, Kohlmarkt 8-10

Wien, am April 4, 1976
Telefon 59 36 36-0
63 77 51-0

GR.....997/75-10

Mr.

Felix A. SVIRIDOV
Deputy Director General
WIPO

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

Dear Sir,

In reply to your letter of December 19, 1975
(Circular No. 2402), I have the honour to communicate
the following information on behalf of the Austrian
Patent Office:

As far as question 1 ist concerned, "general
available" is to be construed as available under
normal circumstances (i.e. absence of unusual
conditions), in particular as to prizing, to
restrictions of use and to a sufficient number
of duplicates available for the PCT-authorities
and the public. The facts have to be considered
on a case by case basis. Statistics on citations
of the publications concerned of patent offices
using the abstracts could be very helpful in
evaluating their contribution on the state of
the art.

Sincerely yours

Dr. Günter Gall

Section for Information
and Public Relation

[Annex C follows]
[L'annexe C suit]

DER PRÄSIDENT
DES DEUTSCHEN PATENTAMTS

8000 MÜNCHEN 2, den March 24, 1976
Zweibrückenstraße 12
Fernruf (0 89) 2 19 51 Fernschreiber 5 23 534
Fernruddurchwahl (0 89) 21 95 Hausruf _____
Geschäfts-Nr. 9330/10(11)-3.1.3. Bd XIV
Bitte in der Antwort die vorstehende Geschäftsnummer angeben

Mr. Felix A. Sviridov
Deputy Director General
World Intellectual Property
Organization (WIPO)
32, chemin des Colombettes
CH - 1211 G e n e v e 20

Re: PCT-Minimum Documentation According to Rule 34.1(e)
Availability of English Language Abstracts of the
Patent Documents of Japan and the Soviet Union

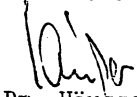
Ref.: Circular No 2378 - PCT 21 of December 19, 1975

Encl.: - 1 -

Dear Sir,

In reply to your above captioned Circular please find enclosed the completed questionnaire concerning English language abstracts of the patent documents of Japan and the Soviet Union.

Sincerely yours,


Dr. Häusser

Annex to Circular No. 2378

Questionnaire Concerning the Availability of
English Language Abstracts of the Patent
Documents of Japan and the Soviet Union

1. As far as English language abstracts of the patent documents of Japan and the Soviet Union are concerned, what is your interpretation which would assist in clarifying the notion "generally available" (in PCT Rule 34.1(e))?

By the notion "generally available" we understand that

- a) there are indices showing the number of the patent documents of Japan and the Soviet Union and the bibliographical data of the corresponding abstracts, and
- b) that said abstracts are available to the public, i.e. copies of the abstracts may be made available at a reasonable price.

2. What is the total of English language abstracts of Japan and/or the Soviet Union patent documents your Office has collected since 1920?

Since 1959 the German Patent Office is receiving English language abstracts of the patent documents of the Soviet Union in the form of "Derwent Soviet Inventions Illustrated" from all technical fields.

English language abstracts of the patent documents of Japan from the chemical field are available in our office since 1967 in the form of "Derwent Japanese Patents Report" or "Central Patents Index" respectively.

English language abstracts of the chemical field of patent documents of the Soviet Union and of Japan are also being collected since 1920.

PCT/TCO/VI/7
ANNEXE C/ANNEX C

In this connection, please specify with respect to:

- (i) total number of abstracts which have been prepared by your Office?

None

- (ii) total number of abstracts produced by some abstracting services outside your Office?

See No 2

3. Assuming that your Office is not preparing English language abstracts of Japanese and/or Soviet Union patent documents itself, what is(are the required name(s) and address(es) of the abstract service(s) presently performing such abstracting service(s)?

- a) Chemical Abstracts Service
Columbus, Ohio 43210
- b) Derwent Publications Ltd.
London WC1X 8 RP

With regard to such service(s), if possible, please specify:

- (i) the year when such service(s) commenced?

a) 1907

b) Soviet Inventions Illustrated 1961
(by another name at least since 1959)

Derwent Japanese Patents Report 1962

Central Patents Index 1963 - 1970

- (ii) the time elapsed between the publication date of the patent document and when the English language abstracts were actually received by your Office?

For the time being no exact checking is possible.

4. As far as English language abstracts of Japanese and/or Soviet Union patent documents are concerned, which technical fields are being partly or fully covered? Please specify not only the technical fields partly or fully covered but also:

- (i) the year or years of coverage;

See No 2

- (ii) the extent of percentage of completeness of coverage for each year or years covered.

The English language abstracts of the above services are complete.

5. In the case where the coverage of technical fields of English language abstracts of Japanese and/or Soviet Union patent documents are not complete, does your Office anticipate increased coverage of those fields so that such abstracts will be generally available at the time of entry into force of the PCT? If so, please specify.

Our office does not anticipate increased coverage.

6. Has your Office ever made an analysis of the quality of the English language abstracts of Japanese and/or Soviet Union patent documents which have been received or prepared and would be considered as "generally available"? If so, please specify the results of such analysis.

The English language abstracts of Derwent have been analysed by spot checks:

- a) Regarding the English language abstract of the patent documents of the Soviet Union approximately 90% exceeded the scope of the corresponding abstracts contained in the official Soviet Bulletins;

b) The English language abstracts of the Japanese patent documents are generally of a considerably lesser quality, in particular in comparison to English language abstracts from EEC-countries or from the United States.

(As to further details see letter from president Dr. Haertel of August 26, 1975 to Dr. Pfanner).

7. If your Office is presently receiving or preparing English language abstracts of Japanese and/or Soviet Union patent documents, what are the costs to your Office of the different formats (see (i), (iv) and (v) below) of such abstracts:

Please distinguish between cost:

(i) per copy (received or prepared);

approx. DM 1.50

(ii) per yearly subscription;

approx. DM 130 000.-

As far as the different formats of English language abstracts are concerned, please distinguish between:

(iii) paper copies (specify size);

punched cards

DIN A 6, DIN A 5 and DIN A 4

(iv) microfilm, microfiche, other microform (specify);

none

(v) magnetic tapes;

none

8. In the case where English language abstracts could be prepared by an Office having the necessary language capacity, what would be the interest of your Office in the following:

(i) in obtaining English language abstracts of Japanese and/or Soviet Union patent documents since 1920? If not, please explain;

The German Patent Office is principally interested in obtaining English language abstracts of Japanese and Soviet Union patent documents since 1920. As this is mainly a question of expenditure, a detailed statement will only be possible after the exact scope and volume of such services is known.

(ii) if possible, the reasonable price your Office would be willing to pay for such abstracts?

should not exceed DM 1.50

PATENT OFFICE
JAPANESE GOVERNMENT

4-3, Kasumigaseki 3-chome
Chiyoda-ku, Tokyo, Japan

TOKU SO 579/51
May 31, 1976

Mr. F. Sviridov
Deputy Director General
World Intellectual Property Organization
32, chemin des Colombettes
1211 Geneva 20, Switzerland

Dear Sir:

In reply to your letter C. 2378 - PCT 21 of December 19, 1976, the Japanese Patent Office wishes to inform you that, in its opinion, those English abstracts of the patent documents of Japan and the Soviet Union, which several International Searching Authorities could arrange in their documentation (search files) with their reasonable means, are 'generally available' in the meaning of PCT Rule 34.1 (a). In addition, a competent PCT organ should decide which English abstracts are generally available, and each International Searching Authority should follow the decision.

The Japanese Patent Office has acquired all the paper copies of English language abstracts from 1968 of the Soviet Union published by Derwent Publication Ltd. (the total number being about 293,000). If the English language abstracts could be prepared by an Office having the necessary language ability, we are interested in obtaining such abstracts of patent documents to be issued by the Soviet Patent Office in the future. At present our Office has no knowledge of any source other than Derwent making English abstracts of Soviet patent documents.

As for the English language abstracts of Japanese patent documents (please refer to PCT/TCO/V/6 Annex C), we do not have them as we do not need them.

Finally, we wish to make known that we are planning to publish English language abstracts of Japanese patent documents. We may be able to offer a detailed information concerning the plan in the near future.

Yours truly,



Yoshio Nakata
Director General
General Administration Department

[Annex E follows]
[L'annexe E suit]

TRANSLATION FROM THE STATE COMMITTEE FOR
INVENTIONS AND DISCOVERIES OF THE USSR
COUNCIL OF MINISTERS

Mr. Sviridov
Deputy-Director General
World Intellectual Property
Organization
32, Chemin des Colombettes
1211, Geneva, 20
Switzerland

Dear Mr. Sviridov,

In reply to your circular letter No 2378 of December 19, 1975 we inform you that in our opinion the English language abstracts of the Soviet Union and Japanese patent documents ought to be considered as "generally available" in the meaning of PCT Rule 34.1(e), if such abstracts were readily sold or distributed by means of subscription at the moment of their issuance, and if at the present stage of organizing prospective International Searching Authorities there is still a possibility of acquiring the copies of missing abstracts.

Since 1962 our Office has been acquiring the English language abstracts of the examined Japanese applications relating to the field of chemical processes and published by Derwent Publication Ltd., London, Great Britain.

Up to 1976 our Office has acquired 705 volumes including nearly 212000 abstracts. The following 23 volumes are missing

in our Office and at the present moment measures are being taken to fill the gaps:

1962 - No 1-7, 11, 13, 46, 48-52.

1964 - No 29, 51.

1965 - No 11.

1967 - No 52.

1968 - No 52.

1970 - No 45, 49.

1971 - No 52.

The Derwent volumes of abstracts are received by our Office about 1,5 month after the publication date of a patent document.

The cost of an annual subscription as advertised by Derwent, is £150.

Further, since 1968 our Office has been making translations into Russian of the bibliographic data and claims of all the examined Japanese applications and also abstracting in Russian the full texts of the descriptions of the majority of these applications. Although the presence of the claims and, in some cases, of the abstracts in Russian does not satisfy the requirements of PCT Rule 34.1(e), the Soviet prospective International Searching Authority will undoubtedly include in the documents to be examined relevant patent documents of Japan. We are also considering the question concerning similar processing of unexamined applications.

Our Office is interested in acquiring the missing English language abstracts of Japanese Patent documents falling within the period of 1920 to 1968 for a reasonable cost which probably will not be higher than that indicated by Derwent.

State Committee for Inventions and Discoveries
of the USSR Council of Ministers

Comité d'Etat du Conseil des Ministres de l'URSS
pour les inventions et les découvertes

Staatliches Komitee des Ministerrates der UdSSR
für Erfindungen und Entdeckungen

Address: USSR
Moscow, Centre
M. Cherkassky per. 2/6
Tel. 221-49-76
221-62-24
Telex: msk 7248

As far as the possibility of publishing the English language abstracts of Soviet patent documents by our Office and other Soviet organizations is concerned, the State Committee for Discoveries and Inventions is ready to go on studying this question as soon as the extent of interest of prospective subscribers is known and hopes that the International Bureau will help the State Committee to find out such an extent.

Sincerely,

L. Komarov

Deputy-Chairman

State Committee for Discoveries
and Inventions

I4/II-I583/45

23.04.76.

ЗАМЕСТИТЕЛЮ ГЕНЕРАЛЬНОГО ДИРЕКТОРА
ВСЕМИРНОЙ ОРГАНИЗАЦИИ ИНТЕЛЛЕКТУАЛЬ-
НОЙ СОБСТВЕННОСТИ

г-ну Ф.Свиридову

32, Шмен де Коломбет,

1211, Женева, 20

Швейцария

Уважаемый господин Свиридов !

На Ваше письмо № 2378 от 19 декабря 1975г. сообщая, что по мнению Государственного комитета Совета Министров СССР по делам изобретений и открытий, аннотации на английском языке патентной документации Японии и СССР следует считать "общедоступными" в смысле правила РСТ 34.1(e), если такие аннотации свободно продавались или распространялись по подписке в момент их выпуска и если в настоящий период подготовки к работе предполагаемых международных поисковых органов сохраняется возможность приобретения копий недостающих аннотаций.

Наше ведомство с 1962 г. приобретает английские аннотации акцептованных заявок Японии, относящихся к области химических процессов, издаваемые ДЕРВЕНТ Паббликейшен Лтд., Лондон, Великобритания.

РСТ/ГСО/VI/7
Аппекс Е/Аппекс Е
Page 2

За период до 1976 г. наше ведомство приобрело 705 сборников, включающих около 212 тысяч аннотаций. У нас отсутствуют следующие 23 сборника аннотаций, к восполнению которых в настоящее время принимаются меры:

1962 г. - № I-7, II, I3, 46, 48-52.
1964 г. - № 29, 51
1965 г. - № I1
1967 г. - № 52
1968 г. - № 52
1970 г. - № 45, 49
1971 г. - № 52

Сборники аннотаций ДЕРВЕНТ поступают примерно через 1,5 месяца с даты публикации патентного документа.

Стоимость годовой подписки, в соответствии с рекламой ДЕРВЕНТ, составляет 150 фунтов стерлингов.

Далее, наше ведомство с 1968 г. осуществляет перевод на русский язык библиографических данных и формулы изобретения всех акцептованных заявок Японии, а по большому количеству заявок - также и аннотирование на русском языке полного текста описания. Хотя наличие формулы изобретения, а в ряде случаев, также и аннотации на русском языке не удовлетворяет правилу РСТ 34.1 (e), однако советский предполагаемый международный поисковый орган будет, без сомнения, включать в просматриваемую документацию соответствующие патентные документы Японии. Нами также изучается вопрос о подобной обработке заявок, не прошедших экспертизу.

Наше ведомство заинтересовано в приобретении недостающих аннотаций на английском языке японских патентных документов с

1920г. по 1968 г. за разумную цену, которая, по-видимому, не должна значительно отличаться от цен, предлагаемых ДЕРВЕНТ.

Что касается вопроса о возможности издания аннотаций на английском языке советских патентных документов силами нашего ведомства или других советских организаций, то Государственный комитет Совета Министров СССР по делам изобретений и открытий подтверждает свою готовность продолжить изучение этого вопроса, как только будет определена заинтересованность возможных подписчиков, и выражает надежду на помощь Международного бюро в выяснении этой заинтересованности.

С уважением



Л. Комаров

Заместитель председателя
Госкомитета

Stockholm, February 9, 1976

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

Re.: C. 2378
PCT 21

Dear Sir,

In reply to your Circular letter of December 19, 1975 we can give you the following information concerning the Availability of English Language Abstracts of the Patent Documents of Japan and the Soviet Union in the Swedish Patent Office. The answers follow the order of questions in the Annex to the Circular.

1. In the context of rule 34(e) we would define generally available as publications which are for sale to the general public.
2. No such abstracts are prepared by our office. The total number of English language abstracts thus received from Derwent Publications Ltd., London, is now approximately 210 000.
3. Our office subscribes to the Derwent classified abstracts of Japanese and Soviet Union patent documents since 1972. We have also their counterparts in form of the patent documents to which the abstracts refer in numerical order. All documents are available in the Patent Office Library.

The abstracts are issued according to the Derwent programme, to which we refer, and received in our Library about two weeks after publication.

4.-5. As to coverage we also refer to the Derwent programme. From 1972 the coverage should be complete for all Soviet Union patent documents and complete in the chemical field for Japanese patent documents.

7. We subscribe to the Derwent abstracts as A 4 paper copies at the usual subscription rates.

8. As far as may be required under the PCT for an International Searching Authority we would be interested in obtaining English language abstracts prepared by an Office having the necessary language capacity, to the extent that they have not already been supplied by Derwent.

Sincerely yours

Saul Lewin
Saul Lewin

Deputy Director General

[Annex G follows]
[L'annexe G suit]

Postadress	Galadress	Telefon	Postgiro
Box 5055	Valhallavägen 136	08 - 22 55 40	1 56 52 - 4

102 42 STOCKHOLM 5



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

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


May 28, 1976

Mr. F. Sviridov
Deputy Director General
World Intellectual Property
Organization
32, chemin des Colombettes
1211 Geneva 20, Switzerland

Dear Mr. Sviridov:

In your Circular No. 2378 of December 19, 1975, you have requested this Office to answer a questionnaire dealing with the availability of English language abstracts of patent documents of Japan and the Soviet Union at the time of entry into force of the PCT. Attached you will find the response of the United States Patent and Trademark Office to the questionnaire.

Sincerely yours,


Alfred C. Marmor
Administrator for Documentation

Answers of the United States Patent and Trademark Office to the WIPO Questionnaire No. 2378 Concerning the Availability of English Language Abstracts of the Patent Documents of Japan and the Soviet Union

1. As far as English language abstracts of the patent documents of Japan and the Soviet Union are concerned what is your interpretation which would assist and clarify the notion "generally available" (in PCT Rule 34.1(e))?

Answer: The term "generally available" which is used three times in Rule 34.1(e) should probably be construed as meaning readily obtainable at no or minimal cost from sources producing the abstracts for major purposes other than for the purpose of qualifying Japanese and/or Soviet Union patent documents for inclusion in the PCT minimum documentation.

2. What is the total of English language abstracts of Japan and/or the Soviet Union patent documents your Office has collected since 1920?

In this connection, please specify with respect to:

- (i) total number of abstracts which have been prepared by your Office.
- (ii) total number of abstracts produced by some abstracting services outside your Office.

Answer: The total number of English-language produced in-house or obtained from outside sources for Japanese and Soviet Union documents is not readily obtainable. English-language abstracts have been purchased from Derwent Publications since 1961 for Soviet Union documents and 1962 for Japanese documents. English-language abstracts are not produced in-house but merely partial and/or full translation of the document when requested by the Examiner.

3. Assuming that your Office is not preparing English-language abstracts of Japanese and/or Soviet Union patent documents itself, what is (are) the required name(s) and address(es) of the abstract service(s) presently performing such abstracting service(s)?

With regard to such service(s), if possible, please specify:

- (i) the year when such service(s) commenced;
- (ii) the time elapsed between the publication date of the patent document and when the English-language abstracts were actually received by your Office.

Answer: Derwent Publications Ltd.
Rochdale House
128 Theobalds Road
London WC 1 8RP, England

English-language abstracts for Soviet Union patent documents have been provided since 1961 and 1962 for Japanese patent documents. The abstracts are received approximately six weeks after publication of the document.

4. As far as English-language abstracts of Japanese and/or Soviet Union patent documents are concerned, which technical fields are being partly or fully covered? Please specify not only the technical fields partly or fully covered but also:

- (i) the year or years of coverage;
- (ii) the extent of percentage of completeness of coverage for each year or years covered.

Answer: Soviet Union patent documents 100% coverage for all technical fields from 1961 to the present.

Japan patent documents 100% coverage in the chemical field from 1962 to present (including published unexamined applications).

English-language abstracts have been provided for the Japanese patent documents in the mechanical and electrical field since January 1975.

5. In the case where the coverage of technical fields of English-language abstracts of Japanese and/or Soviet Union patent documents are not complete, does your Office anticipate increased coverage of those fields so that such abstracts will be generally available at the time of entry into force of the PCT? If so, please specify.

Answer: As stated in answer to question 4, all available abstract service coverage is now being utilized by this Office. Further coverage by this Office, when and if made available, would necessarily depend on quality and cost analysis at the time of such availability.

6. Has your Office ever made an analysis of the quality of the English-language abstracts of Japanese and/or Soviet Union patent documents which have been received or prepared and would be considered as "generally available"? If so, please specify the results of such analysis.

Answer: Analysis of the quality of abstracts now being received is considered sufficiently technologically comprehensive for examination purposes.

7. If your Office is presently receiving or preparing English-language abstracts of Japanese and/or Soviet Union patent documents, what are the costs to your Office of the different formats (see (ii), (iv), and (v) below) of such abstracts:

Please distinguish between cost:

- (i) per copy (received or prepared);
- (ii) per yearly subscription.

As far as the different formats of English-language abstracts are concerned, please distinguish between:

- (iii) paper copies (specify size);
- (iv) microfilm, microfiche, other microform (specify);
- (v) magnetic tapes.

Answer: Abstracts are not prepared by this Office. Abstracts are furnished to this Office under a multiple service contract.

Cost per copy figures are not therefore distinguishable. Formats received are paper (approximately 4" x 5") and microfilm.

8. In the case where English-language abstracts could be prepared by an Office having the necessary language capacity, what would be the interest of your Office in the following:

- (i) in obtaining English-language abstracts of Japanese and/or Soviet Union patent documents since 1920? If not, please explain; and
- (ii) if possible, the reasonable price your Office would be willing to pay for such abstracts?

Answer: If and when such abstracts become available, the interest of this Office would be largely contingent upon the quality of the abstracts and budgetary limitations in effect at the time.

[Annex H follows]
[L'annexe H suit]



INSTITUT INTERNATIONAL DES BREVETS

INSTITUT INTERNATIONAL DES BREVETS

REPLY TO THE WIPO QUESTIONNAIRE C 2378
CONCERNING THE AVAILABILITY OF ENGLISH LANGUAGE
ABSTRACTS OF THE PATENT DOCUMENTS OF JAPAN AND
THE SOVIET UNION

TÉLÉPHONE:
906789
ADRESSE TÉLÉGRAPHIQUE:
BREV PATENT
TÉLEX No. 31.651
ADRESSE:
PATENTLAAN 2, RIJSWIJK (Z.H.)
(PAYS-BAS)

VDC/191/Lc

Mr. F. Sviridov
Deputy Director General
W.I.P.O.
32, chemin des Colombettes
1211 GENEVE 20
Suisse
RIJSWIJK (Z.H.), le April 12th, 1976

Dear Mr. Sviridov,

Please find enclosed the IIB reply to the
WIPO Questionnaire C 2378 concerning the availability
of English language abstracts of the patent documents
of Japan and the Soviet Union.

Sincerely yours,

A. VANDECASTEELE
Conseiller au Service Technique

Question 1

Although the Regulations under the Patent Cooperation Treaty do not mention criteria for the content, delay of publication and presentation of English language abstracts of Soviet Union and Japan patent documents, it has been understood that the abstracts considered are of good quality and available in due time as paper copies suitable for search purposes.

Coming specifically to the question we prefer to make a distinction between the patent documents which will be published at a future date and those belonging to the back log.

For the patent documents to be published in the future, the notion "generally available" is to be understood in the sense that they can be purchased for a reasonable price, i.e. not above the present level of cost for comparable publications made available by commercial editors.

For the patent documents contained in the back log, see reply to question 8.

Question 2

- (i) No abstracts have been prepared by the IIB
(ii) The IIB has at its disposal the following Derwent publications:
- The Japanese Patents Report from 1963 on
 - The Japanese Patents Gazette from 1975 on
 - The Soviet Inventions illustrated
- | | |
|----------------|--------------|
| Chemical field | from 1959 on |
| Electrical | " " 1962 on |
| Mecanical | " " 1962 on |

PCT/TCO/VI/7
ANNEXE H/ANNEX H

Question 3

Derwent Publications LTD, London

(i) In the WIPO MOSCOW Symposium of 1974, Derwent Publications LTD has given the following data concerning their Patent Abstracts Publications.

Complete Coverage

Soviet Inventions Illustrated: since 1961

Chemical only

Japanese Patents Report (Exam): since 1962

" " " (Unexam): since 1974

Question 4

see reply to Question 2 (ii) and
Question 3

Question 5

A decision on when and in what manner JA and SU patent documents will be included in the systematic documentation of the IIB, will be taken when the result of the investigation by PCT/TCO with respect to the interpretation of PCT rule 34.1 (e), is known. In this connection, the IIB will also consider the decisions of Working Party II of the European Patent Organisation concerning the Documentation Facilities of the Directorate General for the Search.

Question 6

No systematic studies have been made with regard to the completeness and accuracy of the available English language abstracts of Japanese and/or Soviet Union Patent documents.

Question 7

The cost of the yearly subscription to Derwent publications concerning English language abstracts of Japanese and Soviet Union patent documents are:

- Japanese Patents Reports £ 150,-
- Japanese Patents Gazette £ 240,-
- Soviet Inventions Illustrated £ 210,-

Question 8

In the opinion of the IIB, the study with respect to the interpretation of PCT rule 34.1 (e) should consider not only the price to be paid for purchasing English language abstracts but in a more general way, the efforts involved in the whole operation of making the Japanese and Soviet Union patent documents accessible in a way proper for search purposes.

In this connection, due regard should also be given to the completeness at present of the search documentation of the prospective international Searching Authorities with regard to PCT rules 34.1 (c) and (e).

12.4.1976

PCT/TCO/VI/7
ANNEXE J/ANNEX J



Eidgenössisches Amt für geistiges Eigentum
Bureau fédéral de la propriété intellectuelle
Ufficio federale della proprietà intellettuale

3003 BERN

Postscheck Chèques post. 30-4000

☎ (031) 61 71 11

Telex 33130 AGE CH

Organisation mondiale de la
propriété intellectuelle
à l'attention de M.K. Pfanner
Vice-Directeur général
32, Chemin des Colombettes

1211 G e n è v e 20

U. Zeichen / N. réf. / N. rif.

C/HT

I. Zeichen / V. réf. / V. rif.

I. Nachr. vom / V. lettre du / V. lettera del

BERN, Eschmannstrasse 2

9 février 1976

Concerne: Documentation minimum PCT; abrégés "généralement
disponibles" des brevets russes et japonais.

Monsieur le Vice-Directeur général,

En rapport avec l'enquête que fait actuellement l'OMPI, auprès
des Offices de brevets qui possèdent une documentation de recher-
che, au sujet de l'interprétation à donner aux termes "générale-
ment disponibles" dans la règle 34.1 lettre e du règlement d'exé-
cution du PCT, je me permets d'attirer votre attention sur l'as-
pect suivant de la question, qui a été discuté en marge des tra-
vaux du Groupe de travail II de l'Organisation européenne des
brevets. L'obligation de fournir au déposant et aux offices dé-
signés des copies des documents cités dans le rapport de recher-
che (art. 20 alinéa 3 PCT) s'applique aussi, de l'avis de plusieurs
* aux délégués, / abrégés cités dans ledit rapport. Dès lors, lorsque des
abrégés disponibles sur le marché ne peuvent pas être copiés, pour
des raisons de droit d'auteur, il est douteux qu'ils puissent être
considérés comme "généralement disponibles" au sens de la règle
citée ci-dessus. Je vous pense qu'il serait utile de tenir compte
de ce problème dans l'étude à laquelle vous allez procéder.

Veillez agréer, Monsieur le Vice-Directeur général, l'expression
de mes sentiments les plus distingués.

Bureau fédéral
de la propriété intellectuelle
Le Directeur-Suppléant :

Comte

[Annex K follows]
[L'annexe K suit]

ANNEXE K/ANNEX K

<u>OFFICE</u>	<u>INTERPRETATION OF THE EXPRESSION "GENERALLY AVAILABLE" (PCT Rule 34.1(e))</u>
AUSTRIAN PATENT OFFICE	Available under normal circumstances (i.e. absence of unusual conditions), in particular as to pricing, to restrictions of use and to sufficient number of duplicates available for the PCT Authorities and the public.
GERMAN PATENT OFFICE	<p>a) there are indices showing the number of the patent documents of Japan and the Soviet Union and the bibliographical data of the corresponding abstracts, and</p> <p>b) that said abstracts are available to the public, i.e. copies of the abstracts may be made available at a reasonable price.</p>
JAPANESE PATENT OFFICE	Those English abstracts of the patent documents of Japan and the Soviet Union, which several International Searching Authorities could arrange in their documentation (search files) with their reasonable means. A competent PCT organ should decide which English abstracts are generally available, and each International Searching Authority should follow the decision
SOVIET UNION PATENT OFFICE	Abstracts readily sold or distributed by means of subscription at the moment of their issuance, and if at the present stage of organizing prospective International Searching Authorities there is still a possibility of acquiring the copies of missing abstracts
SWEDISH PATENT OFFICE	Publications which are for sale to the general public.
UNITED STATES PATENT AND TRADE- MARK OFFICE	Readily obtainable at no or minimal cost from sources producing the abstracts for major purposes other than for the purpose of qualifying Japanese and/or Soviet Union patent documents for inclusion in the PCT minimum documentation.
INTERNATIONAL PATENT INSTITUTE	<p>For the patent documents to be published in the future, the notion "generally available" is to be understood in the sense that they can be purchased for a reasonable price, i.e. not above the present level of cost for comparable publications made available by commercial editors.</p> <p>For the patent documents to be contained in the backlog, the interpretation should consider not only the price to be paid for purchasing English language abstracts but in a more general way, the efforts involved in the whole operation of making the Japanese and Soviet Union patent documents accessible in a way proper for search purposes.</p> <p style="text-align: right;">[L'annexe L suit] [Annex L follows]</p>

EST/100-VI 7
ANNEXE L/ANNEX L
Inventory of English Language Abstracts
Summary of replies received

Office	Patent Documents of	English Language abstracts of JA and SU patent documents, collected since 1920		Characteristics of the Abstract Service			Technical fields partly or fully covered			Future plans for increased coverage of fields not completely covered	Quality analysis and results thereof	Costs of different formats			Interest of the Office in obtaining English language abstracts since 1920	Price considered reasonable
		Prepared in the Office	Received from abstract service outside the Office	Name and address	Commenced on (year)	Time elapsed (1)	Fields	Years	Completeness			Paper copies	Micro-forms	Magnetic tapes		
Austrian Patent Office	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
German Patent Office	JA	None	since 1967	"Derwent Japanese Patent Reports" or "Central Patent Index" (Derwent Publications Ltd, London WC1X 8RP)	1962	No checking possible	Chemical	1962	Complete	No increased coverage anticipated	quality analyses by spot checks. Considerable lesser quality than abstracts of EEC countries or US.	D.M. 1.50 per copy (punched cards, DIN A6 A5 and A4)	None	None	Matter of expenditure, detailed statement possible only after knowing exact scope and volume of abstract service	Not more than D.M. 1.50 per copy
			since 1920	Chemical Abstract Service, Columbus Ohio 43210	1907	No checking possible	Chemical	1907	Complete		No quality analysis					
	SU	None	since 1959	"Derwent Soviet Inventions Illustrated" (Derwent Publications Ltd.)	1959	No checking possible	All fields	1959	Complete		Quality analyses by spot checks. 90% exceeded the scope of corresponding abstracts in the Official Soviet bulletin					
			since 1920	Chemical Abstract Service	1907	No checking possible	Chemical	1907	Complete		No quality analysis					
Japanese Patent Office	JA	JA Patent Office is planning to publish English language abstracts of JA Patent Documents	None	-	-	-	-	-	-	-	-	-	-	No interest	-	
	SU	None	since 1968 (about 293,000 abstracts)	"Derwent Soviet Inventions Illustrated" (Derwent Publications Ltd.)	1959	-	All fields	-	-	-	-	-	-	Interested in obtaining such abstracts of patent documents to be issued by the SU Patent Office in the future	-	

1) Time elapsed means the time interval between the date when the abstracting office received the patent document and the date when the abstracting office actually received the English language abstract by the Office.

Inventory of English Language Abstracts
Summary of replies received (contd.)

Office	Patent Documents of	English Language abstracts of JA and SU patent documents, collected since 1920		Characteristics of the Abstract Service			Technical fields partly or fully covered			Future plans for increased coverage of fields not completely covered	Quality analysis and results thereof	Costs of different formats			Interest of the Office in obtaining English language abstracts since 1920	Price considered reasonable
		Prepared in the Office	Received from abstract service outside the Office	Name and address	Commenced on (year)	Time elapsed (1)	Fields	Years	Completeness			Paper copies	Micro-forms	Magnetic tapes		
Soviet Union Patent Office	JA (Examined)	None	since 1962 212,000 abstracts (705 volumes)	"Derwent Japanese Patent Reports" (Derwent Publications Ltd.)	1962	1.5 months	Chemical	1962	23 volumes missing	measures being taken to fill the gap	-	£150 (annual subscription)	-	-	Interest in acquiring missing English language abstracts relating to the period 1920 to 1968	not higher than price indicated by Derwent
	SU	SU Patent Office ready to study possible publication of English language abstracts of SU Patent Documents, if interest of prospective subscribers is known.	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Swedish Patent Office	JA	None	since 1972	"Derwent Japanese Patent Reports" (Derwent Publications Ltd.)	1962	2 weeks	Chemical	1972	Complete	-	-	A4 copies usual Derwent subscription rates	-	-	Interest in obtaining English language abstracts prepared by an Office, to the extent that they have not already been supplied by Derwent	-
	SU	None	since 1972	"Derwent Soviet Inventions Illustrated" (Derwent Publications Ltd.)	1959	2 weeks	All fields	1972								
United States Patent Office	JA	None	since 1962	Derwent Publications Ltd.	-	6 weeks	Chemical	1962	100% (Unexamined appl. included)	Further coverage, when and if available, would necessarily depend on quality and cost analysis at the time of such availability	Quality of abstracts sufficiently technologically comprehensive for examination purposes	(4"x5") (micro films)	-	If and where such abstracts become available, the interest would be largely contingent upon the quality of the abstracts and budgetary limitations in effect at that time	-	
		None	since 1975			6 weeks	Mechanical and Electrical	1975								
	SU	None	since 1961	Derwent Publications Ltd.	-	6 weeks	All fields	1961	100%							(Multiservice contract)

(1) Time elapsed means the time elapsed between the publication date of the patent document concerned and the date on which the corresponding English language abstract was actually received by the Office.

Inventory of English Language Abstracts
Summary of replies received (contd.)

Office	Patent Documents of	English Language abstracts of JA and SU patent documents, collected since 1920		Characteristics of the Abstract Service			Technical fields partly or fully covered			Future plans for increased coverage of fields not completely covered	Quality analyses and results thereof	Costs of different formats			Interest of the Office in obtaining English language abstracts since 1920	Price considered reasonable
		Prepared in the Office	Received from abstract service outside the Office	Name and address	Commenced on (year)	Time elapsed (1)	Fields	Years	Completeness			Paper copies	Micro-forms	Magnetic tapes		
International Patent Institute (IIB)	JA	None	since 1963 since 1975	"Derwent Japanese Patent Reports" "Japanese Patent Gazette" (Derwent Publications Ltd.)	1962 (Examined) 1974 (Unexamined)		Chemical	-	-	A decision on when and in what manner JA and SU patent documents will be included in the systematic documentation of the IIB will be taken when the result of the investigation by PCT/TCO with respect to the interpretation of PCT Rule 34.1(e) is known.	no systematic studies	£150 (yearly subscription)				
	SU	None	since 1959 since 1962 since 1962	"Derwent Soviet Inventions Illustrated" (Derwent Publications Ltd.)	1959		Chemical Electrical Mechanical	-	-			£240 (yearly subscription) £210 (yearly subscription)				

(1) Time elapsed means the time elapsed between the publication date of the patent document concerned and the date on which the corresponding English language abstract was actually received by the Office.

[End of Annexes]

[Fin des annexes]

[End of document]

[Fin du document]