

# WIPO



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**WORLD INTELLECTUAL PROPERTY ORGANIZATION**  
GENEVA

**INTERNATIONAL PATENT COOPERATION UNION**  
**(PCT UNION)**

**PATENT COOPERATION TREATY (PCT)**  
**WORKING GROUP**

**First Session**  
**Geneva, May 26 to 30, 2008**

PROPOSALS BY ISRAEL

*Document prepared by the International Bureau*

1. The proposals appearing in the Annex were made by Israel in a submission to the International Bureau received on March 14, 2008 in response to Circular C. PCT 1125.

2. *The Working Group is invited to consider the proposals contained in this document.*

[Annex follows]

ANNEX

PROPOSALS BY ISRAEL

In line with the decision of the Assembly of the International Patent Cooperation Union (PCT Union) held in Geneva from September 24 to October 3, 2007 and Circular C.PCT 1125 Israel would like to submit the following additional matters which could be discussed at the next session of the PCT Working Group prior to the September 2008 session of the Assembly.

1. ESTABLISHMENT OF CRITERIA FOR THE ADDITION OF A NEW LANGUAGE OF PCT PUBLICATION.

Issues which should be taken into consideration when deciding to add a new PCT publication language:

- number of speakers in the world for which addition of publication language would facilitate further access to the PCT; in other words, evaluation should be done if the new publication language is widely understood and used in the world;
- assessment of financial implication by such addition and forecasting whether it would be compensated by the increase in the number of PCT applications originating from that country, or group of countries;
- evaluation of filing trends in that country (total, national and PCT applications);
- possibility of providing translation service-machine (as has been done by KIPO).

2. TIMELINESS OF THE INTERNATIONAL SEARCH AND EXAMINATION.

Establishment of the International Search Report (ISR) under Article 15(1) is a fundamental service to be provided to PCT users. Generally the International Searching Authority is obliged under the PCT Treaty to issue the ISR and written opinion of the International Searching Authority (WOSA) within 3 months from the receipt of the search copy. But unfortunately some applicants receive the ISR for a PCT application at the 1 or sometimes at 1.5-year anniversary.

Failure to establish the Search Report on time deprives the applicant of the opportunity to receive an assessment of the Prior Art in the field and to reach a decision as to whether to proceed with filing a national phase applications. Furthermore, not only the applicant have invested financial resources on filing the PCT application to no avail, but will also be denied the possibility of making use of the Search Report and WOSA in efforts to attract potential investors in the invention. The financial damage arising from the failure to provide the Search Report may therefore be considerable.

Therefore, we think at a minimum, further deferral national stage entry could be allowed for the applicants when ISR was not established at least until expiration of 30 months deadline from the priority date. The Regulations could be amended to provide for the possibility of, for example, a single 6-month deferral from 30th month, free of charge.

This option would constitute substantial savings to PCT applicants.

In order to keep in mind the balance between the rights of applicants and the rights (interest) of third parties the process of publication and access to other PCT documents should be continued as usual through PATENTSCOPE® site.

Furthermore, all these deferrals should be authorized by the WIPO and displayed on the Patent Scope system.

### 3. SIMPLIFY THE PROCESSING OF COMPUTER PROGRAM LISTINGS.

Modify the Administrative Instructions so as to allow the applicants to file not only sequence listings and tables in electronic form (part 8) but also computer program listings and tables in separate part of the description, at the end of the application. It should be possible to file computer program listings in electronic form only while the all other parts of the application are filed on paper. In such a case, the applicant would also benefit as in respect of large sequence listings, from a ceiling of the international filing fee (400 times the fee per sheet according to Schedule of Fees).

The Box No. IX (check list) should be amended consequently.

### 4. RULE 11 SHOULD BE RE-EVALUATED.

In order to keep pace with changes in technology and electronic international publication we should introduce more flexibility in physical requirements of international applications.

For example, the color drawings should be accepted for the good understanding of the invention.

There are some specific kinds of inventions, where submission of the drawings in color is very essential for the good understanding. Examples of such applications are: Colorization Methods and Apparatus, and Biotechnology.

Applicants wish that the drawings will be published in color, in order to accurately depict the technique or method of colorization, as well as utility of the inventions.

### 5. INTERNATIONAL FORM FOR NATIONAL PHASE ENTRY.

The use of a standardized international form by applicants for national phase entry should be optional and not a requirement for a valid national entry.

At the same time the PCT-SAFE client should be adapted to include a new universal generic form that would support the national stage entries/national filings for all PCT Offices.

Introduction of such a form would streamline process of entering the national phases and would have a harmonizing effect on national phase entry requirements.

This feature may require support for entering the title in national Office languages.

Should be noted that there appears an opportunity to redefine the data necessary to make a PCT national phase entry request, for example it may be possible to rely on the application body provided by WIPO.

Benefits:

- a single environment for applicants to use for PCT, national and national phase entry electronic filing;
- possibility to automate workflow at Offices for filings.

[End of Annex and of document]