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Patent Cooperation Treaty (PCT) Working Group

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PCT ONLINE SERVICES

Document prepared by the International Bureau

SUMMARY

1. The online services delivered by the International Bureau to support the operation of the PCT are functioning well and offer the opportunity for applicants and Offices to use and administer the system effectively. Recent development has continued improvements to the ePCT user interface for applicants and national Offices, and consolidation and modernization of underlying services.

2. Priorities continue to be increasing the use of XML for search reports, written opinions and application bodies; optimizing services and interfaces for national Offices, particularly in their roles as International Authorities; and completing services for the secure and efficient delivery of communications from Offices to applicants in order to phase out the use of paper and email as delivery mechanisms.

SEARCH COPIES

3. The eSearchCopy system now provides all search copies where the International Searching Authority is not the same Office as the receiving Office. Search copies are, on average, delivered 10.3 days after the receipt of the record copy: 9.3 days where no translation is required to be provided by the applicant for international search, and 23.5 days where a translation is required and is received from the applicant for forwarding to the ISA as part of the search copy. This represents a small increase in the average time to deliver search copies from 9.8 days in 2022. The International Bureau is monitoring its internal procedures to eliminate delays due to record copy processing issues and with receiving Offices to further improve the performance in the processing of translations and search fee information.

4.   The implementation of the eSearchCopy system has recently been improved to provide search copies via ePCT M2M services (machine-to-machine web services), in addition to the legacy PCT Electronic Data Interchange (PCT-EDI) batch delivery. This enables Authorities to obtain the latest documents and data available from the International Bureau from the moment the search copy is available, including checking in real time for new documents as required, for example, at the time the examiner begins work on the application.

SEARCH REPORTS AND WRITTEN OPINIONS

5.   Over 88 per cent of international search reports and almost as many written opinions are now received in XML format from 11 International Authorities[1]. Other Authorities are working towards this goal; two additional International Authorities have recently started providing search reports and written opinions in XML format using ePCT, bringing the number of International Authorities using ePCT to prepare the reports to six.

6.   The International Bureau appreciates the International Authorities for the work put into developing the necessary systems at individual Offices, as well as in providing feedback to the International Bureau to make the ePCT interfaces more efficient. It is hoped that future developments in report creation systems at Offices further improve the capture of meaning in a consistent manner. The results benefit users in permitting a significant improvement in the efficiency of official translations and the delivery of on-demand machine translation into any of the 10 PCT languages of publication through PATENTSCOPE. It also enables further services, such as easier access to copies of cited documents and the possibility of near real-time analysis of citation and classification trends.

7.   To provide a consistency of service across all international applications, the International Bureau asks that the remaining International Authorities move to delivery of XML reports, either through the use of ePCT or through improvements in local systems.

ePCT SERVICES FOR INTERNATIONAL AUTHORITIES

8.   The International Bureau has continued to develop online services for receiving Offices and International Authorities, notably in ePCT version 4.12 where improvements have been made in reusing information already input, allowing for more efficient preparation of forms, notably including international search reports, written opinions and international preliminary reports on patentability in XML format. These enhance the facilities available to national Offices that already manage a complete service in ePCT, provided that all staff concerned have WIPO Accounts, set up with the appropriate access rights.

ELIMINATING PAPER COMMUNICATIONS

9.   During the COVID-19 pandemic, the International Bureau ceased to send communications on paper. The primary source of form delivery to applicants became email, but the existing system of notifications provided through ePCT was strengthened with web services for automated delivery of documents. With effect from January 1, 2022, Circular C. PCT 1631 promulgated modifications to the PCT Administrative Instructions (notably Sections 102(h)(ix) and 709(b-*bis*)) allowing Offices to offer services such as the use of ePCT as an official means of communication of documents, entirely replacing paper and email. However, this has not yet been fully implemented in practice. Work is still under way to make the relevant ePCT services clear and reliable in all cases, having regard to the wide variety of services through which international applications are filed, and different user needs. The aim nevertheless remains to provide a secure electronic service for delivery of documents and data from the International Bureau to applicants, eliminating the use of email attachments. This service should allow the

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[1]   In 2022 over 85 per cent of international search reports and almost as many written opinions were received in XML format from nine International Authorities (the transition to XML by US, CA, IN, RU, SE, SG, FI and XV would address the majority of the remainder). Four International Authorities were using ePCT to prepare the reports.

delivery of documents from both the International Bureau and from national Offices in their capacity as receiving Offices or International Authorities. It is expected that the International Bureau will offer official ePCT delivery both for receiving Offices and International Authorities using the ePCT browser interface for processing and through ePCT web services. The proposal in document PCT/WG/17/9 to require applicants to supply an email address for international phase processing should close a small gap in capabilities currently existing.

10.   The International Bureau is continuing this work and will contact interested Offices concerning technical implementations, as well as making any proposals for modifications to the Administrative Instructions (including possible modifications to the request and demand forms) through Circulars to all receiving Offices and International Authorities.

FULL TEXT PROCESSING

11.   The International Bureau has made an improvement in its use of full text application documents for publication. Starting in October 2023, some applications filed in XML format containing replacements, rectifications, incorporations and amendments are being published based on a rendering of an updated application body XML rather than using image-based sheet replacements. This identifies changes at the level of paragraphs, claims and figures using a black line in the margin with an annotation noting the relevant rule and date. This new process avoids the concurrent editing of the XML file and page images.

12.   For XML and DOCX applications to become widespread outside the receiving Offices that currently require electronic filings to be in XML format, it is essential that the process be clear, consistent, understood and trusted by both applicants and Offices. The first session of the PCT Text Processing Task Force was held from January 29 to 31, 2024. This seeks to better understand the issues of creating, processing, publishing, sharing and storing such applications for long term record-keeping from the perspective of applicants and different national Offices in order to find a way forward that meets the needs of all interested parties.

NEXT STEPS

13.   These issues will be further developed in documents for the PCT Working Group, the Text Processing Task Force and informal discussions with national Offices.

14.   The International Bureau invites the Working Group to comment on any priorities that should be taken into account in the further development of online services, and especially on opportunities that may arise from moves towards machine-to-machine services, as well as on particular aspects of full text processing that affect the current or future processes of international search and preliminary examination.

15.   The Working Group is invited to comment on the issues set out in this document, and in particular on their priorities for the development of PCT online services.

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