

## **Patent Cooperation Treaty (PCT) Working Group**

**Sixth Session**  
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ePCT

*Document prepared by the International Bureau*

### **SUMMARY**

1. The ePCT system now offers a wide range of web browser-based services for applicant procedures before the International Bureau as well as a number of services for receiving Offices and International Searching and Preliminary Examining Authorities. Web-based online filing of international applications (“ePCT-Filing”) will be made available over the course of 2013 and 2014, as well as other new services for both applicants and Offices.
2. It is also proposed to offer secure web services, allowing near real-time machine to machine interactions. A review of current PCT-EDI procedures will be carried out to ensure that Offices using batch processes are able to send and receive all the necessary document and data types easily and efficiently.
3. The key aims of development over the next two years are:
  - (a) Offer the applicant a single portal through which the entire international phase process can be managed, including interactions with as many receiving Offices and International Authorities as possible, in addition to the International Bureau. As much up-to-date information as possible should be available via the ePCT system regarding the status of processing of international applications in all of these Offices. Further improve the management of portfolios, including access rights management, for applicants handling multiple international applications. Offer centralized real-time credit card transactions for the payment of any type of PCT fee due and regardless of to which Office (receiving Office, International Authority, International Bureau) the payment is to be made.

- (b) Offer a complete service for receiving Offices that wish to use electronic services hosted on their behalf by the International Bureau to conduct their work. This includes the ability to offer their local applicants an e-filing service also hosted by the International Bureau on behalf of the national (or regional) Office.
- (c) Offer machine to machine services allowing effective interaction with IB systems for receiving Offices and International Authorities using their own IT systems to manage their work, ensuring the ability to transfer documents and data effectively to permit efficient work by the Office.
- (d) Offer services for integration with applicants' patent management systems, allowing documents and data to be exchanged automatically, reducing the time and risk of errors involved in copying files and information.
- (e) As far as possible, eliminate postal delays and related costs and improve quality of processing by enabling official electronic transfer of documents and information between any two points in the system (applicant, receiving Office, International Bureau, International Authorities and third parties). Enable the use and reuse of machine readable information which can be used to automate processes and eliminate delays and errors caused by the need for transcription of information.
- (f) Improve electronic access to information for designated Offices, especially in relation to cases of early national phase entry and for retrieval of documents which are not made available in PATENTSCOPE and PADOS, such as citations accompanying third party observations.
- (g) Depending on discussions with applicants and Offices, offer services to assist applicants and designated Offices in effective national phase entry, maximizing the use of bibliographic data already existing in the International Bureau's systems.

## **EXISTING APPLICANT AND OFFICE SERVICES**

### ePCT for Applicants

4. ePCT currently offers applicants the opportunity to conduct almost all of their business with the International Bureau (including the receiving Office of the International Bureau) through a single electronic portal. The exceptions are:
  - (a) electronic filing (a web filing service is in a pilot phase and expected to be opened to any applicant filing at the receiving Office of the International Bureau during the first half of 2013);
  - (b) provision of certified copies of priority documents from Offices which do not either participate in the WIPO Digital Access Service for Priority Documents or else issue digitally certified electronic priority documents; and
  - (c) integrated electronic payments (a separate online credit card payment system is available, but requires the entry of codes to match the payment with the relevant action).
5. Many of the significant interactions with the International Bureau can now be conducted using "actions" where the applicant enters data which is imported directly into the International Bureau's systems to perform the required function, rather than needing the International Bureau to interpret and transcribe data from a letter. This increases the speed of processing and greatly reduces the risk of introducing errors.

### ePCT for Offices

6. The system currently offers receiving Offices and International Authorities the opportunity to transmit record copies to the International Bureau, view the latest bibliographic data and documents in the International Bureau's files for international applications where the Office acts in the relevant role and upload new documents related to an international application directly into the International Bureau's files. "Actions" are also provided for notifying the withdrawal or deemed withdrawal of an international application or priority claims.

### Key Features

7. The system has the following key features:

- (a) Security as a fundamental design principle.
- (b) Access to the same information with the same views for applicants and Offices as receiving Office or International Authority (save where differences are specifically required).
- (c) Upload documents and immediately see them on file, together with processing status information.
- (d) An increasing range of services where data is entered directly by the applicant or Office concerned, rather than being set out in a letter or form to be understood and transcribed.
- (e) Data validation by the same business rules database as used by the International Bureau's internal systems.
- (f) Flexible access rights system with different levels of access, under the primary control of the applicant but with facility for the International Bureau to suspend or cut off access where necessary.
- (g) Informal personal and group file notes, invisible to the International Bureau or other Offices, helping applicants to flag outstanding work and assist collaboration.
- (h) Secure messaging allowing contact with the International Bureau without the need to write and upload formal letters.
- (i) Portfolio management tools, including searching portfolios by various different criteria and sending notifications when selected events occur, including processing events (such as new documents) or time limits approaching.

### Availability and Use of the System

8. In mid-March 2013, ePCT applicant services were in use by over 6,000 applicants or their representatives from over 100 countries, managing portfolios ranging from one to over 500 international applications and including international applications filed at 30 different receiving Offices.

9. At the same time, 22 Offices in their capacity as receiving Office had access to the services, nine of which also had access in their capacity as International Searching and Preliminary Examining Authority.

10. It is expected that use of the system will grow significantly once ePCT-filing becomes generally available and when the system can be used for communication with Offices other than the International Bureau.

## FUTURE DEVELOPMENT

11. A wide variety of improvements are planned in the near future to ePCT for applicants, including the deployment for full scale use of ePCT-filing as referred to in paragraph 4(a), above, better integration of electronic payment services, and a variety of improvements to “actions” and portfolio management. It is also intended to offer “web services” allowing a degree of integration of ePCT services with patent management or docketing systems. However, most of the “headline” plans for development over the next two years involve either services for Offices or else allowing the applicant to interact with Offices other than the International Bureau.

### Services for Receiving Offices

12. It is intended to offer a complete service for receiving Offices hosted by the International Bureau and accessed through a secure web browser connection. This has begun by offering the functions noted in paragraph 6 and will continue in stages, gradually deploying new functions which can be used in isolation before the complete receiving Office management service is available.

13. The exact order in which functions will be developed has not been finalized and certain items are only at the stage of testing a “proof of concept”, but the approach in general terms is intended to be:

- (a) Allow inspection of IB files and upload of documents to IB (already available).
  - (b) Allow the receiving Office, if it wishes to do so, to accept electronic filings from the ePCT web filing service without the need for any local IT systems other than a computer with a conventional browser and an internet connection.
  - (c) Provide “actions” for automation of further functions, as far as possible generating directly usable information, with conventional style forms being produced only to the extent necessary for traditional file records or processing by the applicant.
  - (d) As an interim measure pending availability of actions for all functions, allow online preparation of conventional forms, pre-filling the fields for which data is already available to the International Bureau and uploading the results directly to the International Bureau (PCT/RO/105 is to be included in next release to demonstrate the concept; others will be introduced following feedback from Offices).
  - (e) Wrap file views and a complete set of actions into a case management system with views of documents and actions which have not yet been fully processed and the ability to assign tasks to different users within an Office (next release will include an initial step of basic notifications of new documents and events).
14. For Offices which wish to use their own local systems for their work as a receiving Office:
- (a) The “minspec” protocol<sup>1</sup> will be reviewed to ensure that the PCT-EDI service for batch transmission of documents is sufficient to support the wider range of document and data transmissions which are envisaged to allow use of the new functionality which will be offered by the system.
  - (b) The major functions of the system will be made available using secure web services if required by Offices which wish to implement the processes as a near real time system.

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<sup>1</sup> PCT Minimal Specifications for Transmitting Documents to the International Bureau, available from the WIPO website at <http://www.wipo.int/patentscope/en/pct-edi/>.

(c) The ePCT-filing service offers a direct replacement for the content and workflows provided by PCT-SAFE, allowing electronic filings to be transmitted to existing Annex F-compliant e-filing servers without any changes. Additional transmission means may also be developed if required to support future improved services.

#### Services for International Authorities

15. It is not currently intended to offer a complete web browser-based service for International Authorities since it is assumed that Offices which take on this responsibility will have significant IT capabilities of their own and will wish to use tools which are well integrated with their main search tools, at least for the production of international search reports, written opinions and international preliminary reports on patentability.

16. Consequently, while some services developed primarily for receiving Offices (such as administrative form preparation tools) may be adjusted for use by International Authorities if there is sufficient demand, it is envisaged that the main additional browser-based tools for International Authorities will be management functions to help recognize and resolve problems and to identify trends and assist planning of capacity requirements.

17. Outside of the browser-based systems, the International Bureau is seeking to develop tools such as improved style sheets and data feeds to assist International Authorities in implementing consistent international search reports, written opinions and international preliminary reports on patentability, while minimizing the maintenance involved in updating forms in response to changes to the Rules and Administrative Instructions. Use of such tools will allow an improvement in translation quality and consistency as well as access to citation information, while reducing costs for both the International Bureau and International Authorities.

#### Services for Designated and Elected Offices

18. It is intended to offer designated and elected Offices browser-based document upload and file inspection services equivalent to those currently available for receiving Offices and International Authorities. This will provide access to documents which are not available through PATENTSCOPE and PADOS, such as cited documents uploaded with a third party observation, as well as access to the files of unpublished applications where the applicant has requested early national processing.

19. The only web-based “actions” currently envisaged for the normal work of designated and elected Offices are notifications of national phase events, such as national phase entry, issue of search and examination reports and grant or refusal, by Offices which are willing to supply such information but are not able to automate these processes<sup>2</sup>. Using these features would allow the system to offer designated Offices customized information updates, such as notifications that another designated Office had issued a national phase search report concerning an international application which had entered the national phase in the first Office but not yet been granted or refused.

20. Again, it is also intended to offer equivalent functions through secure web services, allowing designated Offices which currently retrieve documents automatically from PATENTSCOPE to extend the range of documents to include ones which are never made available through that public service.

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<sup>2</sup> The preferred method for automating delivery of national phase information also allows for other status information, such as withdrawal, refusal, publication, grant and expiry. Details can be found on the WIPO website at: [http://www.wipo.int/patentscope/en/data/national\\_phase/procedures.html](http://www.wipo.int/patentscope/en/data/national_phase/procedures.html).

### Interaction Between Applicants and Offices other than the International Bureau

21. At present, the system only allows interaction between an applicant and the International Bureau or an Office and the International Bureau. It will be a primary aim to develop the system to allow applicants and Offices to use the system as an official means of communication with any other party to international phase processing. This includes both transmitting individual documents and pieces of data and seeing as large a part as possible of the file and status information held by receiving Offices and International Authorities. Such developments will seek to gain the following benefits:

- (a) Reduction of postal costs and delays in communication.
- (b) Reduction in rework costs due to work being done unnecessarily or incorrectly as a result of using old data, having not yet received a relevant update.
- (c) Greater use of data provided directly by the source of the communication, eliminating work and errors involved in understanding transcribing information from paper forms and letters.
- (d) Certainty of receipt of documents and data.
- (e) More clear and complete picture of the state of processing of international applications for all concerned parties.

22. Such developments would be fairly simple if they could become effective for all applicants and Offices simultaneously. The delay in introducing this service depends primarily on finding a reliable way of ensuring that communications are not "lost" because the sending party relies on the service, but the party intended to receive the communication has not agreed to receive it that way.

23. The International Bureau is also investigating possible services to assist the applicant in entering the national phase, where the applicant would use ePCT to create a customized package of bibliographic data in machine and human-readable formats, optionally together with additional documents, to indicate a wish to enter the national phase. This package would be based on the bibliographic data already in the system, minimizing the time and risk of introducing errors involved in transcribing this information to national forms or systems.

### Collaboration Tools

24. The service currently offers various tools to assist collaboration between different groups of people who may need to work closely together:

- (a) Informal "warning" notes can be left by an applicant which are invisible to Offices (including the International Bureau), but which pop up when any applicant user opens the international application (users can choose an option to be sent an e-mail when such warning messages are added or modified).
- (b) Each international application view shows the telephone number of the processing team responsible for handling the international application at the International Bureau and offers a secure messaging service, allowing quick contact to assist queries without the need to write formal letters.

25. The International Bureau will consider how such tools could be improved and adapted to assist collaboration between users in different Offices or between the applicant and different Offices without overcomplicating the interface.

### Services for Third Parties

26. The more timely, accurate and complete information offered by the above developments will also serve to benefit third parties, although it should be noted that third party information services will continue to be offered primarily through PATENTSCOPE, which relies on a separate copy of the public part of the information available through ePCT, updated daily, rather than accessing the live data directly.

### Interaction with the WIPO Digital Access Service for Priority Documents

27. ePCT already offers some basic interactions with the WIPO Digital Access Service for Priority Documents (DAS), including offering electronic requests to make an international application filed at RO/IB available to DAS (which partly automates the relevant processing) or to retrieve a priority document from DAS (which fully automates the relevant processing). Improved services are being developed to give more detailed and immediate feedback on DAS requests. For example, it will become possible for applicant in most cases to check whether a request to retrieve a priority document from DAS will be successful when selecting that option in ePCT-filing, even before the international application is filed.

### System Languages

28. At present, the system interface and documentation is in English only. However, the system is designed for multilingual use and it is intended eventually to offer both applicant and Office services in the 10 PCT languages of publication, to the extent that there is demand. A small scale trial of this is planned in the first half of 2013 using the relatively stable portions of the web browser-based services for Offices. This will be used to confirm that the multi-language features work correctly and to verify that the formats of data files can be used properly by the translation services both to provide high quality initial translations and to allow efficient version control once the system is in full multi-lingual use.

## **DISCUSSION OF REQUIREMENTS**

29. The International Bureau welcomes discussion of user needs with both Offices and user groups. In addition to any comments during the Working Group, the International Bureau will discuss issues with national Offices informally and through PCT Circulars in order to find solutions which give the best results for applicants and Offices alike. Comments and suggestions are welcome at any time to [pctbdd@wipo.int](mailto:pctbdd@wipo.int).

30. *The Working Group is invited to note the contents of this document.*

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