

# WIPO



SCIT/SDWG/8/9

ORIGINAL: English

DATE: February 16, 2007

WORLD INTELLECTUAL PROPERTY ORGANIZATION  
GENEVA

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## STANDING COMMITTEE ON INFORMATION TECHNOLOGIES STANDARDS AND DOCUMENTATION WORKING GROUP

**Eighth Session  
Geneva, March 19 to 22, 2007**

INFORMATION ABOUT THE ENTRY INTO THE NATIONAL (REGIONAL) PHASE OF  
PUBLISHED PCT INTERNATIONAL APPLICATIONS ACCESSIBLE THROUGH THE  
EPIDOS PATENT REGISTER SERVICE (PRS) (TASK No. 23)

*Document prepared by the Secretariat*

1. The Standards and Documentation Working Group (SDWG) of the Standing Committee on Information Technologies (SCIT), at its sixth session in September 2005, considered the status report by the European Patent Office (EPO) on Task No. 23, along with a letter regarding this Task by the Patent Documentation Group. At present, Task No. 23 reads as follows:

“Task No. 23      “Monitor the inclusion of information about the entry into the national (regional) phase of published PCT international applications in the EPIDOS/PRS database.”

2. At the above-mentioned session, the SDWG agreed that further discussion of this Task would be necessary in the future. The SDWG noted the offer by the International Bureau (IB) to supplement, with its own report, subsequent status reports of the European Patent Office (EPO) on Task No. 23, and to seek to establish with the EPO a common data structure for the collection and exchange of national phase entry data. (See paragraphs 50 to 57 of document SCIT/SDWG/6/11.)

3. As a follow-up to the agreement referred to in the previous paragraph and in order to inform the SDWG at its eighth session in March 2007, the Secretariat invited both the IB and the EPO to prepare their corresponding status reports on the progress made in making available information about the entry and, where applicable, the non-entry, into the national (regional) phase of published PCT international applications in the respective databases hosted by them. Annex I to this document contains the said status report by the EPO, and Annex II the report by the IB.

4. Taking into account the offer by the IB referred to in paragraph 2, above, the Secretariat proposes that the Task be reworded to read:

“Monitor the inclusion, in databases, of information about entry, and, where applicable, the non-entry into the national (regional) phase of published PCT international applications.”

5. *The SDWG is invited:*

*(a) to note the information contained in the status reports by the EPO and the IB on Task No. 23 reproduced as Annexes I and II, respectively, to this document; and*

*(b) to consider and approve the proposal on the new wording of Task No. 23 referred to in paragraph 4, above.*

[Annexes follow]

ANNEX I

STATUS REPORT ON SDWG TASK NO. 23  
*by the European Patent Office*

Background

1. This is an update to the status report provided in September 2005. The main progress was effected by the mutual exchange of PCT entry information between WIPO and the EPO. While most of the national offices deliver their PCT entry information to both organisations, some offices deliver to just one of the two organisations. By exchanging the data sets the collections have been enriched. For the EPO, this meant the inclusion of Chinese and New Zealand entry data for the first time, and a completion of the Australian and Korean collections.
2. The situation with regard to non-entry information has not improved. In the contrary, some countries that had supplied non-entry information before have stopped to do so. A new initiative in order to encourage production of non-entry information will be necessary.
3. By the end of November 2006, 21 patent issuing authorities contributed to the project by regularly supplying updates on the information about the entry into the national phase of PCT international applications. On this occasion, we wish to express our appreciation and convey the thanks of the users' community to these authorities for the considerable efforts put in place to establish this service.
4. Some more patent offices have declared their willingness to contribute and have supplied test data but still have to invest in the creation of appropriate procedures in order to extract the required information from their EDP systems.
5. Statistical report about the current situation of legal status and in particular the situation of the PCT entry and non-entry, can be found at [http://www.european-patent-office.org/inpadoc/statistics\\_dwld.htm](http://www.european-patent-office.org/inpadoc/statistics_dwld.htm).

Present Status

6. Most of the contributing patent offices send their updates in the form of e-mail attachments, either monthly or weekly, depending on their internal update schedules.
7. When evaluating the timeliness of the updates, one has to take into consideration that the dates indicated below are the effective dates of the entry into the national phase. In order to avoid incorrect information in general, a grace period of approximately six months is given until the definite decision is taken whether the application did enter the national phase or not.

8. The situation end of November 2006, when this report was written, was the following for the 21 countries present in the system at that time:

- Australia: The input is now taken from deliveries via WIPO. The latest update took place in week 39/2006 and covers entries into the national phase up to May 2006.
- Austria: Data entering the national phase is regularly (bi-monthly) delivered by e-mail. Latest delivery took place in November 2006. Due to format changes in the new deliveries the latest update in the INPADOC PRS database was done in August 2006; the program has to be adapted to the new format.
- Bulgaria: There are regular monthly updates. The latest data received are of January 2006 supplied by the Bulgarian Office in March 2006.
- Canada: PCT entry data is now contained in the regular weekly legal status updates. Latest legal status data entered are of November 2006, the complete reload of Canadian legal status data started in 2004 and has now been completed.
- China: The input is taken from deliveries via WIPO. The latest update took place in week 41/2006 and covers entries into the national phase up to May 2006.
- EPO: There are regular weekly updates on entry and non-entry which are part of the Official Bulletin. The latest data received is of the current week. Particular attention has to be made that there is not a notification of entry into the regional phase, but only that EP has been designated. The confirmation about the entry into the regional phase comes by the publication of the EP-A document about 6 months later. It has also to be noted that for Belgium, Cyprus, France, the Hellenic Republic, Ireland, the Netherlands and Portugal PCT designations have to pass via the European route.
- Georgia: There are regular monthly updates. The latest data received is of October 2006.
- Germany: There are regular weekly updates which are part of the normal weekly publication tape. The latest data received is of the current week. Germany also delivers non-entry information, which after a interruption in the year 2005 and beginning of 2006 has been resumed with week 39/2006. Currently the German Patent Office is working on recreating the information for filling the gap. However, these most recent deliveries have a different format and therefore have not yet been processed by the EPO at the time of this report.

- Japan: Regular monthly updates are made for entry and non-entry. The latest data received is of November 2006.
- Kenya: Data delivery is triggered by events to be reported. The latest entries are for May 2005, received in week 23/2006.
- Latvia: Data for entry into the national phase is sent bi-monthly. Latest data is of June 2006.
- Lithuania: Data for entry into the national phase is sent monthly. Latest data was received in week 43/2006.
- New Zealand: The input is taken from deliveries via WIPO. The latest update took place in week 42/2006 and covers entries into the national phase up to December 2005.
- Republic of Korea: The latest data received directly from the Korean Patent Office is of December 2000. Now the data sent via WIPO is used. The latest update took place in week 43/2006 and covers entries into the national phase up to May 2006. The delivery of non-entry data, having been part of the direct deliveries to the EPO, has not yet been resumed.
- Romania: Quarterly updates have been foreseen. Latest updates have been received in week 33/2006 with data as of end of June 2006.
- Russian Federation: Regular monthly updates are made for entry. The data extraction procedure for non-entry has been stopped due to technical problems and all non-entry events have been removed from the PRS database. Latest data received for entry into the national phase is of April 2006.
- Slovakia: Latest data was received in week 47/2006 containing PCT entry data until October 2006.
- Slovenia: Latest data received in week 45/2006 containing PCT entry data up to October 2006. Data is sent monthly, even if there are no cases to be reported on.
- United Kingdom: There are regular weekly updates on entry and non-entry sent by e-mail. The deliveries are synchronised with the weekly Official Journal publication, and are included on the day of publication.
- United States of America: The delivery has been stopped in October 2005. Unfortunately other sources (USPTO red book) proved not to be suitable for this purpose. So currently the only possibility is the exploitation of bibliographic data for the US published applications.
- Uzbekistan: There are quarterly updates. Latest data received in week 37/2006 containing PCT entry data up to June 2006.

### Future Planning

9. In the framework of the cooperation between WIPO and the EPO with regard to SCIT/SDWG Task No. 23 it was agreed to have regular exchange of updates of the respective collections of both offices in a commonly agreed format. This will be of profit for the respective databases Patentscope and INPADOC PRS.

10. The EPO would like to invite the countries who have not joined the project so far to deliver data in order to further enhance the INPADOC database with this essential information about the status of PCT applications in the national phase. Although the time lag between the entry into the national phase and the notification of the subsequent national publication has diminished for some countries, e.g., the United States of America, due to the fact that an early publication of the patent application has been introduced, the separate notification of the entry into the national phase is still important, so these countries are invited to resume the supply of entry into the national phase notifications.

11. From the users side, also the information about non-entry is of high interest, in particular for countries with a high ratio of national entries compared with the number of designations. The users have expressed this requirement at several occasions on different conferences, e.g., in the SACEPO meetings and the EPO patent information conference.

[Annex II follows]

ANNEX II

STATUS REPORT ON SDWG TASK NO. 23  
*by the International Bureau*

Background

1. This Task is based on a project aimed at making information on the status of PCT international applications available to the industrial property user community. In November 1995, the PCIPI Executive Coordination Committee agreed to the collection of data in order to supplement the existing EPO legal status database with information regarding the entry, and, where available, the non-entry into the national (regional) phase of PCT international applications. The task was carried out by the legal status maintenance team of the EPO.
2. From 2004, the International Bureau (IB) invited the national patent offices to supply directly to it the data regarding the entry into the national phase of PCT international applications, in the attempt to improve the coverage and timeliness of the data. The IB proposed various acceptable data formats, in order to offer maximum flexibility to those national offices. Several national offices responded positively and provided requested data.
3. Meanwhile, the IB improved the on-line search facilities for published PCT international applications (known as "PatentScope"), to include the information regarding the entry into the national phase of PCT international applications. Up to the end of October 2006, over 1.4 million PCT national phase entry records are published on the PatentScope web site. With close cooperation with the national offices, the IB also provides hyper links from its web pages to the official web pages of some national offices, enabling users to obtain further information of any specific PCT international application that the national processing by the office concerned had started. For over 500,000 PCT international applications the IB's web site provided such links.
4. During the sixth session of the SDWG of SCIT meeting in September 2005, the IB agreed to work together with the EPO for sharing data regarding the entry, and non-entry, into the national (regional) phase of published PCT international applications, as well as seeking to establish a common data structure for the collection and exchange of those data. Several steps had been taken for achieving this objective.

Current Status

5. Discussions took place at the beginning of 2006 between the IB and the EPO to exchange data regarding the entry or non-entry into the national (regional) phase of published PCT international applications, and to assess the usability of the data. The EPO sent a copy of the INPADOC dataset containing the information of the PCT national (regional) phase entries, the content of which is shown in Table 1, below. The IB subsequently extracted the data regarding the national phase entries into the following countries: Austria, Germany, Georgia, Japan, Kenya, Lithuania, Latvia, Russian Federation, Slovenia, Slovakia and Uzbekistan. These supplemental data are very useful.

6. As agreed, the IB sent to the EPO a dataset extracted from its database relating to the information directly collected from national offices. The dataset contains over 800,000 records covering 15 offices. The IB received positive response from the EPO with regard to the usefulness of the dataset.

7. It is important to note that the INPADOC dataset does not contain the information regarding entry into EP regional phase of the PCT international applications, it contains, on the other hand, what seems to be the information regarding non-entry into the EP regional phase. Discussions are still going on between the IB and the EPO seeking the possibility of providing, from the EPO to the IB, the data relating to the EP regional phase entry in an acceptable format, instead of using the data regarding designation of EP in the PCT international applications, which are often referred to as “EURO-PCT” applications.

8. Up to now, the IB has received data regarding the entry into the national phase of the PCT international applications from the following Offices in various data formats:

Australia: The PCT national phase entry data was provided in CSV format covering the period between 1998 – 2006 with over 120,000 records. The update is delivered monthly via the PCT-EDI. The dataset regarding the national phase entry of PCT international applications further contains information with regard to the legal status (grant, refusal or withdrawal) of the national processing by the Office concerned. The hyper links are provided for corresponding Australian national patent applications after publication.

Belize: The PCT national phase entry data was provided in Word format covering the period of 2002 – 2006 with 90 records. The last update was delivered in October 2006.

Bulgaria: The PCT national phase entry data was provided in CSV format covering the period of 2004 – 2005 with over 1,000 records. The dataset regarding the national phase entry of PCT international applications further contains information with regard to the legal status (grant, refusal or withdrawal) of the national processing by the Office concerned.

Canada: The PCT national phase entry data was provided in CSV format covering the period of 1997 – 2006 with over 190,000 records. However, the data for 2005 does not seem to be complete. The update is delivered monthly as e-mail attachment. The hyper links are provided for corresponding Canadian national patent applications after publication.

China: The PCT national phase entry data was provided in Text format covering the period of 1998 – 2006 with over 210,000 records. The update is delivered quarterly as e-mail attachment. The hyper links are provided for corresponding Chinese national patent applications after publication.



- Germany: The PCT national phase entry data was extract from the INPADOC dataset provided by the EPO covering the period of 1980 – 2005, while the new data starting from 2006 was provided in CSV format. There are over 20,000 records.
- Israel: The PCT national phase entry data was provided in XML format covering the period of 1998 – 2006 with over 30,000 records. The update is delivered monthly as e-mail attachment.
- Kyrgyzstan: The PCT national phase entry data was provided in CSV format. However, there are mostly legal status records in the file. The PCT national phase entry events seem to be missing.
- Lithuania: The PCT national phase entry data was provided in CSV format covering the period of 1995 – 2006 with over 600 records. The update is delivered as e-mail attachment. The dataset regarding the national phase entry of PCT international applications further contains information with regard to the legal status (grant, refusal or withdrawal) of the national processing by the Office concerned.
- Mexico: The PCT national phase entry data was provided in XML format covering the period since 2006 with over 8,000 records. The update is delivered via the PCT-EDI.
- New Zealand: The PCT national phase entry data was provided in CSV format covering the period of 1993 – 2006 with over 46,000 records. The update is delivered biannually as e-mail attachment. The dataset regarding the national phase entry of PCT international applications further contains information with regard to the legal status (grant, refusal or withdrawal) of the national processing by the Office concerned.
- Philippines: The PCT national phase entry data was provided in CSV format covering the period of 2002 – 2005 with over 5,000 records. The IB received the first delivery only. The dataset regarding the national phase entry of PCT international applications further contains information with regard to the legal status (grant, refusal or withdrawal) of the national processing by the Office concerned.
- Republic of Korea: The PCT national phase entry data was provided in CSV format covering the period of 1997 – 2006 with over 150,000 records. The update is delivered quarterly via the PCT-EDI. The dataset regarding the national phase entry of PCT international applications further contains information with regard to the legal status (grant, refusal or withdrawal) of the national processing by the Office concerned. The hyper links are provided for corresponding Korean national patent applications after publication.
- Romania: The PCT national phase entry data was provided in SGML format covering the period of 1990 – 2006 with over 3,000 records. The last update was delivered in August 2006.

- South Africa: The PCT national phase entry data was provided in CSV format covering the period of 2000 – 2006 with over 30,000 records. The IB received the first delivery only.
- Spain: The PCT national phase entry data was provided in SGML format covering the period of 1990 – 2005 with 220 records. The last update was delivered in January 2006.
- Sweden: The PCT national phase entry data was provided in CSV format covering the period of 1982 – 2006 with over 1,700 records. The IB received the first delivery only.
- Turkey: The PCT national phase entry data was provided in Word format covering the period of 1996 – 2005 with over 10,000 records. The IB received the first delivery only.
- United Kingdom: The PCT national phase entry data was provided in Excel format covering the period of 2000 – 2006 with over 10,000 records. The update is delivered monthly as e-mail attachment.
- United States of America: The PCT national phase entry data was provided in CSV format covering the period of 1993 – 2005 with over 250,000 records. Newly published applications from 2006 onwards are downloaded from USPTO's web site in XML format, then extracted by the IB. There are over 290,000 records in total. The hyper links are provided for corresponding US national patent applications after publication.

### Non-Entry Information

9. The data provided by the above national Offices do not contain the information regarding non-entry into national phase of PCT international applications, although such information can be found in the INPADOC dataset for a limited number of offices. Consequently the IB did not include the information regarding non-entry into the national phase of PCT international applications in the PatentScope database due to the incompleteness of the information.

10. Publication of the non-entry information needs to be treated with caution since applicants may perform the acts for entering into the national phases before some designated offices until as late as 42 months from the priority date, or even later if “so permitted by the national law”, according to the Rule 49.6 of the PCT. Furthermore, any national office could, under its national law, excuse the delay of national phase entry under exceptional circumstances. This could lead to publication of misleading information. On the other hand, it should be recognized that such information might be desired by the user community. To meet the users' need, the following options could be considered.

11. The IB could publish the information regarding the non-entry into national (regional) phase of PCT international applications that is already included in the INPADOC dataset, and request other national offices to provide, as much as possible, the non-entry information. However, the following issues should be noted: the existing non-entry data is incomplete, for offices where reinstatement of rights under Rule 49.6 of the PCT is provided it would be difficult to decide when a specific PCT international application has the status of “non-entry”. Furthermore, since most national offices do not keep records of designations and/or withdrawal of designations of PCT international applications, it would be practically difficult for the offices to produce “non-entry” lists that match the lists of PCT international applications for which those offices are still designated when the time limit of performing acts to enter national (regional) phases expires.

12. As a second option, the PatentScope service could display, for each published PCT international application, indications regarding applicable conditions (e.g., time limits) for performing acts to enter the national (regional) phase before the corresponding office, while leaving to the users to assess the possibility of the “non-entry” situation. To avoid misinterpretation of the information, it would be necessary to add a note explaining that lack of the information regarding entry into respective national (regional) phase does not necessarily mean that there is no national phase entry. Considering that a PCT international application can only have “entered” or “not entered” status in respect to any specific national (regional) office, the high-quality and timely provided data regarding “entry” into the national (regional) phase, together with the information noted above, may provide sufficient information to users.

13. It is also possible to combine the above two ways of publishing the information: to indicate information of “non-entry” where the information is available, to indicate the national (regional) phase entry conditions where the “non-entry” information is not available. In this case, for each PCT international application and for each national (regional) office, there are three possible indications: entered with a date, not entered with a date, no data with applicable conditions indicated. Likewise, a note reminding users to use the information with caution should be provided.

#### Future Work

14. Further work is required between the IB and the EPO to establishing formal and official channel to exchange (the update of) the PCT national phase data, and for providing regional phase entry data directly to the International Bureau.

15. The IB will further communicate with national offices to request more national offices to supply PCT national phase data.

16. Regarding the provision of non-entry information, the IB will further investigate the second option discussed above.



SCIT/SDWG/8/9  
Annex II, page 7

Table 2 – Content of WIPO’s PCT National Phase Database

	AT	AU	BG	BZ	CA	CN	DE	DK	ES	GB	GE	IL	JP	KE	KG	KR	LT	LV	MX	NZ	PH	RO	RU	SE	SI	SK	TR	US	UZ	ZA
<-		3989	1040												209						118							15		
1980	1						477																							
1981	78						413																							
1982	86						1144																	1						
1983	76						537																	1						
1984	69						418																	6						
1985	78						442														1			17						
1986	81						362																	42						
1987	61						341																	55						
1988	49						249																	60						
1989	44						235																	81						
1990	45						295		12													73								
1991	42						228		8				1									136		53				9		
1992	29						239		22												1	200		51				11		
1993	42						215		12													96		217		541		3170		
1994	68						290		16												1103	342		92		747		6451		
1995	69				2		394		29													2226		294		141		937		7730
1996	98				19		546		15			1					8					2614		467		103		1074	26	9907
1997	105	3			14486		813		13			9851		1	9958	90						3374		627		117		1201	731	12025
1998	121	555			18198	11437	843	31	7			3547	10723	27	10840	94	53					3258		385		89		1256	1687	15489
1999	171	9047			21461	13351	1172		18			406	19456	25	12341	116	55					3739		274		112		1416	2231	23289
2000	157	15331			24217	15801	1109		18	1335		2431	11447	21	14879	45	44					4317		224		126		1556	2734	27283
2001	62	15421			26276	19231	1508		11	1504		3106	32804	27	16688	44	20					4548		232	1	90	78	1529	2796	33195
2002	334	16757		6	27300	22657	1287		14	1620	14	4654	28438	27	17871	34	24					4441	58	159	3866	86	71	1484	1363	38666
2003	249	15801		25	26260	23356	1543		14	1791	148	4280	30520	33	16979	35	32					4132	1299	128	3880	103	44	1396	341	36897
2004	320	16762	125	18	20273	32414	1382		9	1732	174	4675	40565		21141	31	29					4288	2084	125	2971	77	22	200	216	41212
2005	326	17991	18	23	2465	40799	1481		2	1804	164	5127	26629		6	24484	51	35	18			4455	1731	37	5049	54	2	56	106	34524
2006		16227		19	13961	35449	2335			962		4080				13102	36			8012	4190	4	16					6616		4759

[End of Annex II and of document]