

C. PCT 1389

August 9, 2013

Madam,  
Sir,

*ePCT-filing and electronic transmission of post-filing documents*

This Circular is addressed to your Office in its capacity as a receiving Office, International Searching Authority or International Preliminary Examining Authority under the Patent Cooperation Treaty (PCT).

It concerns the ongoing development of the ePCT system. More specifically, it concerns new ePCT services which will become available to Offices in their capacities as receiving Offices and International Authorities, in particular:

- (i) the option for all receiving Offices, if so wished, to offer online filing to “their” applicants; and
- (ii) the option for all receiving Offices and International Authorities to receive “post-filing” documents and data electronically.

*Background*

Electronic communications in the PCT system offer significant benefits to both applicants and Offices, notably by eliminating postal costs and delays and by reducing the amount of manual processing and transcription of information which takes time and can lead to the introduction of errors. Online filing of international applications plays an important role in this context. However, while online filing is offered by most of the larger receiving Offices and indeed is used by a large majority of applicants who file international applications with those receiving Offices, to date, many smaller receiving Offices are not in a position to offer such online filing to “their” applicants, mainly due to the lack of resources or technical capacity to do so.

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Moreover, to date, very few receiving Offices and International Authorities allow applicants to submit “post-filing” documents and data in electronic form, that is, documents and data submitted after the initial filing of the international application. This poses a particular challenge for the PCT system which, on the one hand, provides for very tight timeframes for most actions to be performed by applicants and Offices but which, on the other hand, is a distributed system where the International Authority tasked with carrying out the international search or the international preliminary examination is frequently located in a different country than the applicant and the receiving Office, often resulting in considerable delays in the transmission of documents and data.

One of the International Bureau’s key aims in the development of the ePCT system is to overcome these shortcomings by developing a system under which all applicants from all Contracting States are able to use a single electronic portal for communicating with all Offices which have a role in the processing of their international applications – this is particularly important where different Offices act as receiving Office and International Authority. Another key aim of the ePCT development is to allow all Offices of all Contracting States to offer their applicants consistent and high quality electronic services, irrespective of whether a particular Office is itself able to support the IT systems required to offer such services.

To achieve those aims, the next few releases of ePCT, scheduled to be implemented between September 2013 and the first quarter of 2014, will further extend the possibilities for electronic communication between applicants and receiving Offices, between receiving Offices and International Authorities, and between receiving Offices and International Authorities and the International Bureau. In particular:

./. (i) ePCT will be able to provide to all receiving Offices the possibility to offer online filing of international applications to “their” applicants, either by using existing e-filing servers already in place in the receiving Office concerned, or else by offering receiving Offices a new e-filing server service that is “hosted” by the International Bureau. Annex I to this Circular, entitled “ePCT-filing – Options Proposed for Receiving Offices”, sets out further details as to the ePCT online filing options available to receiving Offices and an expected timetable as to when those options will become available.

./. (ii) ePCT will further be able to route all types of post-filing documents electronically from applicants and the International Bureau to receiving Offices and International Authorities. Receiving Offices and International Authorities will be able to choose whether to collect the documents using the ePCT Office portal or by batch transfer using PCT-EDI. Annex II to this Circular, entitled “ePCT Receipt of Post-filing Documents – Options Proposed for Receiving Offices and International Authorities”, sets out further details as to the ePCT document receipt options available to receiving Offices and International Authorities and the expected timetable as to when those options will become available.<sup>1</sup>

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<sup>1</sup> Note that a service is being developed for the electronic transmission of search copies by the International Bureau to the International Searching Authority on behalf of the receiving Office; this new service will be the subject of a separate Circular to be sent in due course.

(iii) the ePCT-Filing software is currently available to a pilot user group and will shortly be made available for all applicants filing at the receiving Office at the International Bureau. Assuming a successful uptake of ePCT-Filing by applicants and Offices, the International Bureau would, after a suitable transition period, intend to support only one PCT electronic filing platform (that is, ePCT-Filing). Such a transition period would be determined by the International Bureau, after consultation with applicants and Offices.

*Issues for discussion*

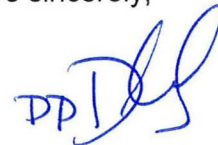
The International Bureau would like to invite your Office in its capacity as a receiving Office and/or an International Authority to provide feedback on the new ePCT services set out in the Annexes to this Circular, in particular, whether your Office would be interested in taking advantage of those new services and, if so, of which of the options outlined in the Annexes. In considering whether to take advantage of the new ePCT services, it is recommended that your Office considers both new ePCT services mentioned above together.

Furthermore, the International Bureau would like to discuss with your Office a plan for confirming the legal, technical, testing and training needs which would arise in making these new ePCT services available to applicants using your Office should your Office decide to take advantage of those new services.

To assist preparations of further discussions with your Office, the International Bureau would further like to invite your Office to complete the Questionnaire, attached to this Circular as Annex III, following which the International Bureau will contact your Office to discuss the most effective way forward. Given the number of Offices involved, it is envisaged that the discussions will take place over the course of several months. If the timing of discussions or implementation is of particular importance to your Office for any reason, please indicate this in the Questionnaire.

Please send the completed Questionnaire to my colleague Mr. Peter Waring, Head, Technical Cooperation Section, PCT International Cooperation Division, preferably as an attachment to an e-mail addressed to [ptcid@wipo.int](mailto:ptcid@wipo.int) or, alternatively, by fax to +41 22 338 8521. You can also address any other technical, legal or policy issue that you would like to discuss in this context to Mr. Waring.

Yours sincerely,



James Pooley  
Deputy Director General

Enclosures:

Annex I	e-PCT-Filing options for receiving Offices
Annex II	e-PCT receipt of post-filing documents options for receiving Offices and International Authorities
Annex III	Questionnaire

## ePCT-FILING

### OPTIONS FOR RECEIVING OFFICES

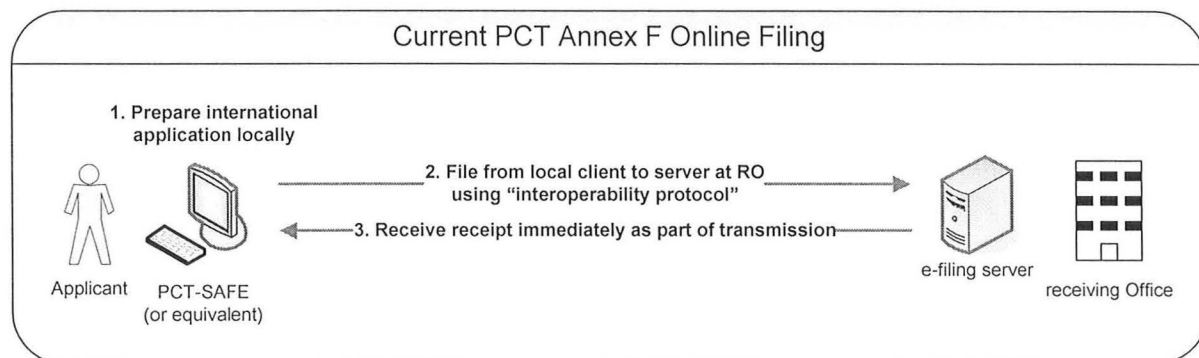
ePCT is the International Bureau's range of systems to assist applicants and Offices with processing international applications effectively. It is accessible using standard web browsers, requiring no special software to be installed by Offices or applicants wishing to use it, though Offices with their own IT systems can interact with it in other ways as well. The main aims are:

- (i) to allow applicants to efficiently manage all international phase processing through a single electronic portal, irrespective of which Offices are acting as RO, ISA and, where relevant, SISA and IPEA;
- (ii) to make international phase processing more efficient and accurate by eliminating delays from mailing and scanning documents, verifying as much information as possible before it is submitted by the applicant and giving Offices the tools to directly use data submitted by applicants, rather than transcribing information between paper or paper-equivalent forms.

This paper explains the options which will soon be available to national Offices in their capacity as receiving Offices, aimed at allowing them to offer their applicants electronic filing through ePCT, whether they currently have online filing capabilities or not.

## BACKGROUND

### CURRENT ONLINE FILING STANDARD



The current PCT online filing standard, set out in Annex F of the PCT Administrative Instructions, has been in use with only minor changes since 2002. It has been very reliable and successful where used, now being used for around 87% of the international applications filed in the receiving Offices which support it. However, the standard has limitations in scope and in take-up by Offices.

The essential features are as follows:

*The applicant* prepares the "request" using "client" software (PCT-SAFE or one of a number of national systems which operate in accordance with the published standard) that has to be installed on his local machine, and attaches the application body in PDF or XML format. The client software calculates the fees which are payable and transmits the international application to the server at the receiving Office.

*The receiving Office* maintains an e-filing server which receives the international application, assigns an international application number and date on which the transmission was received (which will usually be the international filing date, though this is formally accorded later following manual checks) and immediately transmits a filing receipt back to the client.

### ePCT-FILING – THE APPLICANT’S VIEW

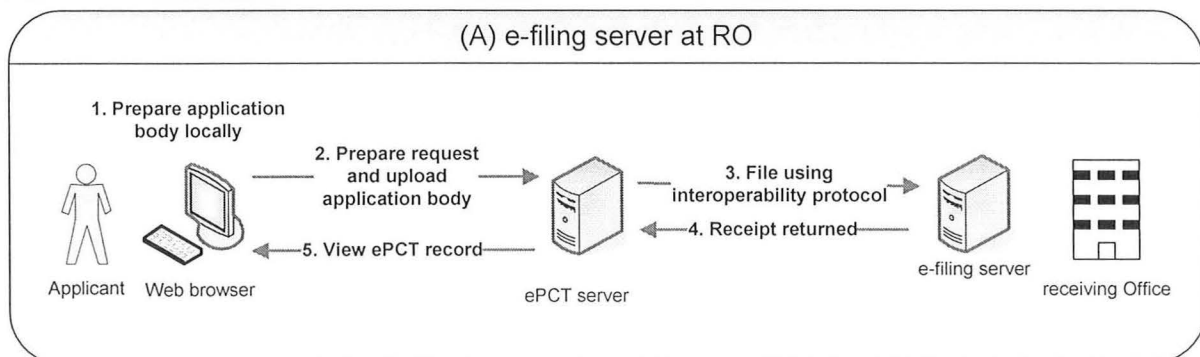
From the point of view of the applicant, ePCT-Filing offers similar features to PCT-SAFE, but with the following benefits:

- The applicant does not need to install any special software – the system is accessed using a standard web browser.
- The draft application is stored on a private area of a server operated by the International Bureau in a manner which allows secure sharing of the drafts between users on different machines (potentially in different countries) for joint preparation and checking of the draft application.
- The validations are carried out according to the reference data held by the International Bureau in real time – the applicant does not have to install any periodic updates.
- A wider range of validations are integrated than in any other online filing software, including the possibility to preview how converted image files will be rendered for post-filing processing in cases where potential problems are detected, such as use of color and greyscale.
- Users can create and share address books to ensure that names and addresses are provided consistently and with minimum effort (currently in testing phase).
- Once the international application has been filed, the user can immediately view the documents and data information as made available to the receiving Office for initial processing and subsequent transmittal to the International Bureau.

### ePCT-FILING – OPTIONS FOR OFFICES

ePCT aims to allow all receiving Offices to offer e-filing services to their applicants, using different options dependent on the needs of the particular Office.

#### Option (A) – e-filing server maintained by the receiving Office

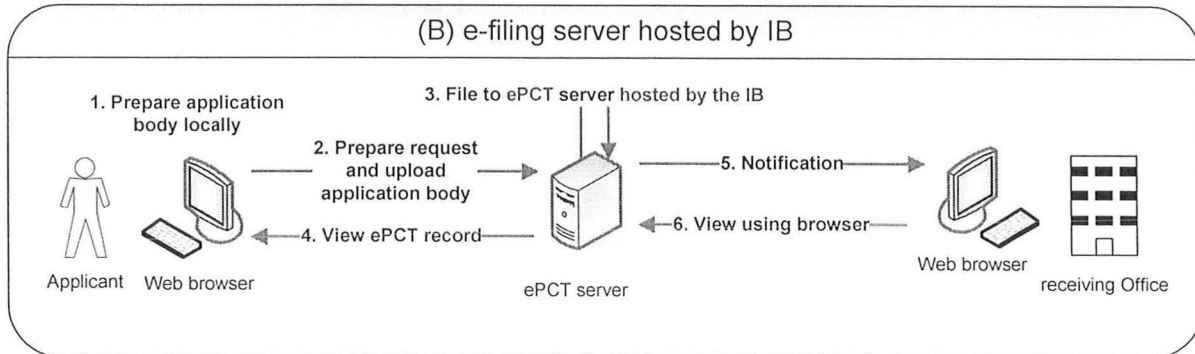


ePCT-Filing is fully compatible with existing e-filing servers according to the current e-filing standard. ePCT-Filing transmits the application to the receiving Office in exactly the same format and using the same transmission protocol as PCT-SAFE. Receiving Offices already operating such a server will not need to make any changes to their IT systems or procedures. They can continue to accept filings from PCT-SAFE or other compatible software in addition to ePCT-Filing.

The applicant will immediately be able to see (and download if required) the filing receipt returned by the e-filing server through ePCT. A view of the application as filed will remain available from the applicant's 'Filing' list, but at this stage the application is not visible to the

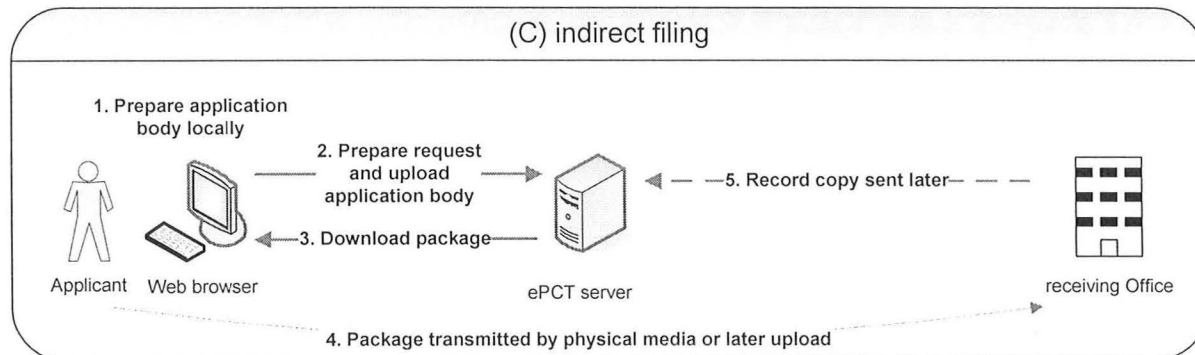
International Bureau's internal processing systems until the receiving Office completes RO processing.

Option (B) – e-filing server hosted by IB



ePCT-Filing transmits the application to a server hosted at the International Bureau on behalf of the receiving Office. The receiving Office is notified when a new international application was filed and manages the international applications through a web interface similar to that provided for applicants. Although the International Bureau technically maintains the server, the receiving Office remains responsible for processing the international application.

Option (C) – indirect filing



The applicant uses ePCT-Filing to prepare his application and then downloads a package onto his local PC for sending to the receiving Office as a separate step, either by uploading it through a separate web interface, or by sending on a physical medium (CD, DVD, USB stick) accepted by the receiving Office.

N.B. This is the least efficient option for the applicant in terms of processing steps and does not allow ePCT to offer any information on the status of processing until the record copy is received by the International Bureau. Nevertheless, this option may be enabled for some receiving Offices at least as an interim measure until it is possible to come to more satisfactory arrangements.

### Other Variants

The International Bureau is willing to explore a number of variants which might be useful to some Offices, such as agreeing an alternative new protocol for IB to Office communications in Option A or else offering alternative automated means for a receiving Office to access new filings in Option B, such as web services interfaces or transferring files in daily batches through PCT-EDI.

However, such options would only become available later, following discussions with Offices, and ensuring that the number of variants in use remained manageable and did not introduce unnecessary cost, complexity and risk of errors.

### **WHEN WILL THIS BE AVAILABLE?**

Filing to an "Annex F" e-filing server should be possible following the next release of ePCT-Filing, expected in September 2013 subject to certain limitations, notably that the interface will probably still only be in English, non-latin languages will not be supported because the name and address entry will only support one language at a time, rather than allowing a translated/transliterated version to be added in parallel, and bibliographic data will only be available in Unicode UTF-8 format, not alternative codings used by some Offices. These limitations will be addressed in later releases over the following months.

Hosted servers are expected to be available in the Demo environment for Offices to assess by the end of 2013, with the possibility of live use in the first quarter of 2014 if the testing is deemed sufficient and successful.

Indirect filing will be scheduled dependent on discussions with the Offices concerned.

### **WHICH OPTION IS BEST FOR MY OFFICE?**

*My Office operates an "Annex F" e-filing server:* Option A is the easy option since it allows you to accept ePCT filings with nothing more than agreeing to receive and check a few demo filings to ensure that the validations for your Office have been set up correctly. However, it may be worth considering Option B in order to eliminate the cost of maintaining the server without reducing your quality of service to applicants.

*My Office does not currently offer online filing of international applications:* Option B will allow you to offer e-filing to your applicants without any IT infrastructure costs. All you need is a PC with an internet connection, a reliable email service and a printer and scanner.

*My Office currently offers e-filing by a means other than the Annex F online system:* The best approach will depend on the details of your current filing system and the amount of integration required with local IT systems.

The above answers are generalizations. The International Bureau will be pleased to discuss the particular needs of your Office. For more information contact [pcticd@wipo.int](mailto:pcticd@wipo.int).

[Annex II follows]

# ePCT RECEIPT OF POST-FILING DOCUMENTS

## OPTIONS FOR RECEIVING OFFICES AND INTERNATIONAL AUTHORITIES

### BACKGROUND

ePCT is the International Bureau's range of systems to assist applicants and Offices with processing international applications effectively. It is accessible using a standard web browser and requires no special software to be installed by Offices or applicants wishing to use it, though Offices with their own IT systems can interact with it in other ways as well. The main aims are:

- (i) to allow applicants to efficiently manage all international phase processing through a single electronic portal, irrespective of which Offices are acting as RO, ISA or IPEA;
- (ii) to make international phase processing more efficient and accurate by eliminating delays from mailing and scanning documents, verifying as much information as possible before it is submitted by the applicant and giving Offices the tools to directly use data submitted by applicants, rather than transcribing information between paper or paper-equivalent forms.

This paper explains the relevant functionality soon to be made available in ePCT and the options which will soon be available to national Offices in their capacity as receiving Offices, International Searching Authorities and International Preliminary Examining Authorities for receiving documents electronically.

### CURRENT ePCT DOCUMENT TRANSMISSION

The current ePCT system allows both applicants and Offices to eliminate paper almost entirely for communication to the International Bureau<sup>1</sup>.

However, the current system has the following limitations:

- (i) documents cannot be uploaded to any Office other than the International Bureau;
- (ii) the ePCT system cannot be used as the principal method to transmit documents from the International Bureau to an Office because, although the document will be visible to the Office in ePCT, there is currently no notification system to alert the Office to presence of a new document for its attention.

Updates to the system in the near future will address these limitations.

### FUNCTIONALITY TO BE MADE AVAILABLE

#### NOTIFICATIONS FOR OFFICES (PROVISIONALLY SEPTEMBER 2013)

It will be possible for Offices to be notified that a new document has been directed to them by the applicant or the International Bureau via ePCT. The notification will appear in a dedicated list in the ePCT web browser application and it is recommended that the Office should also specify an email address to which such notifications should be sent.

*Uploads by applicant* – Simultaneously, a new option will be made available for applicants to upload documents to the receiving Office, International Searching Authority or International Preliminary Examining Authority via ePCT. The option will only be shown to applicants if the

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<sup>1</sup> The exception is the transmission *by the applicant* of priority documents which have been supplied by the Office of first filing in the form of a conventional certified copy – these cannot be uploaded because scanning by the applicant cannot demonstrate that all the pages provided were certified by the Office of first filing. However, scanning of paper certified copies by the receiving Office for transmission is acceptable.



RO, ISA or IPEA has notified the International Bureau that it is willing to accept electronic notifications that a document has been routed to it through ePCT.

Documents uploaded by the applicant for an Office other than the IB will be hosted on the IB's systems. Consequently, they will be visible through ePCT to the applicant and the Office to which they are directed (as well as in most cases, the IB and any other Offices competent as RO, ISA or IPEA).

#### WORK LISTS (PROVISIONALLY DECEMBER 2013)

The initial e-mail notification system will be sufficient to let an Office know that a new document exists and that a task may be required of the Office. A second step will be the introduction of a Notifications list for actively acknowledging that a document received has been processed and any required action has been taken. In later steps, this list could evolve into a "work list" that allows the launch of a "wizard" to lead the assigned officer through the necessary follow-up tasks.

#### OFFICE TO OFFICE TRANSMISSIONS (FIRST QUARTER 2014)

The system will also allow transmission of documents between different Offices (for example, receiving Office to International Searching Authority). However, this requires more work on the underlying infrastructure of the IB file systems than communications from the applicant to a single Office so will only be introduced later, most likely in the first quarter of 2014.

#### ROUTING OF UPLOADED DOCUMENTS VIA PCT-EDI (TIMING TO BE DISCUSSED)

An equivalent arrangement will be possible for Offices wishing to use PCT-EDI. If the Office notifies the International Bureau that it is ready to accept documents uploaded from the applicant or other Offices via PCT-EDI, the upload options will be enabled in ePCT and documents will be forwarded in daily batches. The International Bureau will be pleased to discuss the technical issues involved directly with the Offices concerned. The timing is open for discussion, but could be in Q4 2013, especially in the case of Offices that already operate PCT-EDI.

#### **ePCT POST FILING DOCUMENTS – OPTIONS FOR OFFICES**

If your Office agrees to receive post filing documents in electronic form from applicants and other Offices via the International Bureau's ePCT system, the available options for their electronic transmission are:

- (i) receiving electronic notifications that documents are available for viewing/download in ePCT (notifications listing and electronic mail); or,
- (ii) receiving the relevant documents via PCT-EDI transfer to your Office for upload into a local system; there would not be a notifications listing available in ePCT for Offices choosing this option.

#### **HOW DOES THIS RELATE TO HOSTED ePCT-FILING?**

ePCT-Filing and accepting upload of post-filing documents are separate issues. However, there is a clear benefit in considering your use of the two services together if possible, so that applicants can get the full benefit of services and consistency from the ePCT system. Using ePCT-Filing will also make the upload systems more effective..

## QUESTIONNAIRE

EPCT-FILING AND  
ELECTRONIC RECEIPT OF POST-FILING DOCUMENTS

GENERAL	
<b>Country/Name of Office:</b>	
<b>ePCT Contact Name, job title, e-mail address, phone number:</b> (include as many as you wish, but indicate which one should be considered the primary contact for discussion of ePCT-filing and receipt of documents in electronic form)	
<b>Do you have local IT systems for processing international applications?</b> (please indicate any features which may be relevant which are not covered by the specific questions on the following pages)	
<b>Timezone which your Office should be treated as being located in for purposes of e-filing and receipt of electronic post-filing documents</b> (normally the timezone of your headquarters Office – please explain if a different timezone is indicated)	

<b>ePCT-FILING</b>	
<p><b>Do you have local IT systems for RO processing which must be integrated with an e-filing service?</b> (if so, please summarize and indicate any plans or timetables which should be taken into account)</p>	
<p><b>OPTION A: if your Office currently operates an “Annex F” e-filing server, would any special conditions need to be met for filing to it from ePCT-Filing instead of PCT-SAFE?</b></p>	
<p><b>OPTION B: would your Office be interested in using an e-filing server hosted by the International Bureau?</b></p> <p>If so, would your Office prefer to view and process the new application using the ePCT Portal, or receive the e-filing package via EDI for importing into a local system?</p>	
<p><b>OPTION C: in the case that your Office currently allows the creation of a package using PCT-SAFE that is uploaded to a secure website or transferred on physical media, would you wish this service to be supported by ePCT?</b></p>	
<p><b>Are there any other special requirements, including for example national security provisions in your national legislation, which need to be taken into account in making e-filing available at your Office?</b> (if so, please summarize)</p>	

<b>ELECTRONIC RECEIPT OF POST-FILING DOCUMENTS FROM APPLICANTS AND OTHER OFFICES</b>	
<p><b>Is your Office agreeable to electronically receive post-filing documents from applicants (and later from other offices), via the IB, using the ePCT Portal document upload?</b></p> <p>If yes, please complete responses to the following questions.</p>	
<p><b>What means would your Office prefer to use to receive documents in electronic format:</b></p> <p>– Notification using a dedicated list in the ePCT web browser portal, plus an email with a direct link to view/download documents from ePCT?</p> <p>– PCT-EDI transfer?</p> <p>(if your Office acts as RO and International Authority, you can give different answers for the different roles if desired)</p>	
<p><b>Are there any other special requirements which need to be taken into account in allowing electronic transmission of documents to your Office?</b></p>	

[End of Annex III]