# 修订WIPO标准ST.14第14段的提案

1. 本附件包含ST.14工作队按标准委员会工作计划第45号任务第一部分编写的修订WIPO标准ST.14第14段的提案。上述段落的修订版草案转录于本附件一的附录。
2. WIPO标准ST.14第14段的修订版包含以下改动(改动处以高亮显示)：
	1. 新的“N”类：

“N”类： 仅考虑该文献，权利要求所记载的发明不能被认为具有新颖性；

* 1. 新的“I”类：

“I”类： 仅考虑该文献，权利要求所记载的发明不能被认为具有创造性；

* 1. “X”类的定义修订，并建议新的检索报告不应再使用该类型：

~~“X”类： 仅考虑该文献，权利要求所记载的发明不能被认为具有新颖性或创造性~~；

“X”类1： 过去建议用本类表示：仅考虑该文献，权利要求所记载的发明不能被认为具有新颖性或创造性。新检索报告不应再使用该类型，而应使用更具体的“N”类或“I”类；

* 1. “E”类和“O”类的定义修正，并建议这些类型最好与其他类型一并使用；

“E”类： 《PCT实施细则》细则33.1(c)中定义的在先专利文献，~~但是~~在国际申请日当天或之后公布。代码“E”最好与“N”类、“I”类、“X”类1、“Y”类或“A”类之一一并使用；

“O”类： 提及口头公开、使用、展览或其他方式的文献。代码“O”最好与“N”类、“I”类、“X”类1、“Y”类或“A”类之一一并使用；

* 1. “P”类的定义修正，将其范围扩大到申请中要求的优先权日当天公布的文献：

“P”类： 申请日(PCT为国际申请日)之前、申请中要求的优先权日当天或之后公开的文献。代码“P”应始终与“N”类、“I”类、“X”类1、“Y”类或“A”类之一一并使用；

* 1. 反映符合“编者按”(见文件CWS/4/5附件二)的实施规定的新脚注：

1 不再建议各工业产权局使用“X”类，但在2015年7月1日之前制定的检索报告可以包含这个类型，其中它可作为主要类型，也可与“E”类、“O”类或“P”类一并使用。

[后接附录]

# 附　录

# WIPO标准ST.14第14段修订版草案

14. It is recommended that any document (reference) referred to in paragraph 7, above, and cited in the search report should be indicated by the following letters or a sign to be placed next to the citation of the said document (reference):

(a) *Categories indicating cited documents (references) of particular relevance:*

Category “N”: The claimed invention cannot be considered novel when the document is taken alone;

Category “I”: The claimed invention cannot be considered to involve an inventive step when the document is taken alone;

Category “Y”: The claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art;

Category “X”1: This category was previously recommended to indicate that the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone. New search reports should no longer use this category. The more specific categories “N” or “I” should be used instead.

(b) *Categories indicating cited documents (references) of other relevant prior art:*

Category “A”: Document defining the general state of the art which is not considered to be of particular relevance;

Category “D”: Document cited by the applicant in the application and which document (reference) was referred to in the course of the search procedure. Code “D” should always be accompanied by one of the categories indicating the relevance of the cited document;

Category “E”: Earlier patent document as defined in Rule 33.1(c) of the Regulations under the PCT, published on or after the international filing date. Code “E” should preferably be accompanied by one of the categories “N”, “I”, “X”[[1]](#footnote-2), “Y” or “A”;

Category “L”: Document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (the reason for citing the document shall be given);

Category “O”: Document referring to an oral disclosure, use, exhibition or other means. Code “O” should preferably be accompanied by one of the categories “N”, “I”, “X”1, “Y” or “A”;

Category “P”: Document published prior to the filing date (in the case of the PCT, the international filing date) but on or after the priority date claimed in the application. Code “P” should always be accompanied by one of the categories “N”, “I”, “X”1, “Y” or “A”;

Category “T”: Later document published after the filing date (in the case of the PCT, the international filing date) or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention;

Category “&”: Document being a member of the same patent family or document whose contents have not been verified by the search examiner but are believed to be substantially identical to those of another document which the search examiner has inspected.

1. Category “X” is no longer recommended to be used by the industrial property offices, but the search reports established earlier than July 1, 2015 may contain this category either as the main one, or accompanying categories “E”, “O” or “P”.

[后接附件二] [↑](#footnote-ref-2)