

# WIPO



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**WORLD INTELLECTUAL PROPERTY ORGANIZATION**  
GENEVA

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## **WIPO GENERAL ASSEMBLY**

### **Thirty-Second (17<sup>th</sup> Ordinary) Session Geneva, September 26 to October 5, 2005**

#### **MATTERS CONCERNING THE PATENT LAW TREATY**

*Document prepared by the International Bureau*

1. Following the deposit of its instrument of ratification by Romania on January 28, 2005, the Patent Law Treaty (PLT) entered into force on April 28, 2005, that is, three months after the deposit of ten States of their instruments of ratification or accession. As of today, Croatia, Denmark, Estonia, Kyrgyzstan, Nigeria, the Republic of Moldova, Romania, Slovakia, Slovenia and Ukraine are party to the PLT.

2. Item 4 of the Agreed Statements by the Diplomatic Conference for the Adoption of the PLT (Agreed Statements), adopted on June 1, 2000, states as follows:

“4. With a view to facilitating the implementation of Rule 8(1)(a) of this Treaty, the Diplomatic Conference requests the General Assembly of the World Intellectual Property Organization (WIPO) and the Contracting Parties to provide the developing and least developed countries and countries in transition with additional technical assistance to meet their obligations under this Treaty, even before the entry into force of the Treaty.

“The Diplomatic Conference further urges industrialized market economy countries to provide, on request and on mutually agreed terms and conditions, technical and financial cooperation in favor of developing and least developed countries and countries in transition.

“The Diplomatic Conference requests the WIPO General Assembly, once the Treaty has entered into force, to monitor and evaluate the progress of that cooperation every ordinary session.”

3. In accordance with the third paragraph of Item 4 of the Agreed Statements by the Diplomatic Conference for the Adoption of the PLT, the General Assembly of WIPO is requested to monitor and evaluate the progress of technical and financial cooperation in favor of developing and least developed countries and countries in transition, which facilitates filing of communications in electronic form in those countries. Against this backdrop, industrialized market economy countries referred to in item 4 of the Agreed Statements above, are invited to provide information to the General Assembly as set out in that Agreed Statements.

4. With respect to the relevant activities of WIPO, when adopting Rule 8 of the Regulations under the PLT at the Diplomatic Conference for the Adoption of the PLT, the Director General of WIPO stated that WIPO would remain committed to its technical cooperation program, and that it would further translate the content of Rule 8 into a meaningful capacity building for developing countries and countries in transition<sup>1</sup>. In particular, the following list of developments and solutions developed in the context of the Patent Cooperation Treaty (PCT) should be noted given the strong relationship between the PCT and PLT. Since these activities have already been adopted in the framework of the PCT, they have medium and long term potential for application in the PLT context:

- The approval by the Standards and Documentation Working Group (SDWG) of the Standing Committee on Information Technologies (SCIT) of a new WIPO Standard ST.36, titled “Recommendation for the Processing of Patent Information Using XML (Extensible Markup Language)”, during its fifth session from November 8 to 11, 2004<sup>2</sup>. This new standard recommends data formats for the filing, processing, publication and exchange of all types of patent information. ST.36 is expected to facilitate the development and interoperability of information systems used for filing and processing within the patent system. Moreover ST.36 is based on the technical standard for electronic filing and processing of international applications under the PCT (known as Annex F to the Administrative Instructions under the PCT), which entered into force in January 2002.
- Implementation in February 2004 of the PCT-SAFE (Secure Applications Filed Electronically) system which enables electronic filing under the PCT. PCT-SAFE software is freely available to PCT applicants for download from WIPO’s website. Applicants who use PCT-SAFE (and certain other PCT electronic filing software made available by other Intellectual Property Offices) can prepare their applications in a format, based on Annex F and ST.36, that is legally and technically acceptable under the PCT. The same software is therefore well placed for application in PLT based systems.
- WIPO also makes the components of PCT-SAFE used for office-based processing freely available to Member States. This includes:
  - (a) technology that is already used by PCT Contracting States for the display, page count and printing of electronically filed international applications;

- (b) complex server software that can be used to receive electronically-filed international applications;
  - (c) a Certification Authority that distributes and manages digital certificates used by applicants to sign and transmit international application data;
  - (d) a Certification Authority that distributes and manages digital certificates used by offices to sign and transmit intellectual property data.
- In cooperation with the Korean Intellectual Property Office, the development of the PCT-ROAD (Receiving Office Administration) system. Less complex to deploy and maintain than the PCT-SAFE server, PCT-ROAD enables PCT receiving Offices to receive electronic filings under the PCT via physical media such as floppy diskette or CD-R. It can also be used to facilitate the processing of filings on paper or in PCT-EASY format (paper copy accompanied by a diskette containing the request form data and abstract). Basic receiving Office activities such as formalities checks, retrieving an international application for viewing or printing are also supported.

5. With respect to the activities of WIPO beyond the PCT, WIPO provides assistance to industrial property (IP) offices in developing countries, least developed countries and countries in transition to enhance the efficiency of IP registration activities through the streamlining and automation of their business procedures. The assistance ranges from technical advice and guidance to the deployment of a customized automation solution for end-to-end processing of IP titles (patents, trademarks and designs) enabling IP Offices to offer online services and electronic communication. An important part of this assistance is the capacity building of IP Offices through knowledge transfer training and post-deployment support.

*6. The General Assembly of WIPO is invited to note the information contained in the present document.*

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<sup>1</sup> See paragraphs 2556 and 2563 of the Summary Minutes of the Main Committee I contained in the Records of the Diplomatic Conference for the Adoption of the Patent Law Treaty (WIPO publication No. 327).

<sup>2</sup> See document SCIT/SDWG/5/13 at [http://www.wipo.int/meetings/en/details.jsp?meeting\\_id=6311](http://www.wipo.int/meetings/en/details.jsp?meeting_id=6311).