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MATTERS CONCERNING THE PATENT LAW TREATY (PLT)

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1. 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.”

2. 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 Statement.

3. 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.¹ Between the previous ordinary session of the General Assembly of WIPO in 2005 and the beginning of June 2007, the following developments and solutions developed in the context of the Patent Cooperation Treaty (PCT) should be noted given the strong relationship between the PCT and the 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.

4. At the beginning of 2005, eight PCT receiving Offices (ROs) (Offices of Finland, France, the Republic of Korea, Spain, the United Kingdom, the European Patent Office (EPO) and the International Bureau (IB) of WIPO) were accepting fully electronic filing. As of May 1, 2007, when the People's Republic of China started to accept PCT e-filings, that number had risen to twenty. With the exception of France, all of these ROs accept filings using the PCT-SAFE system. In the case of on-line filing, this is done either directly from filer to Office using PCT-SAFE or in combination with the national on-line patent filing system (in Australia and the United States of America). The Offices of the following developing and certain European countries (by order of entry into effect of e-filing) accept fully electronic PCT filings using PCT-SAFE: the Republic of Korea, Slovakia, Poland, Romania, the Philippines, Malaysia and the People's Republic of China. The Czech Republic and Turkey are currently preparing for fully electronic filing.

5. Further, updated versions of the PCT-SAFE software and patches have been released in a timely manner in order to support the ongoing evolution of the legal and procedural framework of the PCT, such as the PCT Rule changes and the credit card payment facility.

6. The April 2007 changes to the PCT Rules required modifications to the PCT-SAFE client and also to the receiving Office servers and back-end systems in each of the Offices that accept fully electronic filings (the main issue being that the PCT-SAFE client and the RO receiving server/processing system were both using the same technologies for the creation and rendering of the PCT request form). WIPO worked closely with all of these Offices to ensure that the technical modifications required on the RO side were made in a timely manner.

7. In addition to providing updated PCT-SAFE client software to PCT filers, WIPO offers assistance to receiving Offices during the preparations for e-filing and also when e-filing has entered into effect. This includes technical assistance (e.g., providing test builds of the

¹ 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).

PCT-SAFE client software to the RO in order to test the end-to-end filing process, installation of digital certificates on the receiving Office server, issuance of the digital certificate required by the RO to sign the record copy package before transmittal to the IB), as well as legal and procedural assistance. In addition, Certification Authorities (CA) that distribute and manage digital certificates have continued to operate. One CA is used by applicants, and another by offices to digitally sign and transmit patent data.

8. In 2006 and 2007, a number of enhancements were made to the PCT-ROAD (Receiving Office Administration) system, in cooperation with the Korean Intellectual Property Office (KIPO). PCT-ROAD is a simple software that can be used to support PCT receiving Office functions. The enhancements made in 2006 and 2007 include the capacity to generate the most commonly used receiving Office forms, PCT deadline management, functionality to support the handling of scanned record copies and search copies, fee management, on-line help and the implementation of a Spanish language user interface and user documentation.

9. WIPO has introduced or deployed the PCT-ROAD system to seven developing countries since September 2005. WIPO and KIPO will conduct a post implementation review of PCT ROAD in two countries during the course of 2007. The PCT-ROAD software and user manuals are freely available to PCT receiving Offices for download from WIPO's website.

10. With respect to the activities of WIPO beyond the PCT, the WIPO Program for Business Modernization of IP Institutions² 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 and improve services provided to the stakeholders, through the streamlining and automation of their business processes.

11. The automation systems provided to the IP offices are customized to the specific legislative and administrative requirements of national IP offices for end-to-end processing of trademarks, patents and industrial designs, from application reception to search and examination to registration as well as post-registration actions. The assistance provided includes technical consultancy, needs assessment, business process re-engineering, deployment of customized automation systems, knowledge transfer training, post-deployment support and impact evaluation. Emphasis is given to capacity building of IP office staff to derive maximum and sustained benefit from automation.

12. To date, the WIPO provided automation systems are operational in 43 IP offices, among which 23 offices use automation systems in the area of patents. With their internal business processes automated, supported by appropriate search tools and IP databases, these offices are better positioned to take advantage of value-added services like e-services and e-communication.

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

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² Program 8 in the WIPO Program and Budget for 2006-2007.