

# WIPO



PCT/AI/1 Add.8

ORIGINAL: English

DATE: June 28, 2000

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**WORLD INTELLECTUAL PROPERTY ORGANIZATION**

GENEVA

## **PATENT COOPERATION TREATY (PCT)**

ADMINISTRATIVE INSTRUCTIONS  
UNDER THE PATENT COOPERATION TREATY:

PROPOSED MODIFICATIONS RELATING TO THE  
ELECTRONIC FILING, PROCESSING, STORAGE AND  
RECORDS MANAGEMENT OF INTERNATIONAL APPLICATIONS

COMMENTS BY THE  
NETHERLANDS INDUSTRIAL PROPERTY OFFICE

*for consideration at a  
PCT informal consultation meeting on electronic filing,  
Geneva, July 11 to 14, 2000*

COMMENTS ON DOCUMENT PCT/AI/1 Add.2 Prov.

1. In Sections 701 and 702(a), reference is made to “this Part”.

It would be more clear what is meant with “this Part” if the appropriate heading would appear not only in the Table of Contents (see page 3 of document PCT/AI/1 Add.2 Prov.) but also in the text of the Administrative Instructions.

See our proposal with relation to page 4 of document PCT/AI/Add.2 Prov.

2. Sections 703(a) and (c)(i) prohibit receiving Offices to accept anything not provided for in Annex F. On the other hand, Sections 703(b) and (g) allow the receiving Office to accept electronic document formats not covered by Annex F. The applicant, however, can take nothing for granted.

From the applicant’s point of view, it would be much more comforting to know *not only* the means and electronic document formats accepted by the receiving Offices from among those set out in Annex F *but also* which other means and/or electronic document formats the receiving Office is prepared to accept for the purposes of obtaining an international filing date where an international application is filed in electronic form.

NL therefore suggests to amend Sections 703(a), (b) and (c)(i). See our proposal with relation to pages 8 and 9 of document PCT/AI/1 Add.2 Prov.

3. Section 703(f) seems to relate only to changes resulting in the restriction or removal of existing filing options. If the change would mean a mere extension of the means or electronic document formats allowed, there is no need to wait with the measure becoming effective.

NL therefore suggests to amend Section 703(f). See our proposal with relation to page 10 of document PCT/AI/1 Add.2 Prov.

4. The signature is not part of the minimum requirements for obtaining an international filing date.

Therefore the receiving Office, when notifying its requirements as to the type of electronic signature, only needs to make a choice from the types set out in Annex F. Given the NL proposal for amending Section 703, an appropriate amendment to Section 704(a) would be necessary.

With relation to the type of electronic signature accepted by the receiving Office, Section 704(b) might better refer to paragraph (a). Furthermore, since Sections 703(b) and 704(b) cover comparable situations, the draft of these two paragraphs could be harmonized.

See our proposal with relation to page 12 of document: PCT/AI/1 Add.2 Prov.

AMENDMENTS PROPOSED TO DOCUMENT PCT/AI/1 Add.2 Prov.

*Page 4*

Insert before Section 701:

“PART 7  
INSTRUCTIONS RELATING TO ELECTRONIC FILING, PROCESSING, STORAGE  
AND RECORDS MANAGEMENT OF INTERNATIONAL APPLICATIONS”

*Page 8*

Section 703(a): Delete in the first sentence the words “set out in Annex F which is”.

Section 703(b): Delete the first sentence.

Amend the second sentence as follows:

“If the receiving Office

(a) accepts, in accordance with paragraph (c) (i), the filing of an international application in electronic form in an electronic document format not provided for in Annex F, or

(b) decides, in accordance with paragraph (g), to accept, in a particular case, the filing of an international application in electronic form in one of such electronic document formats,

the international application thereby accepted shall be considered not to comply with the prescribed physical requirements referred to in Article 14(1)(a)(v) and the receiving Office shall proceed accordingly.”

*Page 9*

Section 703 (c) (i): Delete the words “from among those set out in Annex F”.

*Page 10*

Section 703(f): Amend paragraph (f) as follows:

“The effective date of any change which restricts or removes filing options previously accepted by a receiving Office, shall be two months after the date of publication of the notification of such change in the Gazette; otherwise, the effective date of any change shall be determined by the receiving Office.”

*Page 12*

Section 704(a): Amend the first sentence as follows:

“An international application filed in electronic form shall be signed using the type of electronic signature, form among those set out in Annex F, accepted by the receiving Office in accordance with Section 703.”

Section 704(b): Amend paragraph (b) as follows:

“Where a type of electronic signature other than a type accepted by the receiving Office in accordance with paragraph (a) is used, the international application shall be considered not to have been signed in the manner referred to in Article 14(1)(a)(i) and the receiving Office shall proceed accordingly.”

[End of document]