

WIPO



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WORLD INTELLECTUAL PROPERTY ORGANIZATION
GENEVA

INTERNATIONAL PATENT COOPERATION UNION
(PCT UNION)

MEETING OF INTERNATIONAL AUTHORITIES
UNDER THE PATENT COOPERATION TREATY (PCT)

Fifteenth Session
Vienna, April 7 to 9, 2008

PCT MINIMUM DOCUMENTATION

Document prepared by the Secretariat

SUMMARY

1. The Meeting is invited to consider how work might be revitalized on the comprehensive review of the PCT minimum documentation or, alternatively, whether the review should be formally placed on hold, pending further developments in other fora which might offer drivers for practical and focused progress.

2. In view of the lack of progress in the comprehensive review of the PCT minimum documentation, the Korean Intellectual Property Office requests that the Meeting review its decision from 2005 that proposals for change to the minimum documentation should only be considered as part of that review, and that the Korean Journal of Traditional Knowledge be considered for inclusion as part of the PCT minimum documentation.

COMPREHENSIVE REVIEW

3. At its 11th session, in February 2005, the Meeting decided to conduct a comprehensive review of the concept, definition and content of the PCT minimum documentation. The reasons for and scope of the review were summarized (see paragraphs 9 to 12 of document PCT/MIA/11/14) as follows:

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“9. Discussions were based on document PCT/MIA/11/6 and a presentation given by the European Patent Office outlining the factors influencing the need for a review of the concept, definition and content of PCT minimum documentation. These factors included:

“(a) the increased availability of information in electronic form which brought with it better opportunities to search a wider range of both patent and non-patent literature documentation;

“(b) the increasing number of periodicals published worldwide;

“(c) the growing importance of free-of-charge sources such as “open access” publications and public search results;

“(d) the need for specialized databases in certain fields;

“(e) the increasing need to consult sources of information which had previously been little considered, such as traditional knowledge; and

“(f) the future role that could be played by automated translation.

“10. The Meeting agreed that a comprehensive review of the PCT minimum documentation was necessary and that a task force be established by the Secretariat to undertake such review.

“11. It was considered that the review should address patent documentation, including questions of additional countries, languages and whether utility models might also be included, as well as non-patent literature, and that the issues listed in paragraph 10 of document PCT/MIA/11/6 were a good starting point for the task force’s work. The Meeting agreed that Mr. Gérard Giroud (European Patent Office) should act as task force leader. All of the Authorities would be invited to nominate task force representatives, providing the various types of required expertise. The task force would conduct its review using electronic communication and would make progress reports to the Meeting.

“12. While, in general, the Meeting felt that any proposals for changes in the near future to the PCT minimum documentation should be considered as part of the comprehensive review and should not be addressed individually, it was agreed that, in view of the time needed for a comprehensive review, the proposal to add Korean patent documents to the minimum documentation (see paragraphs 19 to 22, below¹) should exceptionally be dealt with by the task force as a separate question in parallel with the comprehensive review.”

4. The task force discussed certain aspects of the proposals between May 2005 and October 2006, using an electronic forum together with informal physical meetings held in parallel with the 13th session of the Meeting of International Authorities and the 7th session of the Standing Committee on Information Technologies Standards and Documentation

¹ Referenced paragraphs not reproduced here.

Working Group, both of which were held in May 2006 and attended by significant numbers of task force members.

5. A wide range of issues was discussed, including:

(a) the changing ways in which information is originally published and in which it is subsequently gathered for documentation and searching;

(b) the increasing geographical and linguistic diversity of relevant and feasibly accessible technical disclosure;

(c) the differences between how patent documents from different Offices and in different languages are handled and the implicit requirements of language skills within an International Authority;

(d) the economics of maintaining ever-expanding document collections and conducting searches efficiently – preferably by integrating as much information as possible into single databases, or sets of databases which can be queried simultaneously to avoid time-consuming multiple searches;

(e) the need to improve efficiency of searching of information from sources which are not integrated into the major information suppliers' databases, most notably in the field of traditional knowledge;

(f) the desirability of avoiding documentation being defined in terms of a data supplier, rather than content which may be searchable more cheaply from a different source;

(g) the fact that PCT minimum documentation is exactly that – a minimum – and that in practice, a much larger collection must be available to an examiner, who must use his knowledge and judgment to determine which documentation should be searched in a particular case;

(h) the need for information sources to provide accessibility and reliable retrievability of documents;

(i) the need to avoid duplication (for example, of patent family members or of non-patent literature sources covering the same disclosures) while avoiding citations being missed because family members are not completely equivalent, or because the contents of a family member in a different language might have been more easily assessed by a particular examiner;

(j) the date ranges of documents which may be relevant in different technical fields;

(k) the desirability of reliable classification of the minimum documentation at the IPC advanced level.

6. Nevertheless, no concrete proposals were made for improving the definition of the PCT minimum documentation within Rule 34. With respect to the non-patent literature part of the minimum documentation, a draft form was circulated, setting out some of the main items which Authorities would need to consider when adding new items to the list of non-patent literature, such as the subject matter covered; statistics on its usefulness in the relevant Office, such as number of references made as citations; the languages of abstracts and full text; the availability of machine translations; and the cost of access. There were no specific criteria defined which a proposal ought to meet – in fact, concern was expressed by at least one task force member that definite rules might result in the inclusion of unwanted material within the definition and the exclusion of useful information sources.

7. While there would appear to be common ground that the current definition of the PCT minimum documentation is based on criteria which were relevant to maintaining paper collections and that it would be appropriate to update that definition to better reflect the ways in which searches are conducted today, and while there would appear to be broad consensus on many individual issues, it is to be noted that there has been little convergence on the overall requirements for a definition of either patent or non-patent literature. In view of that fact, and the fact that no discussion has now taken place for well over a year, with no strong call for further progress, it appears appropriate to request Authorities to state whether they are currently in a position to define their needs sufficiently well to drive the discussions to an appropriate conclusion.

8. In this context, it is worth noting that discussions are ongoing between many examining Offices (including, but not limited to, the International Authorities) on what is needed in order for work-sharing between Offices to be effective. One significant factor in those discussions is the issue of confidence by one Office in the scope of the search carried out by another Office. It may be that clarification of this issue in the discussions relating to quality and work-sharing within the Meeting of International Authorities or other fora might be beneficial in advance of finalizing discussions on the definition of the PCT minimum documentation.

9. The Meeting is invited to discuss whether the review of the PCT minimum documentation can be reinvigorated, or whether the review should be placed on hold, pending developments in quality and work-sharing related discussions in MIA or other fora.

KOREAN JOURNAL OF TRADITIONAL KNOWLEDGE

10. In a letter dated January 17, 2008, the Korean Intellectual Property Office requested that the Korean Journal of Traditional Knowledge be added to the PCT minimum documentation. The proposal is set out in the Annex.

11. It is recalled that, at its 11th session, the Meeting agreed that “any proposals for changes in the near future to the PCT minimum documentation should be considered as part of the comprehensive review” (see paragraphs 9 to 12 of document PCT/MIA/11/14, reproduced after paragraph 3, above). In view of the lack of progress in that review as noted above, the Korean Intellectual Property Office proposed that the Meeting should review that agreement and consider the addition of the Journal directly.

12. The Meeting is invited to decide whether to add the Korean Journal of Traditional Knowledge to the PCT minimum documentation.

[Annex follows]

ANNEX

PROPOSAL FOR INCLUDING THE
KOREAN JOURNAL OF TRADITIONAL KNOWLEDGE
INTO THE NON-PATENT LITERATURE PART
OF THE PCT MINIMUM DOCUMENTATION

SUMMARY

The Korean Intellectual Property Office (KIPO) proposes that the Korean Journal of Traditional Knowledge (KJTK) be included in the non-patent literature part of the minimum documentation under the Patent Cooperation Treaty (PCT). The KJTK is consistent with the criteria upon which the Meeting agreed at its seventh session. In addition, Korean traditional knowledge has been applied in various fields of modern technologies.

Consistency with the criteria the Meeting agreed upon

We are of the opinion that the KJTK is qualified as prior art. The KJTK is composed of articles related to Traditional Knowledge that are selected from 47 kinds of major Korean journals. Each article contains bibliographic data, an abstract, International Patent Classification (IPC) codes, and a full-text article in PDF format. Articles not qualified as prior art are excluded from the KJTK. These can include theory research, clinical statistics and medical treatments.

In relation to practical access to the KJTK, the publishers of the KJTK allow online access to full-text articles. Accordingly, the KJTK can be accessed world wide through the Korean Traditional Knowledge Portal (KTKP, <http://www.koreantk.com>).

Bibliographic information and abstracts in the KJTK are provided in English and Korean in a searchable format. Additionally, 17 percent of the original full-text articles are provided in English. In terms of access conditions applicable to the KJTK, the KJTK can be searched and viewed at no cost.

Reasons to be world wide prior art

Korean traditional knowledge has a history that is nearly 5,000 years old. It is believed that approximately 5,100 plants are used in Korean medicine as treatments for various conditions. Currently, nearly 14,000 Korean oriental medical doctors examine patients using traditional medical knowledge.

In Korea, a study to develop new medicine based on the oriental medicine has been conducted and good results have been produced. Korean traditional knowledge also has been applied in the field of cosmetics, health food, home appliances, etc.

The KJTK is linked with the Traditional Korean Medicine (TKMed) database. For example, when searching articles, it is possible to obtain detailed information related to herb, prescription and symptom of disease.

In short, if the KJTK can be incorporated into the PCT Minimum Documentation, patent examiners can locate valuable prior arts, with the aid of the TKMed database. Ultimately, the value of the patents will be maximized. Therefore, KIPO hopes that the International Searching Authorities accept this proposal by KIPO.

1. PROPOSAL

The Korean Intellectual Property Office (KIPO) would like to propose the Korean Journal of Traditional Knowledge (KJTK) be included in non-patent literature part of the minimum documentation under the Patent Cooperation Treaty (PCT) at the 15th Meeting of International Authorities under the PCT.

2. RATIONALE OF THE PROPOSAL

Since 2001 the Intergovernmental Committee of the World Intellectual Property Organization (WIPO) has directed discussions regarding the international protection of the traditional knowledge of individual countries. In February of 2003, at the seventh session of the Meeting of International Authorities under the PCT, the participants agreed in principle that documentation on traditional knowledge should be included in the non-patent literature part of the PCT Minimum Documentation; the Meeting also presented a set of criteria for such an inclusion.

In line with the international protection movement of traditional knowledge, KIPO decided in 2004 to formulate an information strategy planning for the building of a database known as the KJTK. The database, compiled between 2005 and 2007, is based on traditional Korean medicine. It is consistent with the criteria upon which the Meeting agreed. In addition, KIPO improved the database in December 2007 by adding a search component through the Korean Traditional Knowledge Portal (KTKP).

3. REVIEW OF THE SELECTION CRITERIA FOR THE PCT MINIMUM DOCUMENTATION

3.1. Qualification as prior art

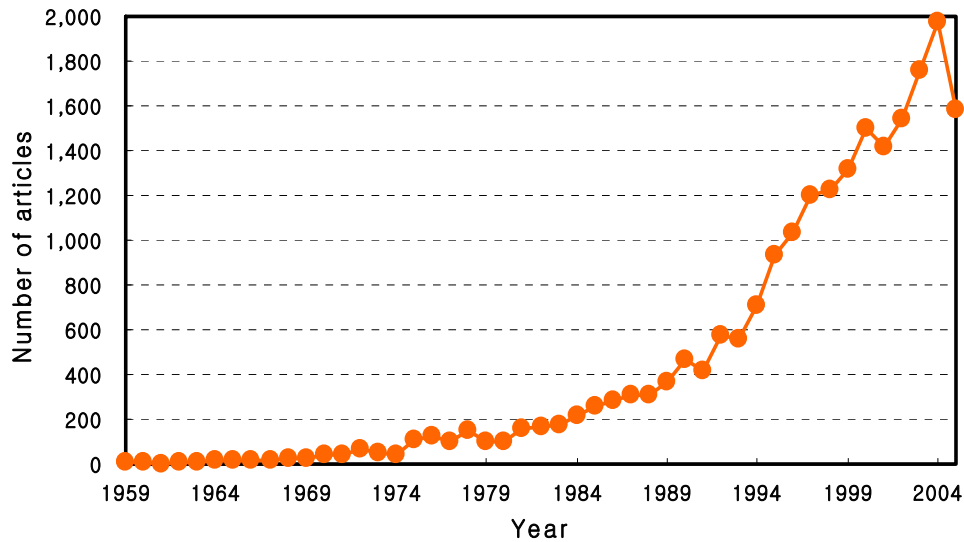
The KJTK is a collection of articles related to traditional Korean knowledge that are selected from 47 major Korean journals in the fields of oriental medicine, sitology, pharmacology and biology. The articles not qualified as prior art are excluded from the KJTK. These can include theory research, clinical statistics and medical treatments. Furthermore, all articles in the KJTK include IPC class codes.

The articles in the KJTK have been collected since 1959. At present, this database contains approximately 23,711 articles, and the number of articles in the KJTK is increasing. We plan to add articles on an annual basis (at least 1,500 articles per year are estimated) as well as publish new issues (See Table 1, Fig. 1).

Table 1. Overview of the KJTK

Field	Number of		Coverage	Format
	Journals	Articles		
Oriental Medicine	28	10,941	1959-2006	PDF
Sitology	7	6,335		
Pharmacology	7	4,924		
Biology	5	1,511		
Total	47	23,711		

Figure 1. The number of articles in the KJTK



3.2. Practicable access to periodicals

Publishers of the KJTK have allowed world wide online accessibility of original full-text articles. Therefore, anyone can use the KJTK through the Korean Traditional Knowledge Portal (KTKP, <http://www.koreantk.com>) and can download their chosen articles at no cost (See Fig. 2).

Figure 2. Korean Traditional Knowledge Portal



3.3. Availability of an English text

Each article in the KJTK contains bibliographic information, an abstract, search information and a full-text article in PDF format. Among these contents, bibliographic information, an abstract and search information are provided in English and Korean in a searchable format. Additionally, 17 percent of the original full-text articles are provided in English (See Table 2).

Table 2. Contents of an article

Contents	Note
Bibliographic information	Includes the title of the article, the name of the author, the author's affiliation, as well as the name of the journal, date of issue, volume, and page numbers etc.
English abstract & summary	Uses an available English abstract by the author If there is no English abstract by the author, the original text is summarized in English.
Search information	IPC class code Keywords Chemical information
Full-text article	Using the PDF file format for the original articles

3.4. Access conditions applicable to periodicals

The KJTK can be searched and viewed, at no cost. It supports full-text availability and searchability (from the issues of January, 2006) online (See Figs. 3 and 4).

Figure 3. Methods of a search of the KJTK

Integrated search
(articles, herbs, prescriptions, diseases)

Full-text search

Field search
(title, publisher, writer, etc.)

Tips on queries, operators, etc.

The screenshot shows the KJTK search interface. At the top, there is a search bar and navigation tabs for KJTK, HERB, PRESCRIPTION, DISEASE, SIMILAR PRESCRIPTION, COMPOUND, STATISTICS, SCREENING, and MAPPING SCREENING. Below the search bar, there are two main sections: 'KJTK SEARCH' and 'KJTK SEARCH INFO/TIP'. The 'KJTK SEARCH' section contains various search criteria such as Title, ISSN, Publisher, Author, Name of Journal, Summary, IPC, Compound Name, Writer Keyword, Herb Keyword, Prescription Keyword, Disease Keyword, and Other Keyword. There are also checkboxes for 'Automatic expansion of inquiry' and 'Do not use'. The 'KJTK SEARCH INFO/TIP' section provides instructions on how to use the search interface, including a table with search fields and examples.

Figure 4. A search result of the KJTK

Bibliographic information

Abstract

Original doc. In PDF file format

Compounds information

The screenshot shows a search result page for the article 'The Ergogenic Effects of Red Ginseng and Panaxo radis Mutures'. The page includes a title, author information, journal information, and a detailed abstract. There are also links to the original document in PDF format and a section for compounds information, which includes a chemical structure diagram of a compound.

3.5. Topics and Geographical coverage

The ranges of fields of technology covered by the KJTK are Oriental Medicine, Sitology, Pharmacology and Biology. Geographical context of the KJTK is East Asia.

4. BACKGROUND OF KOREAN TRADITIONAL KNOWLEDGE

Korean traditional knowledge has a history that is nearly 5,000 years old. The traditional knowledge of Korea covers a broad range of information concerning 30,000 species of plants and animals. It is believed that approximately 5,100 plants are used in Korean medicine as treatments for various symptoms.

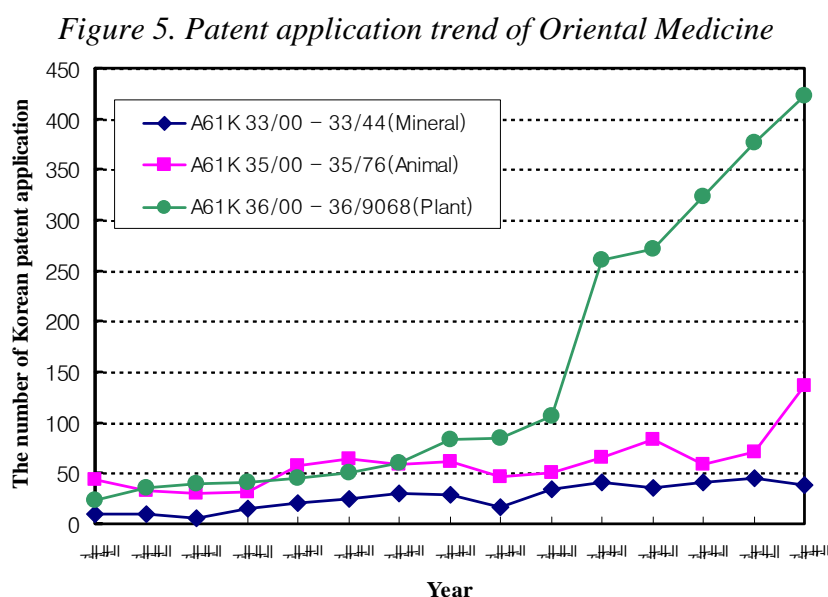
Currently, nearly 14,000 Korean oriental medical doctors examine patients using traditional medical knowledge. There are 11 colleges of oriental medicine in Korea. Annually, 800 highly ranked students enter these colleges and enroll in professional education courses to become Korean doctors of oriental medicine.

In Korea, a study to develop new medicine based on the oriental medicine has been conducted and good results, as exemplified by Joins, have been produced. The anti-arthritis medicine known as Joins tablet is a model medicine made from natural products. Joins tab, developed by the Korean company SK chemicals, was introduced in *The Times*, in the article “The Science of Herbal Asian Medicine.”

Korean traditional knowledge also has been applied in the field of cosmetics. The cosmetics market using oriental medicine is growing annually. In particular, cosmetics products using oriental medicine are very popular among Korean women, as cosmetics made from natural products such as ginseng have very few side effects.

5. PATENT APPLICATIONS RELATED TO TRADITIONAL KNOWLEDGE

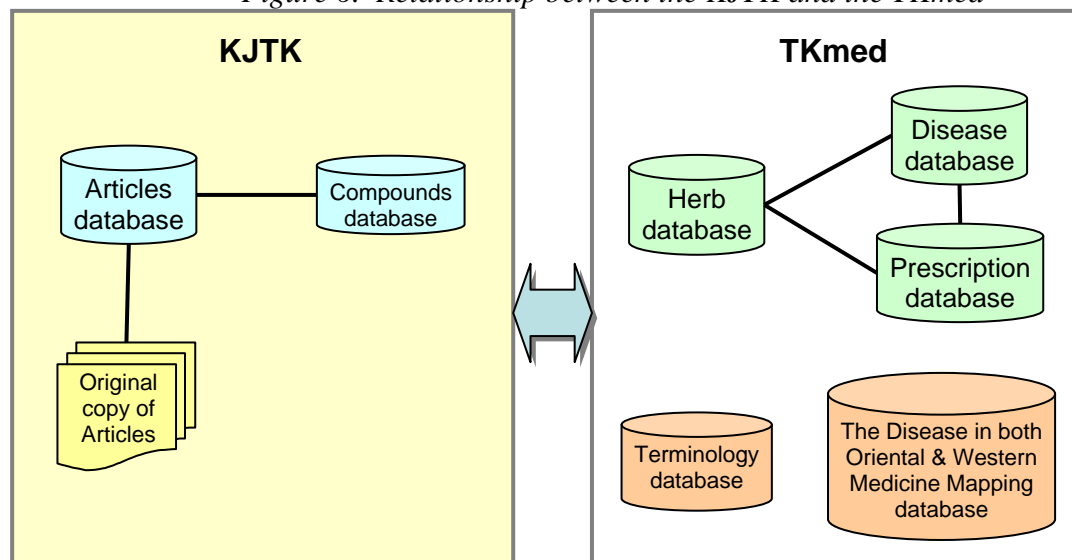
The number of patent applications related to traditional knowledge is increasing annually; among them, plants-related applications have sharply increased since 2000. The following diagram shows that research and development is conducted in a timely manner in this field (See Fig. 5).



6. COMPILATION OF THE KOREAN TK: FROM THE PAST TO THE PRESENT

The KJTK is linked with the Traditional Korean Medicine (TKMed) database. For example, when searching articles, it is possible to obtain detailed information related to herb, prescription and symptom of disease. This database will provide numerous ideas concerning the development of new medicine, health foods and cosmetics (See Fig. 6).

Figure 6. Relationship between the KJTK and the TKmed



7. CONCLUSION

KIPO guarantees that the KJTK is consistent with the criteria upon which the Meeting agreed at its seventh session.

Therefore, if the KJTK can be incorporated into the PCT Minimum Documentation, prior art that is unique in Korea will be readily accessible to patent examiners. In addition, patent examiners will be able to find more relevant prior art with the aid of the TKMed database. Ultimately, the value of the patents will be maximized.

We have worked sincerely toward the inclusion of the KJTK into the PCT Minimum Documentation, and we request all the members of the International Searching Authorities to adopt our proposal.

[End of Annex and of document]