

## **Patent Cooperation Treaty (PCT) Working Group**

**Eighth Session**  
**Geneva, May 26 to 29, 2015**

### **LANGUAGES FOR COMMUNICATION WITH THE INTERNATIONAL BUREAU**

*Document prepared by the International Bureau*

#### **SUMMARY**

1. The International Bureau wishes to improve its services to applicants by allowing them to send letters to the International Bureau in any of the ten languages of international publication, instead of in English or French as at present. A limited informal trial of this service has begun for communications made using ePCT. If the trial is successful, it is proposed to formalize this arrangement by changing the language regime applicable under PCT Rule 92.2(d).
2. The language in which the International Bureau responds to applicants, regulated by Rule 92.2(e), would remain unchanged for the present. This may be the subject of a further proposal in the future, depending on the successful outcome of work to allow rendering on demand of previously issued forms into different languages.

#### **BACKGROUND**

3. At present, the applicant is required to use particular languages at different Offices, regulated primarily by Rule 92.2, Section 104 of the PCT Administrative Instructions and notifications from or agreements with the relevant Offices (save that the language of certain documents to be delivered to those Offices may be governed by other specific provisions).
4. Broadly speaking, the receiving Offices and International Authorities are required to permit the applicant to communicate with them in the language of the international application (or, where relevant, a translation of the application into a language of publication), and they may also permit the applicant to use an alternative language.

5. On the other hand, according to Rule 92.2(d), the International Bureau, save in its role as receiving Office, is supposed to accept letters from applicants only in English or French.
6. Over a number of years, the International Bureau has sought to bring the linguistic capabilities of its processing teams into closer alignment with the increasing linguistic diversity of international applications. Furthermore, on April 16, 2015, the International Bureau released a new version of ePCT with an interface available in all 10 languages of international publication. Subject to certain special cases where the applicant explicitly sets the language, ePCT will automatically generate parts of the correspondence in the language of publication either accompanying uploaded documents or, in the case of “actions” forming the main substance of the correspondence. The applicant is free to select a different language for the interface; if they do, a warning is given, reminding them that the automatic part of the correspondence will be in a different language so that they realize that any free text should normally be provided in that language.
7. Consequently, the International Bureau now believes that it is close to the point where it is able to offer a better service to applicants whose native language is not English or French, without detriment to third parties or designated Offices who rely on being able to understand the outcomes of the International Bureau’s work. An informal trial has begun, as described in paragraph 13, below, to confirm that the approach is practical.

## **ISSUES TO CONSIDER**

8. When considering a language regime for a processing system, in principle, it is desirable to allow users of the system to send correspondence in one of their normal working languages. Set against this are two key factors:
  - (a) Will the Office receiving the correspondence be able to process it effectively?
  - (b) Are there users outside the Office who will need to understand the correspondence at a later stage?
9. Regarding effective processing, the processing teams within the International Bureau now have a fair strength of staff with skills covering all of the languages of international publication. The numbers do not match the proportions of international applications filed in the different languages, but not all tasks require detailed understanding of the language of publication of the application. There is felt to be sufficient capacity to confidently begin a trial which will involve a significant proportion of correspondence being received in those languages.
10. Regarding the ability for others to understand the correspondence, as long as it has been processed correctly, it would appear that any disadvantage for third parties or designated Offices from not being familiar with the relevant language is relatively limited. Certainly any such disadvantage is no greater than that which applies to the important processing currently conducted by receiving Offices and International Authorities.
11. While correspondence to the International Bureau is, in principle, currently limited to English or French, the applicant may send correspondence to receiving Offices and International Authorities in a variety of different languages, depending on the Office. For all significant actions which occur as a result of applicant correspondence, the relevant Office issues a standardized form indicating the outcome and relevant facts. In the case of the International Bureau, such forms are always issued in English or French. In the case of other Offices, the outcomes are typically noted by the International Bureau and reflected in the international publication or in a Form in English or French, recording the outcome of the resulting procedure at the International Bureau.

12. In most cases, the fact that the original correspondence may not be understood by the third parties and designated Office therefore should not cause a difficulty. There are, however, certain particular documents supplied by the applicants under cover of a general letter, the contents of which are directly relevant to designated Offices and these are the subject of specific language regimes. For example, a statement explaining Article 19 amendments must be in the language of publication (see PCT Rule 46.4(a)). It is not proposed to make any changes to the special language requirements which apply to specific types of documents.

## PROPOSAL

13. The International Bureau has already begun an informal trial, accepting communications from applicants using ePCT in the language of publication, even if this is neither English nor French. It is proposed to continue this trial to determine whether it in fact creates any difficulties. Limiting the arrangement to communications submitted through ePCT for the present has three advantages:

(a) Because the applicant has already indicated the application number and the nature of the relevant document, the process of correct importation and assignment of document type is bypassed. The International Bureau has a long-standing process for handling paper documents received in languages other than English or French. However, this is currently only used on a relatively small scale and it is preferable to avoid reassigning resources or undertaking work to optimize the efficiency of the process for handling larger volumes until it is confirmed that extending the language regime is in fact desirable and practical.

(b) The trial can be conducted at a lower volume if documents received on paper are excluded from its scope. This reduces the risk of overloading the relevant language specialists if there were found to be more difficulties than expected.

(c) Encouraging applicants to use ePCT if they wish to work in their native language will also encourage the use of the more efficient processing options available through ePCT "actions". Most significantly, it is hoped that more applicants will be encouraged to use the ePCT action for making Rule 92*bis* changes, which reduces the work required by the International Bureau.

14. In order to allow this trial to be formalized, it is proposed to amend PCT Rule 92.2(d) as shown in the Annex to this document. The proposed amendment is of a permissive nature, allowing the Director General to propose modifications to the Administrative Instructions to introduce a more inclusive language regime at a time when he is certain that the staff and systems are ready to support it effectively.

15. It is intended that any such extension of the language regime at the International Bureau would extend to all languages of international publication. A first implementation might simply formalize the trial under way, concerning documents received electronically through ePCT. However, if it is confirmed that processing can be done satisfactorily, the intention would be eventually to extend the arrangements equally across all means of communication.

## FUTURE WORK

16. This proposal extends only to the language regime for communications *from* the applicant *to* the International Bureau. The International Bureau is currently developing systems to render forms on demand into languages other than the original. For the key sections of most forms, this would be based on directly rendering machine-readable information from the XML using the stylesheet for the alternative language; free text would need to be the subject of machine translation, the quality of which could be enhanced by ensuring that the system was "trained" with high quality translations of the standard additional texts.

*17. The Working Group is invited to consider the proposed amendment to the Regulations in the Annex to this document.*

[Annex follows]

PROPOSED AMENDMENTS TO THE PCT REGULATIONS<sup>1</sup>

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<sup>1</sup> Proposed additions and deletions are indicated, respectively, by underlining and striking through the text concerned.

**Rule 92**  
**Correspondence**

92.1 *[No change]*

92.2 Languages

(a) *[No change]* Subject to Rules 55.1 and 55.3 and to paragraph (b) of this Rule, any letter or document submitted by the applicant to the International Searching Authority or the International Preliminary Examining Authority shall be in the same language as the international application to which it relates. However, where a translation of the international application has been transmitted under Rule 23.1(b) or furnished under Rule 55.2, the language of such translation shall be used.

(b) *[No change]* Any letter from the applicant to the International Searching Authority or the International Preliminary Examining Authority may be in a language other than that of the international application, provided the said Authority authorizes the use of such language.

(c) [Remains deleted]

(d) Any letter from the applicant to the International Bureau shall be in English, ~~or~~ French [or any other language of publication as may be permitted by the Administrative Instructions](#).

(e) *[No change]* Any letter or notification from the International Bureau to the applicant or to any national Office shall be in English or French.

92.3 and 92.4 *[No change]*

[End of Annex and of document]