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PCT ELECTRONIC FILING PROJECT STATUS REPORT

Document prepared by the Secretariat

Background

1. At the thirty-second series of meetings of the Assemblies of the Member States of WIPO, a proposal (see document A/32/5¹) for the initiation of a project for the automation of the PCT was considered and approved (see document A/32/7¹, paragraphs 94 to 99). One of the objectives for what is now known as the IMPACT (Information Management for the Patent Cooperation Treaty) Project was to “create and make available to receiving Offices and PCT applicants electronic filing software” (see document A/32/5, paragraph 1). Furthermore, it was stated that:

“Existing standards for electronic filing, coding and transmission of data would be followed, and, where necessary, new such standards would be developed on the basis of international and industry standards, in order to ensure full compatibility of the system used in the International Bureau with those used in the national and regional Offices” (see document A/32/5, paragraph 8).

¹ Available on WIPO's Internet site at http://www.wipo.int/eng/document/govbody/wo_gb_ab/index_32.htm

2. These two objectives have formed the basis of the PCT Electronic Filing Project, both during its first 12 months as part of the IMPACT Project and now as a separate project within its own right.

3. Within the IMPACT Project, considerable progress was made in drafting a standard for the electronic filing and processing of international applications, in close consultation with PCT Offices and Authorities and other interested parties, with a view to identifying the system requirements for PCT electronic filing. In addition, a high-level project plan (see document PCT/A/29/2 Add.,² Annex III) was prepared and noted by the PCT Assembly (see document PCT/A/29/4², paragraph 12).

4. In December 2000, the Director General decided to make PCT Electronic Filing a separate project within the IT Projects Division. This was in recognition by the International Bureau of the importance of PCT electronic filing to Contracting States, as well as the complexity of the identified requirements. This restructuring is outlined in document WO/PBC/3/3³ which was discussed during the third session of the Program and Budget Committee. That meeting noted that PCT electronic filing was being considered a new budget activity (see document WO/PBC/3/5³, paragraph 74). In addition, the meeting noted that:

“... the PCT E-filing Project had been initiated within the IMPACT Project. Following the PLT meeting in June 2000 where issues were raised concerning the ability, in particular, for IP Offices and applicants from developing countries to access the relevant technology related to electronic filing of patents and the fact that the initial estimate for the PCT E-filing Project was found to be insufficient to meet the agreed scope, the Director General had decided that a project should be established independently of IMPACT. The project would, therefore, have a dedicated project manager and team, and a revised budget. It will be developed as rapidly as possible in response to demands from Member States” (see document WO/PBC/3/5, paragraph 74).

5. The project, however, still remains closely linked to the IMPACT Project and will need to rely on funding from the budget allocation within that project until such time as the funds requested initially in document WO/PBC/3/3 are made available.

6. Overall project status

- (i) The project is delayed by approximately four months in relation to the high-level plan (see document PCT/A/29/2 Add., Annex III).
- (ii) The project is on budget.

7. The delay mentioned above can be attributed to the following factors:

- (i) The level of activity required in the area of drafting and consultation in developing a technical standard and legal framework⁴ for PCT Electronic Filing has been higher than estimated. This can be attributed to the complexity of the problem as well as the diversity of requirements identified by Contracting States and other interested parties. For example, the

² Available on WIPO's Internet site at http://www.wipo.int/eng/document/govbody/wo_pct/index_29.htm

³ Available on WIPO's Internet site at http://www.wipo.int/eng/document/govbody/wo_pbc/index_3.htm

⁴ Proposed new Part 7 and Annex F of the PCT Administrative Instructions

most recent revision resulted in eight comments papers and approximately 150 requests for clarification, and led to the requirement for a further round of drafting and consultation.

(ii) The mobilization of four full-time Technical Support Services (TSS) consultants for the project team was delayed by four weeks.

Summary of progress since the last review

8. Key tasks completed to the end of June 2001 are summarized in the table below:

Task	Date completed
Web site for publication of draft modifications of the PCT Administrative Instructions (Part 7 and Annex F) established.	June 1, 2000
Revised Part 7 and Annex F designed to implement procedures for the electronic filing and processing of international applications under the PCT, including the storage and records management of such applications, were prepared for discussion at a PCT Informal Consultation Meeting on Electronic Filing held in Geneva from July 11 to 14, 2000.	June 9, 2000
The draft modifications were again revised by the International Bureau and made available on WIPO's Internet site for comment as "Rev.1" versions.	August 4, 2000
The draft modifications were again revised by the International Bureau and made available on WIPO's Internet site for comment as "Rev.2" versions.	January 30, 2001
User survey on electronic filing completed.	January 31, 2001
eXtensible Markup Language (XML) development, repository and publishing tool selected. ⁵	April 25, 2001
Image-based Document Type Definitions (DTDs) for Priority Documents, International Preliminary Examining Reports (IPERs), Translated IPERs, the Pamphlet and the Application Status form delivered to the IMPACT Project.	May 10, 2001
XML data model for the PCT Application (comprising eight DTDs) available for verification.	May 23, 2001
Establishment of the PCT Electronic Filing lab for the prototyping, development and testing of software.	June 1, 2001
United States Patent and Trademark Office (USPTO) Electronic Filing Software (EFS) installed for prototyping, and evaluation for possible customization.	June 15, 2001
XML development, repository and publishing tool loaded.	June 18, 2001

⁵ Also selected by the United States Patent and Trademark Office (USPTO)

9. Key tasks in progress at the end of June 2001 are summarized in the table below:

Task	Expected Date
Project workshop on roles and responsibilities concluded.	July 30, 2001
Project workshop on technical architecture concluded.	July 30, 2001
Project workshop on XML authoring concluded.	July 30, 2001
The draft modifications are again being revised by the International Bureau and will be made available on WIPO's Internet site for comment as "Rev.3" versions.	July 31, 2001
DTD for the PCT Demand Form available for verification.	August 31, 2001
European Patent Office (EPO) epoline® software installed for prototyping, and evaluation for possible customization.	August 31, 2001
Final round of RFPs for third party suppliers issued.	August 31, 2001
Project procedures (based on IMPACT Quality Procedures) finalized.	August 31, 2001
Publish revised version of the High-Level Project Plan.	August 31, 2001
Specification of requirements for a PCT XML Authoring tool produced.	August 31, 2001
First validation of XML data model for the PCT Application.	September 30, 2001
Technical architecture plan produced.	September 30, 2001
Web site portal established for electronic dissemination of DTDs.	September 30, 2001

Project Milestones/deliverables planned and achieved (for the past three months)

10. The status of project milestones planned for the period up to the end of June 2001 are summarized in the table below in the same sequence as published in document PCT/A/29/2 Add., Annex III. Original information from this document is reproduced in the *Milestone* and *Estimated date* columns, and the *Percent Complete* and *Comment* columns summarize progress for each milestone :

Milestone	Estimated date	Percent Complete ⁶	Comment
Scope definition document made available for comment.	November 2000	100	
System requirements document made available for comment.	November 2000	10	Pending near finalization of Annex F.
Contracts in place for third party developers.	December 2000	50	4 of 7 contracts in place.

⁶ Based following: 0% = Not started, 10% = Started, 50% = Ongoing, 100% = Complete

Milestone	Estimated date	Percent Complete ⁶	Comment
Inputs delivered to third party developers (conforming with IMPACT quality procedures, e.g., specification of requirements, use case scenarios, implementation plan).	December 2000	10	Prototyping activities to date have been performed in-house. ⁷
Contents of Part 7 and Annex F finalized. ⁸	January 2001	50	Rev.2 drafts produced; additional round of drafts required before finalization.
Third party developers start.	January 2001	10	See footnote 7.
Scope definition document finalized.	January 2001	50	Pending near finalization of Annex F.
System requirements document finalized.	January 2001	10	Pending near finalization of Annex F.
Core team for E-filing finalized.	February 2001	100	
Development plans submitted by third party developers.	February 2001	N/A	Milestone removed. ⁹
Third party developers begin construction of prototypes.	March 2001	10	See footnote 7.
E-filing prototype database for RO/IB available.	May 2001	10	First prototype made available June 2001 for evaluation, second expected August 2001.
Extended PCT-EASY prototype software ready.	May 2001	10	
RO/IB ready to issue prototype Low-Level digital certificates.	May 2001	10	Prototype made available for evaluation June 2001.
RO/IB prototype server ready to receive electronically filed international applications.	May 2001	10	First prototype made available for evaluation June 2001, second expected August 2001.

⁷ Software harmonization activities have resulted in prototyping based on existing electronic filing solutions, and less third party development than estimated

⁸ The exact date will depend on the progress of consultations with Contracting States and PCT users on the draft texts of Part 7 and Annex F

⁹ Due to a refinement in the project procedures, this milestone is no longer applicable

Project Milestones/deliverables for the next period (three months)

11. The project milestones planned for the period up to the end of September 2001 are summarized in the table below in the same sequence as published in document PCT/A/29/2 Add., Annex III:

Milestone	Estimated date
Third party developers begin construction of prototypes.	August 2001
E-filing prototype database for RO/IB available.	August 2001
Extended PCT-EASY prototype software ready.	September 2001
RO/IB ready to issue prototype Low-Level digital certificates.	September 2001
RO/IB prototype server ready to receive electronically filed international applications.	September 2001

Key Issues and Actions Taken or Recommended

12. Key issues: following consultations with offices who have produced electronic filing software, and taking into account the submissions by several non-governmental organizations concerning the electronic filing of patent applications (see documents PCT/R/1/23¹⁰ and PCT/R/1/26¹⁰), it has emerged that in order to ensure a certain degree of software harmonization, various analysis, software modification and verification activities (involving these offices and the International Bureau) will take place up to April 2002.

13. The project team is analyzing the impact of these activities on the high-level project plan which was published in September 2000. Key issues arising out of these activities include:

(i) The harmonization activities are expected to lead to various benefits to applicants and offices. For example, electronic filing software being produced by the USPTO and EPO, and WIPO is expected to inter-operate.

(ii) The International Bureau expects that certain components of Annex F such as the protocol for the transmission of data, data packaging and the Application DTDs, will be elaborated thanks to these activities.

(iii) The International Bureau has been prototyping and evaluating the possibility of customizing USPTO and EPO electronic filing software to meet PCT requirements. The versions of software used for these activities will be modified to comply with the transmission protocol and packaging components of Annex F as they emerge.

(iv) The International Bureau expects certain components of its beta and pilot activities to be delayed as a result of the modifications by the EPO and USPTO of their products. It should nevertheless be borne in mind that the delays will be compensated by the benefits that software harmonization will bring.

¹⁰ Available on WIPO's Internet site at http://www.wipo.int/pct/en/reform/index_1.htm

14. Action taken: a revised version of the high-level plan, which takes into account the impact of all the issues raised in paragraph 13, will be published on WIPO's web site¹¹ in August 2001.

15. Recommendation: that the ITPWG consider the revised high-level plan, in the form of an information document, in its discussions on the technical review of the IT projects proposed for implementation in the 2002-2003 biennium.

16. The ITPWG is invited to comment upon and note the contents of this document.

[End of document]

¹¹ Available on WIPO's Internet site at http://pcteasy.wipo.int/efiling_standards/EFPage.htm