

## **AGREEMENT REGARDING PFR ST.36/2008/005**

Agreement regarding PFR ST.36/2008/005 was reached by the ST.36 Task Force on February 12, 2009 as proposed in PFR ST.36/2008/005 **Rev.1** on January 22, 2009.

PFR ST.36/2008/005 **Rev.1** and the initial proposal submitted by the WO/IB Office on July 11, 2008 are reproduced as Annexes to this Agreement.

[Annex 1 follows]

**ANNEX 1**

**PROPOSAL FOR REVISION (PFR) OF WIPO STANDARD ST.36**

<b>Identifier:</b> <i>(to be completed by the IB)</i>	<b>PFR ST.36/2008/005 <a href="#">Rev.1</a></b>
<b>Procedure for handling this proposal:</b> <i>(to be completed by the IB)</i>	Fast-Track Procedure by the ST.36 Task Force

<b>Submitted by:</b> <i>(Office)</i>	WO/IB	<b>Date Submitted</b>	July 11, 2008 <a href="#">Rev.1, January 22, 2009</a>
--------------------------------------	-------	-----------------------	--

<b>Subject</b>	
<i>(i.e., brief indication of the changes to be considered)</i>	Revision and addition of some elements in ICEs (Annex C) to ICEs to reflect PCT 2008 Rule Changes

<b>WIPO Standard &amp; Items impacted</b>	
<i>(e.g., main body of the Standard, Appendices / Annexes to the Standard, DTD/Schema, Element/Type Name, etc.)</i>	<p><b>WIPO Standard ST.36</b></p> <p>Items impacted:</p> <ul style="list-style-type: none"> <li>- Annex A : xx-patent-document.dtd</li> <li>- Annex C : International Common Elements (ICEs) elements earlier-search-request, prescribed-fees and srep-for-pub</li> </ul>

<b>Detailed description</b> <i>(i.e., proposed solution)</i>	
<i>(If necessary, please attach further explanation sheet, e.g., a part of ICE table to be changed if a proposal impacts ST.36 ICEs, comments to be added to DTD/Schema if a proposal is related to elements/type, etc.)</i>	<p><b>Change:</b> &lt;!ELEMENT earlier-search-request (document-id)+&gt;</p> <p><b>To:</b> &lt;!ELEMENT earlier-search-request (document-id, <b>substantially-equivalent?</b>, <b>earlier-search-documents?</b>)&gt;</p> <p><b>Add:</b> &lt;!ELEMENT substantially-equivalent EMPTY&gt; &lt;!ELEMENT earlier-search-documents EMPTY&gt;</p> <p>&lt;!ATTLIST earlier-search-documents results-of-earlier-search (yes   no ) #IMPLIED earlier-application (yes   no ) #IMPLIED translation-of-earlier-application (yes   no ) #IMPLIED documents-cited-in-earlier-search-results (yes   no ) #IMPLIED available-at-isa (yes   no ) #IMPLIED request-ro-to-transmit-to-isa (yes   no ) #IMPLIED &gt;</p> <p><b>Change:</b> &lt;!-- Calculation of prescribed fees designation-fee-paid: whether the designation fee has been paid or not --&gt; &lt;!ELEMENT prescribed-fees (transmittal-fee, search-fee, international-fee, pdoc-fee?, restoration-fee?)&gt;</p> <p>&lt;!ATTLIST prescribed-fees designation-fee-paid (yes   no ) #IMPLIED &gt;</p>

**Detailed description** (i.e., proposed solution)

**To:**  
 <!--  
     Calculation of prescribed fees  
     designation-fee-paid: whether the designation fee has been paid or not  
 -->  
 <!ELEMENT prescribed-fees (transmittal-fee, search-fee, international-fee, pdoc-fee?, restoration-fee?, **earlier-search-document-fee?**)>  
  
 <!ATTLIST prescribed-fees designation-fee-paid (yes | no ) #IMPLIED >

**Add:**  
 <!--  
     Fee for supply of earlier search documents from the RO  
 -->  
 <!ELEMENT earlier-search-document-fee (earlier-search-document-quantity, amount-each, amount-total, payment-mode)>  
  
 <!ATTLIST earlier-search-document-fee currency CDATA #REQUIRED >

<!--  
     Quantity of earlier search documents furnished  
 -->  
 <!ELEMENT earlier-search-document-quantity (#PCDATA)>

**Change:**  
 <!ELEMENT srep-for-pub (doc-page+ | (classification-ipc?, classifications-ipcr?, classification-national?, srep-fields-searched, srep-citations, incomplete-search?, srep-admin?, srep-patent-family?))>

**To:**  
 <!ELEMENT srep-for-pub (doc-page+ | (classification-ipc?, classifications-ipcr?, classification-national?, srep-fields-searched, srep-citations, incomplete-search?, srep-admin?, srep-patent-family?, [srep-earlier-search\\*](#)))>

**Add:**  
 <!ELEMENT [srep-earlier-search](#) (document-id) >  
  
 <!ATTLIST [srep-earlier-search](#) id ID #IMPLIED >

**Reasons**

*(e.g., clear indication of the problem, how the need was determined, objectives of the revision, expected benefits, etc.)*

It is to add flag to indicate application, for which there was an earlier search request, is substantially equivalent to that being submitted in the current application.

It should be noted that this suggested implementation is designed to make the DTD backwardly compatible with previous instances of request, wo-bibliographic-information and wo-published-application documents that were created in accordance with the current DTDs.

It is to add capability to the fee sheet for the recording of this new fee for the transfer of documents related to the search of earlier applications that are substantively the same as the international application being filed.

It is to enable reference to earlier search in search report.

The corresponding PFC has previously passed through the Annex F consultative process and the change has been adopted.  
 [[http://www.wipo.int/efiling\\_standard/en/pfc\\_already\\_processed/pfc-08-003.pdf](http://www.wipo.int/efiling_standard/en/pfc_already_processed/pfc-08-003.pdf)]

[The amendment to the original PFR is to reflect the results of the ST.36 Task Force informal meeting which was held on November 20, 2008. The amendment is related to an inconsistency in the naming of elements that are sub-elements of the element srep-for-pub.](#)

Annex 1  
APPENDIX

Proposal for Revision of ICEs

Element Name	Description	Uses	Used By	In DTD	INID Code (ST9)	ST32	Category	Entry(E) / Revision Date	Remarks (Deprecated Date, PFR no., etc.)
earlier-search-request	Request to use results of earlier search; reference to that search  <!ELEMENT earlier-search-request (document-id, substantially-equivalent?, earlier-search-documents?)+>	document-id, <b>substantially-equivalent</b> , earlier-search-documents	search-authority	request, wo-bibliographic-data, wo-published-application					
substantially-equivalent	Flag to indicate the equivalence of the earlier searched application with the current application  <!ELEMENT substantially-equivalent EMPTY>	EMPTY	earlier-search-request	request, wo-bibliographic-data, wo-published-application					
earlier-search-documents	Indicate the nature of the documents furnished with the application that are associated with the earlier search  <!ELEMENT earlier-search-documents EMPTY>  <!ATTLIST earlier-search-documents results-of-earlier-search (yes   no) #IMPLIED earlier-application (yes   no) #IMPLIED translation-of-earlier-application (yes   no) #IMPLIED translation-of-results-of-earlier-search (yes   no) #IMPLIED documents-cited-in-earlier-search-results (yes   no) #IMPLIED	EMPTY	earlier-search-request	request, wo-bibliographic-data, wo-published-application					

Annex 1  
APPENDIX

Element Name	Description	Uses	Used By	In DTD	INID Code (ST9)	ST32	Category	Entry(E) / Revision Date	Remarks (Deprecated Date, PFR no., etc.)
	available-at-isa (yes   no) #IMPLIED request-ro-to-transmit-to-isa (yes   no) #IMPLIED >								
prescribed-fees	Calculation of prescribed fees designation-fee-paid: whether the designation fee has been paid or not  <!ELEMENT prescribed-fees (transmittal-fee, search-fee, international-fee, pdoc-fee?, restoration-fee?, earlier-search-document-fee?)>  <!ATTLIST prescribed-fees designation-fee-paid (yes   no) #IMPLIED >	transmittal-fee, search-fee, international-fee, pdoc-fee, restoration-fee, earlier-search-document-fee	fee-sheet	fee-sheet			Fees		
earlier-search-document-fee	PCT fee sheet, holder for fees associated with earlier search  <!ELEMENT earlier-search-document-fee (earlier-search-document-quantity, amount-each, amount-total, payment-mode)>  <!ATTLIST earlier-search-document-fee currency CDATA #REQUIRED >	earlier-search-document-quantity, amount-each, amount-total, payment-mode	prescribed-fees	fee-sheet			Fees		
earlier-search-document-quantity	Associated with the fees the count of the documents related to earlier search included in the application  <!ELEMENT earlier-search-document-quantity (#PCDATA)>	#PCDATA	earlier-search-document-fee	fee-sheet			Fees		

Annex 1  
APPENDIX

Element Name	Description	Uses	Used By	In DTD	INID Code (ST9)	ST32	Category	Entry(E) / Revision Date	Remarks (Deprecated Date, PFR no., etc.)
amount-each	The unit value of the fee element		pdoc-fee, fee-reduction, handling-fee, preliminary-examin-fee, designation-fee, basic-fee, additional-component, additional-amount, <b>earlier-search-document-fee</b>	fee-sheet, fee-sheet-chapter2			Fees		
amount-total	The total value of the fee element (normally the product of amount-each and quantity).		fee-sheet-chapter2, pdoc-fee, international-fee, <b>restoration-fee</b> , search-fee, transmittal-fee, designation-fee, basic-fee, <b>earlier-search-document-fee</b>	fee-sheet, fee-sheet-chapter2			Fees		
payment-mode	The method of payment of the fees due	charge, postal-order, cash, coupons, cheque, bank-draft, stamps, other, later-payment	fee-sheet-chapter2, pdoc-fee, international-fee, search-fee, transmittal-fee, handling-fee, preliminary-examin-fee, <b>earlier-search-document-fee</b>	fee-sheet, fee-sheet-chapter2			Fees		

Annex 1  
APPENDIX

Element Name	Description	Uses	Used By	In DTD	INID Code (ST9)	ST32	Category	Entry(E) / Revision Date	Remarks (Deprecated Date, PFR no., etc.)
srep-for-pub	SECTION III OF DTD The actual search report - start a new page The Heading is: <B>INTERNATIONAL SEARCH REPORT (ISR) - PART 2</B> <HR></HR> Repeat international application number (?) IPC, FIELDS and DATABASES SEARCHED CLASSIFICATION OF SUBJECT MATTER  <!ELEMENT srep-for-pub (doc-page+   (classification-ipc?, classifications-ipc?, classification-national?, srep-fields-searched, srep-citations, incomplete-search?, srep-admin?, srep-patent-family?, <a href="#">srep-earlier-search</a> *)>	doc-page, classification-ipc, classifications-ipc, classification-national, srep-fields-searched, srep-citations, incomplete-search, srep-admin, srep-patent-family, <a href="#">srep-earlier-search</a>	search-report-data, search-report	search-report, xx-patent-document					
<a href="#">srep-earlier-search</a>	Earlier search document referenced in search report  <!ELEMENT <a href="#">srep-earlier-search</a> (document-id) >  <!ATTLIST <a href="#">srep-earlier-search</a> id ID #IMPLIED >	document-id	srep-for-pub	search-report, xx-patent-document					

[Annex 2 follows]

ANNEX 2

INITIAL PFR

<b>Identifier:</b> <i>(to be completed by the IB)</i>	<b>PFR ST.36/2008/005</b>
<b>Procedure for handling this proposal:</b> <i>(to be completed by the IB)</i>	Fast-Track Procedure by the ST.36 Task Force

<b>Submitted by:</b> <i>(Office)</i>	WO/IB	<b>Date Submitted</b>	July 11, 2008
--------------------------------------	-------	-----------------------	---------------

<b>Subject</b>	
<i>(i.e., brief indication of the changes to be considered)</i>	Revision and addition of some elements in ICEs (Annex C) to ICEs to reflect PCT 2008 Rule Changes

<b>WIPO Standard &amp; Items impacted</b>	
<i>(e.g., main body of the Standard, Appendices / Annexes to the Standard, DTD/Schema, Element/Type Name, etc)</i>	<b>WIPO Standard ST.36</b> Items impacted: <ul style="list-style-type: none"> <li>- Annex A : xx-patent-document.dtd</li> <li>- Annex C : International Common Elements (ICEs)                         <ul style="list-style-type: none"> <li>o elements earlier-search-request, prescribed-fees and srep-for-pub</li> </ul> </li> </ul>

<b>Detailed description</b> <i>(i.e., proposed solution)</i>	
<i>(If necessary, please attach further explanation sheet, e.g., a part of ICE table to be changed if a proposal impacts ST.36 ICEs, comments to be added to DTD/Schema if a proposal is related to elements/type, etc.)</i>	<p><b>Change:</b> &lt;!ELEMENT earlier-search-request (document-id)+&gt;</p> <p><b>To:</b> &lt;!ELEMENT earlier-search-request (document-id, <b>substantially-equivalent?</b>, earlier-search-documents?)+&gt;</p> <p><b>Add:</b> &lt;!ELEMENT substantially-equivalent EMPTY&gt;</p> <p>&lt;!ELEMENT earlier-search-documents EMPTY&gt;</p> <p>&lt;!ATTLIST earlier-search-documents                  results-of-earlier-search (yes   no) #IMPLIED                  earlier-application (yes   no) #IMPLIED                  translation-of-earlier-application (yes   no) #IMPLIED                  translation-of-results-of-earlier-search (yes   no) #IMPLIED                  documents-cited-in-earlier-search-results (yes   no) #IMPLIED                  available-at-isa (yes   no) #IMPLIED                  request-ro-to-transmit-to-isa (yes   no) #IMPLIED &gt;</p> <p>-----</p> <p><b>Change:</b> &lt;!--                  Calculation of prescribed fees                  designation-fee-paid: whether the designation fee has been paid or not</p> <p>--&gt;</p>



Annex 2

**Detailed description** (i.e., proposed solution)

```
<!ELEMENT prescribed-fees (transmittal-fee , search-fee , international-fee , pdoc-fee? ,
restoration-fee?)>
```

```
<!ATTLIST prescribed-fees designation-fee-paid (yes | no ) #IMPLIED >
```

**To:**

```
<!--
```

Calculation of prescribed fees

designation-fee-paid: whether the designation fee has been paid or not

```
-->
```

```
<!ELEMENT prescribed-fees (transmittal-fee , search-fee , international-fee , pdoc-fee? ,
restoration-fee?, earlier-search-document-fee?)>
```

```
<!ATTLIST prescribed-fees designation-fee-paid (yes | no ) #IMPLIED >
```

**Add:**

```
<!--
```

**Fee for supply of earlier search documents from the RO**

```
-->
```

```
<!ELEMENT earlier-search-document-fee (earlier-search-document-quantity , amount-each ,
amount-total , payment-mode)>
```

```
<!ATTLIST earlier-search-document-fee currency CDATA #REQUIRED >
```

```
<!--
```

**Quantity of earlier search documents furnished**

```
-->
```

```
<!ELEMENT earlier-search-document-quantity (#PCDATA)>
```

-----

**Change:**

```
<!ELEMENT srep-for-pub (doc-page+ | (classification-ipc? , classifications-ipcr? , classification-
national? , srep-fields-searched , srep-citations , incomplete-search? , srep-admin? , srep-patent-
family?))>
```

**To:**

```
<!ELEMENT srep-for-pub (doc-page+ | (classification-ipc? , classifications-ipcr? , classification-
national? , srep-fields-searched , srep-citations , incomplete-search? , srep-admin? , srep-patent-
family?, earlier-search*)>
```

**Add:**

```
<!ELEMENT earlier-search (document-id) >
```

```
<!ATTLIST earlier-search id ID #IMPLIED >
```

Annex 2

<b>Reasons</b>	
<p><i>(e.g., clear indication of the problem, how the need was determined, objectives of the revision, expected benefits, etc.)</i></p>	<p>Add flag to indicate application, for which there was an earlier search request, is substantially equivalent to that being submitted in the current application.</p> <p>It should be noted that this suggested implementation is designed to make the DTD backwardly compatible with previous instances of request, wo-bibliographic-information and wo-published-application documents that were created in accordance with the current DTDs.</p> <p>-----</p> <p>Add capability to the fee sheet for the recording of this new fee for the transfer of documents related to the search of earlier applications that are substantively the same as the international application being filed.</p> <p>-----</p> <p>Enable reference to earlier search in search report.</p> <p>The corresponding PFC has previously passed through the Annex F consultative process and the change has been adopted.</p> <p>[<a href="http://www.wipo.int/efiling_standard/en/pfc_already_processed/pfc-08-003.pdf">http://www.wipo.int/efiling_standard/en/pfc_already_processed/pfc-08-003.pdf</a>]</p>

Annex 2  
APPENDIX

PROPOSAL FOR REVISION OF ICEs

Element Name	Description	Uses	Used By	In DTD	INID Code (ST9)	ST32	Category	Entry(E) / Revision Date	Remarks (Deprecated Date, PFR no., etc.)
earlier-search-request	Request to use results of earlier search; reference to that search  <!ELEMENT earlier-search-request (document-id, <b>substantially-equivalent?</b> , <b>earlier-search-documents?</b> )>	document-id, <b>substantially-equivalent</b> , <b>earlier-search-documents</b>	search-authority	request, wo-bibliographic-data, wo-published-application					
substantially-equivalent	Flag to indicate the equivalence of the earlier searched application with the current application  <!ELEMENT substantially-equivalent EMPTY>	EMPTY	earlier-search-request	request, wo-bibliographic-data, wo-published-application					
earlier-search-documents	Indicate the nature of the documents furnished with the application that are associated with the earlier search  <!ELEMENT earlier-search-documents EMPTY>  <!ATTLIST earlier-search-documents results-of-earlier-search (yes   no ) #IMPLIED earlier-application (yes   no ) #IMPLIED translation-of-earlier-application (yes   no )	EMPTY	earlier-search-request	request, wo-bibliographic-data, wo-published-application					

Annex 2  
APPENDIX

Element Name	Description	Uses	Used By	In DTD	INID Code (ST9)	ST32	Category	Entry(E) / Revision Date	Remarks (Deprecated Date, PFR no., etc.)
	<p><b>#IMPLIED translation-of-results-of-earlier-search (yes   no )</b></p> <p><b>#IMPLIED documents-cited-in-earlier-search-results (yes   no )</b></p> <p><b>#IMPLIED available-at-isa (yes   no )</b></p> <p><b>#IMPLIED request-ro-to-transmit-to-isa (yes   no ) #IMPLIED &gt;</b></p>								
prescribed-fees	<p>Calculation of prescribed fees designation-fee-paid: whether the designation fee has been paid or not</p> <p><b>&lt;!ELEMENT prescribed-fees (transmittal-fee , search-fee , international-fee , pdoc-fee? , restoration-fee? , earlier-search-document-fee?)&gt;</b></p> <p><b>&lt;!ATTLIST prescribed-fees designation-fee-paid (yes   no ) #IMPLIED &gt;</b></p>	transmittal-fee, search-fee, international-fee, pdoc-fee, <b>restoration-fee</b> , <b>earlier-search-document-fee</b>	fee-sheet	fee-sheet			Fees		

Annex 2  
APPENDIX

Element Name	Description	Uses	Used By	In DTD	INID Code (ST9)	ST32	Category	Entry(E) / Revision Date	Remarks (Deprecated Date, PFR no., etc.)
earlier-search-document-fee	<p>PCT fee sheet, holder for fees associated with earlier search</p> <p>&lt;!ELEMENT earlier-search-document-fee (earlier-search-document-quantity , amount-each , amount-total , payment-mode)&gt;</p> <p>&lt;!ATTLIST earlier-search-document-fee currency CDATA #REQUIRED &gt;</p>	earlier-search-document-quantity,amount-each,amount-total,payment-mode	prescribed-fees	fee-sheet			Fees		
earlier-search-document-quantity	<p>Associated with the fees the count of the documents related to earlier search included in the application</p> <p>&lt;!ELEMENT earlier-search-document-quantity (#PCDATA)&gt;</p>	#PCDATA	earlier-search-document-fee	fee-sheet			Fees		
amount-each	The unit value of the fee element		pdoc-fee, fee-reduction, handling-fee, preliminary-examin-fee, designation-fee, basic-fee, additional-component, additional-amount, earlier-search-document-fee	fee-sheet, fee-sheet-chapter2			Fees		

Annex 2  
APPENDIX

Element Name	Description	Uses	Used By	In DTD	INID Code (ST9)	ST32	Category	Entry(E) / Revision Date	Remarks (Deprecated Date, PFR no., etc.)
amount-total	The total value of the fee element (normally the product of amount-each and quantity).		fee-sheet-chapter2, pdoc-fee, international-fee, <b>restoration-fee</b> , search-fee, transmittal-fee, designation-fee, basic-fee, <b>earlier-search-document-fee</b>	fee-sheet, fee-sheet-chapter2			Fees		
payment-mode	The method of payment of the fees due	charge, postal-order, cash, coupons, cheque, bank-draft, stamps, other, later-payment	fee-sheet-chapter2, pdoc-fee, international-fee, search-fee, transmittal-fee, handling-fee, preliminary-examin-fee, <b>earlier-search-document-fee</b>	fee-sheet, fee-sheet-chapter2			Fees		
srep-for-pub	SECTION III OF DTD The actual search report - start a new page The Heading is: <B>INTERNATIONAL SEARCH REPORT (ISR) - PART 2</B> <HR></HR> Repeat international application number (?) IPC, FIELDS and DATABASES SEARCHED CLASSIFICATION OF SUBJECT MATTER	doc-page, classification-ipc, classifications-ipcr, classification-national, srep-fields-searched, srep-citations, incomplete-search, srep-admin, srep-patent-family, <b>earlier-search</b>	search-report-data, search-report	search-report, xx-patent-document					

Annex 2  
APPENDIX

Element Name	Description	Uses	Used By	In DTD	INID Code (ST9)	ST32	Category	Entry(E) / Revision Date	Remarks (Deprecated Date, PFR no., etc.)
	<p>&lt;!ELEMENT srep-for-pub (doc-page+   (classification-ipc? , classifications-ipcr? , classification-national? , srep-fields-searched , srep-citations , incomplete-search? , srep-admin? , srep-patent-family? , earlier-search*))&gt;</p>								
earlier-search	<p>Earlier search document referenced in search report</p> <p>&lt;!ELEMENT earlier-search (document-id) &gt;</p> <p>&lt;!ATTLIST earlier-search id ID #IMPLIED &gt;</p>	document-id	srep-for-pub	search-report, xx-patent-document					

[End of document]