

AGREEMENT REGARDING PFR ST.36/2009/005

Agreement regarding PFR ST.36/2009/005 was reached by the ST.36 Task Force on December 22, 2009 as proposed in PFR ST.36/2009/005 **Rev.1** on December 14, 2009.

PFR ST.36/2009/005 **Rev.1** and the initial proposal submitted by the WO/IB Office on November 5, 2009 are reproduced as Annexes to this Agreement.

[Annexes follow]

ANNEX 1

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

1. Identifier: PFR ST.36/2009/005 Rev.1

2. Procedure for handling the PFR: Fast-Track Procedure by the ST.36 Task Force

3. Submitted by: the International Bureau

4. Submitted on: December 14, 2009

5. Subject of the PFR:

Digital Library Usage for Priority Document

6. WIPO Standards & Items impacted

- Annex A (xx-patent-document.dtd)
 - Annex C (International Common Elements: ICEs): "priority-claimand" and "request" elements
 - Other: Annex F of the PCT Administrative Instructions-
 - request.dtd, wo-bibliographic-data.dtd, wo-published-application.dtd
-

7. Reasons for Presenting the PFR

The International Bureau submitted the PFR to enable applicants to use digital libraries for priority documents in patent filing processes. This PFR is related to the PFC/09/005.

8. Detailed Description of the PFR

Proposal 1: modification of the priority-claim element

Detailed Reason

To enable applicants to take advantage of digital libraries for priority documents, the applicant must be able to express this request on the PCT Request Form for each priority claim.

Proposed Solution

Change From:

```
<!ELEMENT priority-claim (country , doc-number? , date , office-of-filing? ,
(priority-doc-requested | priority-doc-attached)? , restore-rights?)>
```

To:

```
<!ELEMENT priority-claim (country , doc-number? , date , office-of-filing? ,
(priority-doc-requested | priority-doc-attached | priority-doc-from-library)? ,
restore-rights?)>
```

Add:

```
<!--
```

The library-identifier attribute is intended as an identifying code for the library containing priority documents - to be used where offices support the access of the documents from many such libraries. The recommended format of library-identifier should be composed of a WIPO Standard ST.3 code of the operating Office of service or digital library, together with service (or digital library) name (optional) separated by a hyphen to allow for the fact that some Office may operate more than one library. For example, "IB-DAS" for Digital Access Service for Priority Documents run by WIPO.

The action-by attribute would indicate offices requested to retrieve priority documents (for PCT this can be the RO or the IB, default the IB).

```
-->
```

```
<!ELEMENT priority-doc-from-library EMPTY>
```

```
<!ATTLIST priority-doc-from-library library-identifier CDATA #IMPLIED
action-by CDATA #IMPLIED >
```

Proposal 2: modification of the request element

Detailed Reason:

This is to enable applicants to request the storage of their application in digital library for later use as a priority document. In the case of PCT this will be the WIPO DAS for priority documents.

Proposed Solution:

Change From:

```
<!ELEMENT request ((file-reference-id? , request-petition , invention-title? , parties
, designation-of-states? , priority-claims? , search-authority? , declarations? , check-
list? , figure-to-publish? , language-of-filing? , signatories?, dtext* , office-specific-
data*) | doc-page+)>
```

To:

```
<!ELEMENT request ((file-reference-id? , request-petition , invention-title? , parties
, designation-of-states? , priority-claims? , search-authority? , declarations? , check-
list? , figure-to-publish? , language-of-filing? , signatories? , store-in-digital-
library? , dtext* , office-specific-data*) | doc-page+)>
```

Add:

```
<!--
```

Indicator used to flag request to store an application in digital library for later use as a priority document. In the case of PCT this will be the WIPO DAS for Priority documents.

The Indicators presence implies the request and absence implies no request.

```
-->
```

```
<!ELEMENT store-in-digital-library EMPTY>
```

```
<!ATTLIST store-in-digital-library library-identifier CDATA
#IMPLIED>
```

9. Appendix: Proposed Modifications to the ST.36 ICEs

Element Name	Description	Uses	Used By	In DTD	INID Code (ST.9)
priority-claim	Priority claim (PCT Rule 4.10) (INID 32/33/34, ST.32:B320/B330/B340) <!ELEMENT priority-claim (country , doc-number? , date , office-of-filing? , (priority-doc-requested priority-doc-attached priority-doc-from-library)? , restore-rights?)>	country, doc-number, date, office-of-filing, priority-doc-requested, priority-doc-attached, restore-rights, priority-doc-from-library	priority-claims	request, wo-bibliographic-data, wo-published-application, xx-patent-document	32, 33, 34
priority-doc-from-library	To enable applicants to take advantage of digital libraries for priority documents, the applicant must be able to express a request on the PCT Request Form for each priority claim. The library-identifier attribute is intended as an identifying code for the library containing priority documents - to be used where offices support the access of the documents from many such libraries. The recommended format of library-identifier should be composed of a WIPO Standard ST.3 code of the operating Office of service or digital library, together with service (or digital library) name (optional) separated by a hyphen to allow for the fact that some Office may operate more than one library. For example, "IB-DAS" for Digital Access Service for Priority Documents run by WIPO. The action-by attribute would indicate offices requested to retrieve priority documents (for PCT this can be the RO or the IB, default the IB). <!ELEMENT priority-doc-from-library EMPTY> <!ATTLIST priority-doc-from-library library-identifier CDATA #IMPLIED action-by CDATA #IMPLIED >		priority-claim	request, wo-bibliographic-data, wo-published-application, xx-patent-document	
request	<!ELEMENT request ((file-reference-id? , request-petition , invention-title? , parties , designation-of-states? , priority-claims? , search-authority? , declarations? , check-list? , figure-to-publish? , language-of-filing? , signatories? , store-in-digital-library ? , dtext* , office-specific-data*) doc-page+)>	file-reference-id, request-petition, invention-title, parties, designation-of-states, priority-claims, search-authority, declarations, check-list, figure-to-publish, language-of-filing, signatories, dtext, office-specific-data, doc-page, store-in-digital-library			
store-in-digital-library	Indicator used to flag request to store an application in digital library for later use as a priority document. In the case of PCT, this will be the WIPO DAS for priority documents. The Indicators presence implies the request and absence implies no request. <!ELEMENT store-in-digital-library EMPTY> <!ATTLIST store-in-digital-library library-identifier CDATA #IMPLIED>		request	request	

ANNEX 2

INITIAL PFR

1. Identifier: PFR ST.36/2009/005

2. Procedure for handling the PFR: Fast-Track Procedure by the ST.36 Task Force

3. Submitted by: the International Bureau

4. Submitted on: November 5, 2009

5. Subject of the PFR:

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Detailed Reason

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Proposed Solution

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```

To:

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restore-rights?)>
```

Add:

```
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The library-identifier attribute is intended as an identifying code for the library containing priority documents - to be used where offices support the access of the documents from many such libraries.

The action-by attribute would indicate offices requested to retrieve priority documents (for PCT this can be the RO or the IB, default the IB).

```
-->
```

```
<!ELEMENT priority-doc-from-library EMPTY>
```

```
<!ATTLIST priority-doc-from-library library-identifier CDATA #IMPLIED
action-by CDATA #IMPLIED >
```

Proposal 2: modification of the request element**Detailed Reason:**

This is to enable applicants to request the storage of their application in digital library for later use as a priority document. In the case of PCT this will be the WIPO DAS for priority documents.

Proposed Solution:

Change From:

```
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, designation-of-states? , priority-claims? , search-authority? , declarations? , check-
list? , figure-to-publish? , language-of-filing? , signatories? , dtext* , office-specific-
data*) | doc-page+)>
```

To:

```
<!ELEMENT request ((file-reference-id? , request-petition , invention-title? , parties
, designation-of-states? , priority-claims? , search-authority? , declarations? , check-
list? , figure-to-publish? , language-of-filing? , signatories? , store-in-digital-
library? , dtext* , office-specific-data*) | doc-page+)>
```

Add:

```
<!--
```

Indicator used to flag request to store an application in digital library for later use as a priority document. In the case of PCT this will be the WIPO DAS for Priority documents.

The Indicators presence implies the request and absence implies no request.

```
-->
```

```
<!ELEMENT store-in-digital-library EMPTY>
```

```
<!ATTLIST store-in-digital-library id ID #IMPLIED>
```

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priority-doc-from-library	To enable applicants to take advantage of digital libraries for priority documents, the applicant must be able to express a request on the PCT Request Form for each priority claim. The library-identifier attribute is intended as an identifying code for the library containing priority documents - to be used where offices support the access of the documents from many such libraries. The action-by attribute would indicate offices requested to retrieve priority documents (for PCT this can be the RO or the IB, default the IB). <!ELEMENT priority-doc-from-library EMPTY> <!ATTLIST priority-doc-from-library library-identifier CDATA #IMPLIED action-by CDATA #IMPLIED >		priority-claim	request, wo-bibliographic-data, wo-published-application, xx-patent-document	
request	<!ELEMENT request ((file-reference-id? , request-petition , invention-title? , parties , designation-of-states? , priority-claims? , search-authority? , declarations? , check-list? , figure-to-publish? , language-of-filing? , signatories? , store-in-digital-library ? , dtext* , office-specific-data*) doc-page+)>	file-reference-id, request-petition, invention-title, parties, designation-of-states, priority-claims, search-authority, declarations, check-list, figure-to-publish, language-of-filing, signatories, dtext, office-specific-data, doc-page, store-in-digital-library			
store-in-digital-library	Indicator used to flag request to store an application in digital library for later use as a priority document. In the case of PCT, this will be the WIPO DAS for priority documents. The Indicators presence implies the request and absence implies no request. <!ELEMENT store-in-digital-library EMPTY> <!ATTLIST store-in-digital-library id ID #IMPLIED>		request	request	