

WIPO



PCT/TCO/III/13

ORIGINAL: English

DATE: October 27, 1973

WORLD INTELLECTUAL PROPERTY ORGANIZATION
UNITED INTERNATIONAL BUREAU FOR THE PROTECTION OF INTELLECTUAL PROPERTY
GENEVA

PATENT COOPERATION TREATY

INTERIM COMMITTEE FOR TECHNICAL COOPERATION

Third Session: Tokyo, October 23 to 27, 1973

REPORT

prepared by the International Bureau

INTRODUCTION

1. The "PCT Interim Committee for Technical Cooperation" (hereinafter referred to as "the Interim Committee") held its third session in Tokyo, at the invitation of the Japanese Government, from October 23 to 27, 1973.
2. The members of the Interim Committee are those States--39 in number--which have signed, or acceded to, the PCT, and, pursuant to a decision of the Executive Committee of the Paris Union, any other country which pledges a special contribution to the PCT budget. There is one State, Australia, which so far has qualified under the latter criterion. The following 17 States were represented: Austria, Brazil, Canada, Finland, France, Germany (Federal Republic of), Hungary, Iran, Japan, Netherlands, Norway, Romania, Soviet Union, Sweden, Switzerland, United Kingdom, United States of America. The Philippines were represented by an observer. The following 21 were not represented: Algeria, Argentina, Australia, Belgium, Cameroon, Central African Republic, Denmark, Egypt, Holy See, Ireland, Israel, Italy, Ivory Coast, Luxembourg, Madagascar, Malawi, Monaco, Senegal, Syrian Arab Republic, Togo, Yugoslavia.
3. One intergovernmental organization, the International Patent Institute (IIB), was represented by an observer.
4. The following six non-governmental organizations were represented by observers: Asian Patent Attorneys Association (APAA), International Association for the Protection of Industrial Property (AIPPI), International Chamber of Commerce (ICC), International Federation of Patent Agents (FICPI), Pacific Industrial Property Association (PIPA), Union of European Patent Agents (UNEPA).
5. The International Patent Documentation Center (INPADOC) and the Institution of Electrical Engineers (INSPEC) were represented by observers.
6. The number of participants was approximately 60. The list of participants is annexed to this report.

OPENING STATEMENTS

7. The session was opened by the First Deputy Director General of WIPO, Dr. Arpad Bogsch (see the opening statement contained in document PCT/AAQ/IV/9, paragraph 6).

8. Mr. Hideo Saito, Director General of the Japanese Patent Office, welcomed the participants on behalf of the Government of Japan (see the opening statement contained in document PCT/AAQ/IV/9, paragraph 7).

OFFICERS OF THE SESSION

9. The Interim Committee unanimously elected Mr. K. Otani (Japan) as Chairman and Mr. W.I. Merkin (United States of America) and Mr. E. Tasnádi (Hungary) as Vice-Chairmen.

10. Mr. K. Pfanner, Senior Counsellor, Head of the Industrial Property Division, WIPO, acted as Secretary of the Interim Committee.

AGENDA

11. The Interim Committee adopted its agenda as contained in document PCT/TCO/III/1 Rev.Rev., subject to the addition of an agenda item 7bis "Study of searching techniques" (document PCT/TCO/III/8) as proposed in WIPO circular No. 1770 of October 5, 1973.

International Patent Documentation Center

12. The discussions were based on the progress report of the International Patent Documentation Center (INPADOC), prepared by the International Bureau (document PCT/TCO/III/6).

13. The representative of INPADOC reported on the activities of INPADOC since the previous session of the Interim Committee. He underlined in this context that the Republic of Austria, which had established INPADOC and was its sole owner, regarded the creation and the operation of this organization as the fulfillment of an important task in the framework of international cooperation and was ready to ensure the necessary financial support for INPADOC also in the future.

14. The representative of INPADOC then summarized briefly the situation with respect to the concluding of Agreements of Cooperation with various Patent Offices (see also the progress report contained in document PCT/TCO/III/6). He added that so far two deliveries of accumulated data tapes to the cooperating Offices had been effected. The tapes contained data relating to patent documents from Australia, Austria, Finland, Germany (Federal Republic of), Japan, Norway, the Soviet Union and some of the countries of the Council for Mutual Economic Assistance (CMEA). The next delivery of an accumulated data tape was envisaged for the end of the month. Since INPADOC had succeeded in standardizing to a large extent the ten bibliographic data, it was expected that the first accumulated standardized tape would be ready for delivery at the beginning of December.

15. The representative of INPADOC then gave a brief account of the data coverage achieved so far. A regular data delivery had now been secured from the Australian Patent Office, the German Patent Office, the Japanese Patent Office (through JAPATIC) and the Soviet Patent Office. Data delivery would start shortly from the French Patent Office and the IIB. With regard to the Canadian Patent Office, it was reported that discussions were continuing concerning the form in which the data of Canadian patent documents would be transmitted to INPADOC. The data of patent documents of Austria, Finland and Norway had been key-punched by INPADOC itself since early 1973. Efforts were being made to include also the Swedish data in the data base before the end of 1973. As regards the data of the patent documents of Denmark, technical discussions were planned for early November in Copenhagen.

16. Concerning the data of the patent documents of the United States of America, no progress had been made so far with respect to the conclusion of an Agreement of Cooperation with INPADOC and INPADOC was investigating the possibility of key-punching the United States data itself at least for a transitional period.

17. The representative of INPADOC concluded his report by pointing to the world-wide importance of the establishment of INPADOC, which for the first time allowed a universal centralization in the field of patent documentation to be realized. He urged the Patent Offices to provide INPADOC with the material necessary for the fulfillment of its task.

18. The representative of WIPO underlined the great importance of the INPADOC project for the realization of the aims of WIPO in the patent field and thanked the Austrian Government for its continued financial support for the project. He expressed concern, however, about the fact that some of the envisaged Agreements of Cooperation with Patent Offices could not be concluded so far. It was particularly regretted that no progress had been made with respect to an Agreement of Cooperation with the United States Patent Office. He raised the question whether, under those circumstances, INPADOC was still ready to reach coverage of the data of a minimum of 25 countries by the end of 1973 and whether, in order to achieve this goal, INPADOC was ready to start the key-punching of United States data itself.

19. The representative of INPADOC replied that all necessary steps had been taken to start the key-punching of the United States data and that it was the intention of INPADOC to start the key-punching of those data in time to achieve coverage before the end of 1973. The same applied with respect to the data of any other country needed in order to achieve coverage of the envisaged minimum of 25 countries by the beginning of 1974.

20. The representative of the United Kingdom stated that, according to the information he had received from Derwent, that firm was still ready to conclude an agreement with INPADOC, but regretted that so far no progress had been made in this matter.

21. The representative of WIPO noted with satisfaction the continued readiness of Derwent to cooperate with INPADOC. He underlined in this context that an agreement between both INPADOC and Derwent was highly desirable in order to avoid a disadvantageous situation of competition. WIPO had made considerable effort in the past to bring about such agreement.

22. The representative of Germany (Federal Republic of) stated that his Office had been delivering the 13 bibliographic data on magnetic tape to INPADOC on a regular basis since the 37th publication of 1973. The data relating to the publications made in 1973 before regular delivery had been started would be transmitted to INPADOC before the end of the year.

23. The representative of the IIB confirmed that his organization would shortly start the regular delivery of data to INPADOC.

24. The representative of Germany (Federal Republic of) expressed his concern over the fact that no agreement could be reached so far with the United States Patent Office concerning the conclusion of an Agreement of Cooperation. In view of the importance of the data of United States patent documentation and the number of patent documents published by the United States Patent Office, he expressed the hope that the conclusion of an Agreement would soon be possible. He added that early coverage of the bibliographic data of patent documents of Italy and the Scandinavian countries was very important in view of the needs of international cooperation in the framework of the PCT and the European Patent Convention.

25. The representative of Japan expressed the wish that INPADOC should conclude Agreements of Cooperation in particular with the countries from which a large number of patent applications were filed abroad. He furthermore stated the hope that INPADOC would soon complete its data coverage and start its actual services.

26. The representative of Brazil stated the intention of the Brazilian Patent Office to enter into an Agreement of Cooperation with INPADOC by mid 1974. The representative of WIPO underlined the importance of this statement in view of the PCT technical assistance project for the modernization of the Brazilian patent system.

PAL Project of INSPEC

27. Discussions were based on the progress report on the PAL project of INSPEC contained in document PCT/TCO/III/7.
28. The representative of INSPEC reported on the activities of INSPEC, since the previous session of the Interim Committee, with respect to its proposal for a Patent Associated Literature (PAL) system to facilitate access by national Offices to selected areas of the non-patent literature. The project had been adapted several times to reflect the specific needs of the Patent Offices. On the basis of the results of the discussions of the April 1973 session of the Standing Subcommittee of the Interim Committee, INSPEC now offered two alternative services under the PAL system, comprising a full text copy service and an abstract sheet service (see also document PCT/TCO/III/7, paragraphs 9 to 13 and the further documents cited therein). In its offer, INSPEC had specified that for each of the alternative services a minimum of three subscribers was required before final development work could begin. Services could be expected to start approximately five months after the required minimum of subscriptions was received. So far, the German Patent Office, the Japanese Patent Office and the United States Patent Office had notified INSPEC that they intended to subscribe to the PAL full text copy service. Although the contracts with the said Offices had not yet been signed, INSPEC had decided to implement, already at that stage, the final development work for the PAL full text copy service. The publishers of the journals--about 550 in number--on INSPEC's acquisition list which had been identified as having contained patent relevant items during the past year had been contacted in order to obtain their permission for the copying of articles for the full text copy service for supply to Patent Offices. Such permission had already been obtained in respect of about 150 journals. The efforts to obtain copyright clearance for the remaining periodicals continued. As soon as the three contracts were signed and a sufficient amount of positive replies were received from the publishers, the announcement of the actual starting date for the PAL full text copy service would be made towards the end of 1973. At present it was expected that final development work could be completed in time for the PAL full text copy service to become operational in late January or early February 1974.
29. The representative of Germany (Federal Republic of) supported the proposal of INSPEC to introduce its full text copy service as soon as possible. The German Patent Office intended to sign the subscription agreement before the end of the month. The service should as soon as possible cover not only the electrical, but also the mechanical fields.
30. The representative of Brazil announced that his Office had signed the contract, proposed by INSPEC, during the preceding week.
31. The representative of Japan stated that the Japanese Patent Office was taking the necessary steps for subscribing to the PAL system. He urged INSPEC to extend the system to further technical fields and to start in early January 1974.
32. The representative of WIPO expressed the hope that INSPEC would make every effort to reach rapid agreement with the publishers concerned in order to accelerate the date of implementation of the project. It was urgently hoped that the implementation of the project could be actively pursued with a view to its becoming operational by January 1, 1974.
33. The representative of INSPEC stated that, except for the question of copyright clearance, the preparation of the project was so far advanced that the service could start immediately. INSPEC would make every effort to obtain the necessary copyright clearance in time for it to become operational in early January 1974.
34. The representative of the IIB stated that his organization, although unable to subscribe for 1974 already, was strongly interested in participating in the full text copy service as soon as possible.

Minimum Documentation (Non-Patent Literature): Study Concerning Non-Patent Literature Under Rule 34.1(b)(iii)

35. Discussions were based on the progress report concerning the study of non-patent literature under Rule 34.1(b)(iii) presented by the International Bureau (document PCT/TCO/III/4) and on a proposal of the Netherlands Patent Office regarding the establishment of objective criteria for the selection of periodicals for the PCT minimum documentation (document PCT/TCO/III/10).

36. The representative of the Netherlands, introducing document PCT/TCO/III/10, expressed the opinion that an attempt should be made to find objective criteria for the selection of periodicals for the PCT minimum documentation which would permit the establishment of a list of periodicals more geared to the needs of prospective PCT authorities. The results so far achieved on the basis of the survey conducted by the International Bureau and reflected in document PCT/TCO/III/4 did not seem to be entirely satisfactory. On the other hand, the proposal of the Netherlands Patent Office would probably require a more detailed study before it could be usefully discussed in view of the rather technical nature of the problem. It was therefore desirable to refer the entire matter back to the Standing Subcommittee of the Interim Committee for a further study of possible solutions on the basis of the results of the survey reflected in document PCT/TCO/III/4 and in the light of the proposal of the Netherlands Patent Office in document PCT/TCO/III/10.

37. The representative of Japan supported the proposal of the representative of the Netherlands to refer the matter back to the Standing Subcommittee. In his view, the question of the criteria to be applied for the selection of periodicals with a view to establishing a list of non-patent literature for the PCT minimum documentation required further study. The results of the survey on the basis of request No. 2 (see paragraphs 12 to 15 of document PCT/TCO/III/4) revealed that periodicals published in countries such as the United Kingdom or France did not appear to be adequately represented in the list of 108 periodicals analyzed in tables IV and V (paragraph 17 of document PCT/TCO/III/4). The breakdown of periodicals into three major technical fields was not completely satisfactory. It was necessary to ensure a more adequate distribution of the selected periodicals on the basis of a detailed breakdown of technical fields. A better geographical distribution of the selected periodicals was necessary. As far as possible, secondary publications should be excluded from the list with the exception of abstracting journals recognized as being essential for search purposes in a certain technical field, such as "Chemical Abstracts." A further detailed study by the Standing Subcommittee was therefore useful.

38. The representative of the United Kingdom, supporting the proposal of the representative of the Netherlands to refer the matter back to the Standing Subcommittee, expressed the opinion that, as a first minimum list of periodicals, the 75 periodicals indicated by at least two prospective authorities under request No. 1 in table II (paragraph 11 of document PCT/TCO/III/4) should be selected.

39. The representative of the United States of America said that his Office had no objection to retaining the 108 periodicals resulting from the comparison of answers to requests No. 1 and No. 2 (see paragraph 16 of document PCT/TCO/III/4) as a first list provided the same general approach for the selection of the periodicals was used by all prospective authorities and preferential consideration was given to periodicals cited by at least two prospective authorities. In any case, the first list eventually retained should not go much beyond 100 periodicals. In his view, the proposal of the Netherlands should be given careful consideration. The request should also be addressed to prospective International Preliminary Examining Authorities.

40. The representative of Germany (Federal Republic of) was of the opinion that the results of the survey would now seem to permit the establishing of a minimum list of periodicals. He did not support the proposal of the Netherlands mainly because agreement on objective criteria was difficult in view of the differences in search techniques with respect to non-patent literature in the various Offices. In his view, a possible approach could be to select all periodicals indicated by three or more prospective authorities as reflected in the index by three technical fields (Annex II, part C of document PCT/TCO/III/4)--which would amount to 96 periodicals--or all periodicals indicated by two or more prospective authorities according to the said index--which would constitute a total of 171 periodicals. His preference was for a list of 171 periodicals. He agreed with a further study of the question by the Standing Subcommittee and declared his readiness to present his proposal in writing in order to facilitate a detailed study.

41. The representative of the Soviet Union expressed his preference for an initial list of 136 periodicals from the ones published in two or more languages and indicated by three or more authorities. 62 should be in the chemical field, 52 in the electrical and physics field and 22 in the mechanical field. He expressed his readiness to submit to the International Bureau a detailed list of the periodicals to be included in that list.

42. The representative of Austria stated his agreement with the principles that had led to the selection of a list of 108 periodicals on the basis of the survey. Any further study of the matter should also take into consideration the PAL project of INSPEC. Full coverage of the selected minimum list of periodicals by the PAL project would be of great importance.

43. The representative of INSPEC stated in this context that INSPEC, in implementing the PAL project, would take into account any final decisions taken with respect to a minimum list of periodicals.

44. The representative of Romania approved in principle the results of the survey reflected in document PCT/TCO/III/4 but expressed the opinion that a further detailed study of the problem by the Standing Subcommittee was necessary.

45. The representative of AIPPI said that, in establishing a minimum list of periodicals, due consideration should be given to publications of a less scientific nature, for instance trade publications, which constituted an important item of non-patent literature.

46. The representative of WIPO said that, although the discussion concerning a minimum list of non-patent literature had so far been limited to scientific periodicals, the question raised by the representative of AIPPI deserved careful consideration. A study should be made whether and to what extent a systematic collection of trade journals could be established which would be suitable for use by prospective PCT authorities for search purposes. The private international organizations could usefully contribute to such a study by communicating their experience in this field and by indicating in particular how the patent departments of industrial firms dealt with this problem. The further study to be made by the Standing Subcommittee should include the subject, and a circular to be addressed to interested private international organizations should provide the information necessary for such a study.

47. The representative of Sweden observed that the type of prior art contained in trade journals or similar publications was actually supplied to the Patent Office by the competitor of the applicant during opposition proceedings. This form of taking such prior art into account was less costly and time-consuming than a system providing for prior search among publications of that nature. He had, however, no objection to a study of this matter by the Standing Subcommittee.

48. The representative of the IIB observed that the distribution of the periodicals over three major technical fields, which was the basis of request No. 1, did not coincide with the IIB's experience in this matter, since the frequency of use of the periodicals for search purposes was much higher in the electrical and physics field. The IIB's experience showed a citation frequency of 30% in the chemical field, of 58% in the electrical and physics field and of 12% in the mechanical field. He agreed with the proposal of the representative of Germany (Federal Republic of) to retain the 96 periodicals indicated by at least three prospective authorities. This figure could perhaps be enlarged by adding to it the periodicals in the electrical and physics field indicated by only two prospective authorities, which gave a total of 118 periodicals.

49. The representative of Switzerland raised the question as to the cut-off date from which the periodicals should become part of the PCT minimum documentation and expressed his preference for including several years of past publications.

50. The representative of WIPO added that this question should be studied as soon as a decision on the contents of a minimum list was taken, since the question of backlog coverage was largely dependent on the availability of the periodicals included in the list with the various prospective authorities.

51. The representative of the United States of America stated in this context that, in his opinion, non-patent literature was only important in as far as it was contained in recent publications since, after a certain time, the subject matter contained in non-patent literature was most likely to be covered also in the patent literature. It did not therefore seem very advantageous to include periodicals in the minimum documentation also for past years.

52. The Interim Committee decided in conclusion to ask the Standing Subcommittee to continue the study of this question on the basis of the results of the survey reflected in document PCT/TCO/III/4, the proposal by the Netherlands contained in

document PCT/TCO/III/10, the proposal to be submitted by the representative of Germany (Federal Republic of) and the observations made during the discussion referred to above.

Minimum Documentation (Non-Patent Literature): Progress Report on the Frequency of Citation of Non-Patent Literature

53. Discussions were based on document PCT/TCO/III/2.

54. The representative of Austria stated that a study by his Office, not yet submitted to the Interim Committee in writing, indicated that the highest citation rate of non-patent literature, as compared with the total of citations of prior art, occurred in the electrical and physics field (6.1%) and the lowest in the mechanical field (0.8%). The citation rate in the chemical field (3.2%) fell in between. He stated that the study also reflected the citation rate in respect of the number of applications searched and he suggested that the Standing Subcommittee should undertake to add this element in any revision of the document under consideration. A report on the study by the Austrian Patent Office has in the meantime been submitted in writing to WIPO.

55. The representative of the United States of America suggested that a revised study should reflect a weighting of the citation rates on the basis of the number of searches performed by the Offices involved. He stated that, in the case of two large Offices (namely, the German Patent Office and the United States Patent Office), the citation rate showed a downward trend.

56. The representative of the IIB pointed out that the test carried out by the IIB, reported on in the document under discussion, was for 1970 based on a sample of about 2,000 cases, whereas for 1972 a sample of only 200 cases had been used. The conclusion drawn from the IIB tests could therefore be somewhat misleading. In any event, it appeared that non-patent literature was of particular importance during the first years after publication. It could be eliminated from the search files later, as soon as the information it contained was amply covered by patent literature. Moreover, experience showed that in difficult technical fields scientific articles may contain a clearer presentation of the technical problem than the publication after 18 months of unexamined applications.

57. The representative of AIPPI urged that serious consideration should be given to the problem of including non-patent literature in the PCT minimum documentation, keeping in mind the obligation under Article 15(4) and Rule 33.1 of the PCT to discover as much of the relevant prior art as the facilities of the prospective authority permitted.

58. The representative of WIPO underlined the fact that the international search must be as complete as possible in order to take into account the differences in national laws in respect of the concepts of novelty and inventive step. Moreover, it was dangerous to eliminate periodicals from the search files as frequently the patent documents might have later dates for prior art purposes.

59. The Interim Committee asked the Standing Subcommittee to continue the study of the question in the light of the discussions referred to above.

Study of Searching Techniques

60. Discussions were based on document PCT/TCO/III/8.

61. In response to a question from the representative of the United Kingdom, the representative of WIPO stated that the advice of the Interim Committee was merely sought on the approach to be taken in obtaining the information on present searching techniques and that, if the idea of a questionnaire was retained, its formulation would again be considered by the Standing Subcommittee before the survey started.

62. The representative of Austria stated that, in his view, the draft questionnaire annexed to the document under discussion was acceptable and that the drafting of a response thereto would not present a considerable burden for the Offices concerned.

63. The representative of the Netherlands stated his agreement in principle with the draft questionnaire since in general it did not ask for information already available from other sources. With respect to Item I, which deals with the patent documentation presently in the possession of the prospective International Searching Authorities, information might, however, be available at the International Bureau. He suggested that the International Bureau should indicate any available information in respect of that question when communicating the questionnaire.

64. The representative of the IIB suggested that the draft questionnaire should deal also with the aim of the search in relation to all criteria of patentability such as novelty and inventive step.

65. The Interim Committee agreed that, in order to compile the necessary information on the present searching techniques of the prospective International Searching Authorities, the solution of sending a questionnaire, along the lines of the draft questionnaire annexed to document PCT/TCO/III/8, should be followed and asked its Standing Subcommittee to consider this question further, bearing in mind the views expressed above.

Minimum Documentation (Patent Documents): Proposal of the United States of America Regarding Documentation Under Rule 34.1(b)(i)

66. Discussions were based on document PCT/TCO/III/9.

67. The representative of the United States of America introduced the proposal set forth in the document under discussion.

68. The representatives of Japan and Germany (Federal Republic of), agreeing with the proposal of the United States of America, expressed the opinion that only one member of a patent family was required to be kept in the classified search files. The other members of the patent family had to be kept in the documentation, but the manner in which they were stored should be left to the International Searching Authorities.

69. The representative of the United Kingdom, supported by the representatives of the Netherlands and the IIB, said that a distinction had to be made between documentation kept in the search files and other documentation at the disposal of the prospective Searching Authorities. He pointed to Rule 36.1(ii) of the PCT, from which he drew the interpretation that the other members of a patent family must be made accessible for search purposes but not necessarily placed in the search files.

70. The representative of Switzerland agreed in principle with the interpretation that only one member of the patent family was required to be placed in the search files provided that access was guaranteed to the other members of the patent family forming part of the minimum documentation. He suggested that the Standing Subcommittee be asked to study the possibility of establishing guidelines as to the form in which the International Searching Authorities could best assure the said access.

71. The representative of the Netherlands agreed with the representative of Switzerland that a study should be made by the Standing Subcommittee in order to elaborate requirements allowing for the reduction of the search files but permitting accessibility to the other members of a patent family.

72. The representative of the Soviet Union agreed in principle with the representatives of the Netherlands and Switzerland, but stressed that substantial differences may occur in the disclosures of the different members of a patent family. For that reason, all members of a patent family must be readily accessible to the searcher.

73. The representative of WIPO pointed out that, under Article 15(4) of the PCT, all members of a patent family were part of the minimum documentation. Rule 36.1(ii) stated moreover that the minimum documentation which prospective Searching Authorities must have in their possession must be properly arranged for search purposes. The only question open for discussion was in what manner these documents must be kept and what accessibility to them must be provided in order to comply with the requirement of proper arrangement for search purposes. In view of the obligations

contained in Article 15(4) of the PCT, the citation of prior art documents in the international search report must make reference to all members of a patent family as far as they formed part of the minimum documentation.

74. The representative of the United States of America did not share the interpretation that all members of a patent family must be cited in the international search report. He stated that, if one member of a patent family was discovered and cited, then the entire patent family might be discovered through the use of a world patent index system.

75. The representative of the Netherlands pointed out that a factor to be considered should be the cost of an international search, which was likely to be expensive. He stressed the importance of interpreting the provisions of the PCT in a manner capable of reducing the cost and still maintaining the quality. The practice in the Netherlands had shown that the citation of only one member of a patent family did not amount to any appreciable loss in quality of the search report.

76. The representative of WIPO stated that, besides the obligations under Article 15(4) of the PCT and Rule 36.1(ii), there were important practical considerations militating in favor of a citation of all members of a patent family in the search report. The work of the users of the search report would be greatly facilitated if, by citation of all members, they had ready access to documents in languages more easily accessible to them. It was not very practical to leave the burden of consulting the patent family system of INPADOC to the individual reader of the search report. In order to avoid duplication of effort, the family information should be provided by the International Searching Authority, which had much easier access to it than the majority of the users. These practical problems were particularly important for users in developing countries. For them, the value of international publications as a source of technical information would be considerably reduced if the citations in the international search report did not provide the full patent family information.

77. The representative of Austria stated that for the future it was expected that INPADOC would make access to patent families readily available. Any study to be undertaken by the Standing Subcommittee in respect of the form in which access to members of patent families was to be provided should only give advice to the International Searching Authorities rather than impose conditions on them.

78. The Interim Committee agreed that the Standing Subcommittee should prepare a study on the question related to the proposal of the United States of America with respect to the treatment of patent families in the framework of the PCT minimum documentation, bearing in mind the views expressed above.

Minimum Documentation (Patent Documents): Documentation Under Rule 34.1(c) (vi)

79. Discussions were based on document PCT/TCO/III/3.

80. The representative of the United Kingdom supported the continuation of the survey as suggested in paragraphs 11 and 12 of the document under discussion. Since Rule 34.1(c) (vi) contained no reference to duplicative documents, he suggested that the countries in question be asked only to sort out patent documents in which no priority was claimed and to leave it to the International Searching Authorities to sort out the duplicative documents if they so desired. Furthermore, Rule 63.1(ii) required the International Preliminary Examining Authorities to have the minimum documentation, but there was no provision for the supply of patent documents under Rule 34.1(c) (vi) to the International Preliminary Examining Authorities, as was the case with respect to the International Searching Authorities.

81. The representative of WIPO agreed with the observation of the representative of the United Kingdom that the PCT did not contain an express provision covering the supply of such patent documents to the International Preliminary Examining Authorities. He stated, however, that a reasonable interpretation would appear to be that the said patent documents become part of the minimum documentation for the purposes of Rule 63.1(ii) only if they were provided also to the International Preliminary Examining Authorities.

82. The representative of France raised a question concerning the 410 non-priority claiming patent documents indicated in respect of OAMPI in the table in Annex I of the document under discussion. He suggested that a further study should be made to determine whether the said documents were based on original applications or were extensions of French patents.

83. The Interim Committee approved the continuation of the survey by the Standing Subcommittee.

Reports on Isolated Searches

84. The Interim Committee noted with approval the contributions made by the German Patent Office and by the IIB in their reports on isolated searches and expressed the wish that this valuable material be fully used in further studies relating to the requirements of PCT searches.

PROGRAM OF THE INTERIM COMMITTEE AND ITS STANDING SUBCOMMITTEE FOR 1974

85. The Interim Committee, in discussing the program for 1974, considered a suggestion by the representative of the Netherlands that the program include a comparison of the findings contained in the reports on isolated searches submitted by the German Patent Office and the IIB with the requirements of search under the PCT. Such comparison would constitute a useful basis for determining with more precision the detailed search procedure to be followed under the PCT. The Interim Committee agreed to include this suggestion in the program. The study should be undertaken after the results of the survey relating to searching techniques were obtained. The representative of the IIB announced in this context that his organization, in view of some further definitions of search practice, would submit a paper updating its report.

86. The Interim Committee considered furthermore a proposal by the representative of the Soviet Union that the program include the conducting of test searches by the prospective International Searching Authorities.

87. The representative of the United States of America stated that test searches were too artificial to provide meaningful results and that the harmonization of search results should await the entry into force of the PCT. At that time, actual search results which could provide a realistic basis for their harmonization would be available.

88. The Interim Committee was of the opinion that, prior to conducting actual test searches, a study should be made by the Standing Subcommittee. The study should in particular deal with the question whether the Offices concerned or at least one of them were already sufficiently advanced in their preparations to make test searches meaningful. If the reply was in the affirmative, the study should define the type of test search to be conducted, its basis (probably model PCT applications), and the manner in which it was to be made. The study should also pertain to the question whether an Office prepared to do so should not be asked to prepare a model search report as a basis for discussion in the Standing Subcommittee. The International Bureau was asked to submit a preparatory document dealing with these questions to the Standing Subcommittee.

89. The representative of the United States of America stated that the program of the Interim Committee should be kept to an essential minimum in view of the fact that the PCT budget during the interim period was based on special contributions only.

90. The Interim Committee, in the light of the discussion which took place during its third session, approved the following program for itself and its Standing Subcommittee for the year 1974:

- (i) continuation of the work in connection with the INPADOC project;
- (ii) continuation of the work in connection with the PAL project of INSPEC;
- (iii) continuation of the study concerning the inclusion of non-patent literature in the PCT minimum documentation under Rule 34.1(b)(iii) of the PCT, particularly as regards the establishment of a list of periodicals to be included therein;

- (iv) continuation of the study on the frequency of citation of non-patent literature;
- (v) survey and study on current searching techniques;
- (vi) comparison of the findings in the reports on isolated searches with the results of the survey and study under item (v) with a view to establishing prospective PCT search standards;
- (vii) study of the questions concerning the treatment of patent documents, forming part of patent families, by prospective PCT authorities in the context of the PCT minimum documentation;
- (viii) continuation of the survey on documentation under Rule 34.1(c) (vi) of the PCT;
- (ix) study of the measures relating to the acquisition by the prospective PCT authorities of the minimum documentation required under Rule 34 of the PCT, including a study of the possibilities of alerting prospective PCT authorities to means enabling them to exchange or otherwise acquire such documentation;
- (x) study on the feasibility of test searches, including the definition of the type of test search to be conducted, its basis and the manner in which it should be made;
- (xi) study of the question of the preparation of a model search report.

CLOSING STATEMENTS

91. The Interim Committee, following a closing statement by the representative of WIPO (see document PCT/AAQ/IV/9, paragraph 86), expressed its gratitude to the Government of Japan for the excellent organization of the session and the kind hospitality offered to the participants.

92. Mr. Hideo Saito, Director General of the Japanese Patent Office, in a farewell address thanked the Interim Committee on behalf of the Government of Japan (see document PCT/AAQ/IV/9, paragraph 88).

93. This Report was unanimously adopted by the Interim Committee at its closing meeting on October 27, 1973.

/Annex follows/

LISTE DES PARTICIPANTS/
LIST OF PARTICIPANTS

I. ETATS MEMBRES/MEMBER STATES

ALLEMAGNE (REPUBLIQUE FEDERALE D')/GERMANY (FEDERAL REPUBLIC OF)

- Mr. H. MAST, Ministerialrat, Federal Ministry of Justice, Bonn
Mr. K.-H. HOFMANN, Abteilungspräsident, German Patent Office, Berlin Branch, Berlin

AUTRICHE/AUSTRIA

- Mr. G. GALL, Oberkommissär, Ministry of Commerce, Trade and Industry, Industrial Property Section, Vienna

BRESIL/BRAZIL

- Mr. G.R. COARACY, Chief, Patent Information Center, National Institute of Industrial Property, Brasilia
Mr. A.C. BANDEIRA, Secretary of Information and Transfer of Technology, Assistant to the President, National Institute of Industrial Property, Brasilia

CANADA

- Mr. A.M. LAIDLAW, Assistant Deputy Minister, Bureau of Intellectual Property, Hull, Quebec
Mr. J. CORBEIL, Conseiller, Bureau de la propriété intellectuelle, Hull, Québec

ETATS-UNIS D'AMERIQUE/UNITED STATES OF AMERICA

- Mr. W.I. MERKIN, Assistant Commissioner, U.S. Patent Office, Washington, D.C.
Mr. H.D. HOINKES, Legislative and International Patent Specialist, U.S. Patent Office, Washington, D.C.
Mr. F.J. COHEN, Head, Planning, Procurement and Foreign Documentation Branch, U.S. Patent Office, Washington, D.C.
Mr. G.R. CLARK, General Patent Counsel, Sunbeam Corporation, Chicago, Ill.

FINLANDE/FINLAND

- Mr. E. WUORI, Deputy Director, Finnish Patent Office, Helsinki

FRANCE

- Mr. P. GUERIN, Attaché de Direction, Institut national de la propriété industrielle, Paris

HONGRIE/HUNGARY

- Mr. E. TASNÁDI, President, National Office of Inventions, Budapest
Mr. G. BÁNREVY, Assistant Director General, Ministry of Foreign Trade, Budapest

IRAN

- M. G. RAISSIAN, Sous-Secrétaire d'Etat, Ministère de la Justice, Téhéran
M. H. JAMSHIDI, Directeur, Office d'enregistrement des sociétés et de la propriété industrielle, Téhéran

JAPON/JAPAN

- Mr. H. SAITO, Director-General, Japanese Patent Office, Tokyo
Mr. K. OTANI, Engineer-General, Japanese Patent Office, Tokyo
Mr. H. SAEGUSA, Director-General, General Administration Department, Japanese Patent Office, Tokyo
Mr. I. SHAMOTO, Appeal Examiner-in-Chief, Department of Appeals, Japanese Patent Office, Tokyo
Mr. Y. HASHIMOTO, Director of Moulding Machinery Division, Third Examination Department, Japanese Patent Office, Tokyo
Mr. K. TAKAMI, Counsellor for International Affairs, General Administration Department, Japanese Patent Office, Tokyo
Mr. K. ICHIOKA, Head of the Specialized Agencies Division, United Nations Bureau, Ministry of Foreign Affairs, Tokyo

NORVEGE/NORWAY

- Mr. I. AUNE, Civil Engineer, Head, Examining Department, Norwegian Patent Office, Oslo

PAYS-BAS/NETHERLANDS

- M. J. DEKKER, Vice-président, Bureau pour la propriété industrielle, La Haye

PHILIPPINES

- Mr. M.R. DE JOYA, Attache, Embassy of the Philippines, Tokyo

ROUMANIE/ROMANIA

- M. L. MARINETE, Directeur, Office d'Etat pour les inventions et les marques, Bucarest
M. I. CAMENITA, Conseiller juridique, Office d'Etat pour les inventions et les marques, Bucarest

ROYAUME-UNI/UNITED KINGDOM

- Mr. A.F.C. MILLER, Principal Examiner, Patent Office, London

SUEDE/SWEDEN

- Mr. S. LEWIN, Head of Division, Royal Patent and Registration Office, Stockholm
Mr. L. TÖRNROTH, Head of Section, Royal Patent and Registration Office, Stockholm

SUISSE/SWITZERLAND

- M. J.-L. COMTE, Directeur adjoint, Bureau fédéral de la propriété intellectuelle, Berne

UNION DES REPUBLIQUES SOCIALISTES SOVIETIQUES/UNION OF SOVIET SOCIALIST REPUBLICS

- Mr. L.A. INOZEMTSEV, Expert, State Committee of the Council of Ministers of the USSR for Inventions and Discoveries, Moscow
- Mr. L.E. KOMAROV, Director, All-Union Research Institute of State Patent Examination, Moscow
- Mr. A.S. IGNATIEV, Expert, State Committee of the Council of Ministers of the USSR for Inventions and Discoveries, Moscow

II. ORGANISATION INTERGOUVERNEMENTALE/INTERGOVERNMENTAL ORGANIZATION

INSTITUT INTERNATIONAL DES BREVETS (IIB)/INTERNATIONAL PATENT INSTITUTE

- M. A. VANDECASTEELE, Conseiller au Service technique, La Haye

III. ORGANISATIONS NON GOUVERNEMENTALES/NON-GOVERNMENTAL ORGANIZATIONS

ASIAN PATENT ATTORNEYS ASSOCIATION (APAA)

- Mr. K. YUASA, Yuasa and Hara, President of APAA, Tokyo
- Mr. M. OKABE, Okabe International Patent Office, Council of APAA, Tokyo
- Mr. K. ASAMURA, Asamura Patent Office, Member of APAA, Tokyo
- Mr. K. INOMATA, Vice-President, Kyowa Patent and Law Office, Tokyo

ASSOCIATION INTERNATIONALE POUR LA PROTECTION DE LA PROPRIETE INDUSTRIELLE (AIPPI)/
INTERNATIONAL ASSOCIATION FOR THE PROTECTION OF INDUSTRIAL PROPERTY

- Mr. G.R. CLARK, First Vice-President, AIPPI, Chicago, Ill.
- Mr. S. MATSUI, Director, Patent and Licence Department, Takeda Chemical Industries, Ltd., Tokyo
- Mr. M. TAKEDA, Member of the Executive Committee of AIPPI, Nakamatsu International Patent and Law Office, Tokyo
- Mr. A. AOKI, Member of the Japanese Group of AIPPI, Tokyo
- Mr. A. SUGIMURA, Executive Member of the Japanese Group of AIPPI, Sugimura International Patent and Trade Mark Agency Bureau, Tokyo
- Mr. K. TOYOSAKI, Member of the Japanese Group of AIPPI, Tokyo
- Mr. A. KUKIMOTO, Patent Attorney, Member of the Japanese Group of AIPPI, Tokyo
- Mr. N. OSHIMA, Member of the Japanese Group of AIPPI, Tokyo
- Mr. N. MATSUBARA, Member of the Japanese Group of AIPPI, Tokyo

CHAMBRE DE COMMERCE INTERNATIONALE (CCI)/INTERNATIONAL CHAMBER OF COMMERCE (ICC)

- Mr. T. FUJII, Tokyo
- Mr. F. YOSHIDA, Senior Staff Member of Patent Department, Teijin Ltd., Tokyo
- Mr. S. ICHIKAWA, General Manager of Legal Department, Mitsui & Co., Ltd., Tokyo

FEDERATION INTERNATIONALE DES CONSEILS EN PROPRIETE INDUSTRIELLE (FICPI)/
INTERNATIONAL FEDERATION OF PATENT AGENTS

Mr. A. BRAUN, Patent Attorney, Basel

PACIFIC INDUSTRIAL PROPERTY ASSOCIATION (PIPA)

- Mr. M. SUZUKI, First Representative of PIPA, Japanese Group, Manager, Patent Department, Toyota Central Research & Development Laboratory, Inc., Tokyo
- Mr. H. SUGINO, Second Representative of PIPA, Japanese Group, General Manager, Patent Division, Tokyo Subaura Electric Co., Ltd., Tokyo
- Mr. H. ONO, Chairman of Committee III, PIPA, Japanese Group, Manager, Patent Operation, IBM Japan, Ltd., Tokyo

UNION DES AGENTS DE BREVETS EUROPEENS/UNION OF EUROPEAN PATENT AGENTS (UNEPA)

- Mr. W. COHAUSZ, General Secretary of UNEPA, Düsseldorf
- Mr. K. HOFFMANN, Assistant General Secretary of UNEPA, Munich

IV. ORGANISATIONS OBSERVATEURS/OBSERVER ORGANIZATIONS

CENTRE INTERNATIONAL DE DOCUMENTATION EN MATIERE DE BREVETS/
INTERNATIONAL PATENT DOCUMENTATION CENTER (INPADOC)

Mr. G. RUBITSCHKA, Head, Commercial Department, Vienna

INSTITUTION OF ELECTRICAL ENGINEERS (INSPEC)

Mr. R.B. COX, Manager, Product Development, London

V. ORGANISATION MONDIALE DE LA PROPRIETE INTELLECTUELLE (OMPI)/
WORLD INTELLECTUAL PROPERTY ORGANIZATION (WIPO)

- | | |
|------------------|---|
| Dr. Arpad BOGSCH | Premier Vice-directeur général/First Deputy Director General |
| Mr. K. PFANNER | Conseiller supérieur, Chef de la Division de la propriété industrielle/Senior Counsellor, Head of the Industrial Property Division |
| Mr. Y.A. GROMOV | Conseiller, Chef de la Section PCT, Division de la propriété industrielle/Counsellor, Head of the PCT Section, Industrial Property Division |
| Mr. J. KOHNEN | Assistant juridique, Section PCT, Division de la propriété industrielle/Légal Assistant, PCT Section, Industrial Property Division |
| Mr. T. TAKEDA | Consultant |