



C. PCT 1162/C. SCIT 2662

Le 26 février 2009

Madame,
Monsieur,

1. La présente circulaire est adressée aux offices en leur qualité :

i) d'office récepteur, d'administration chargée de la recherche internationale, d'administration chargée de l'examen préliminaire international ou d'office désigné ou élu en vertu du Traité de coopération en matière de brevets (PCT) en ce qui concerne des propositions de modification des instructions administratives du PCT; et

ii) de membre du Groupe de travail sur les normes et la documentation du Comité permanent des techniques de l'information (SCIT) de l'OMPI en ce qui concerne la norme ST.36 de l'OMPI intitulée "Recommandation relative à l'utilisation du XML dans le traitement de l'information en matière de brevets".

2. La présente circulaire est également adressée aux organisations intergouvernementales intéressées et à certaines organisations non gouvernementales représentant les utilisateurs du système du PCT ou qui sont représentées avec le statut d'observateur aux réunions du SCIT.

3. La présente circulaire porte sur des propositions de modification de la norme concernant le dépôt et le traitement électroniques des demandes internationales selon le Traité de coopération en matière de brevets (PCT) qui, si elles sont adoptées, entraîneront l'apport de modifications dans l'Annexe F des instructions administratives du PCT et de modifications correspondantes dans les éléments communs internationaux de la norme ST.36 de l'OMPI.

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DESCRIPTION DES MODIFICATIONS

4. Les modifications qu'il est proposé d'apporter aux DTD et aux éléments communs internationaux sont indiquées dans le dossier de propositions de modification suivant (voir http://www.wipo.int/pct/efiling_standard/fr/pfc_files.htm) :

- PCT/EF/PFC 09/001 (diverses DTD) propositions du Bureau international.
- PCT/EF/PFC 09/002 (DTD relative aux données bibliographiques wo) propositions du Bureau international.

5. Les modifications de la DTD relative à la requête sont liées aux modifications du formulaire de requête selon le PCT qui résulteront des changements apportés aux instructions administratives concernant les listages des séquences, qui seront promulgués sous peu à l'issue de la consultation faisant l'objet de la circulaire C. PCT 1149; les consultations concernant les modifications qu'il est proposé d'apporter au formulaire de requête selon le PCT feront l'objet d'une circulaire PCT distincte. La date d'entrée en vigueur envisagée pour ces modifications est le 1^{er} juillet 2009. Les modifications relatives à la DTD pour les données bibliographiques wo se rapportent à l'amélioration des données bibliographiques du PCT concernant l'état d'avancement du traitement des demandes internationales pour lesquelles une demande de recherche internationale supplémentaire a été reçue.

CONSULTATIONS

6. Les consultations prévues à la règle 89.2 sont menées conformément à la procédure exposée à la section 2.5 de l'annexe F des instructions administratives du PCT. Des consultations préliminaires relatives à l'actualisation des éléments communs internationaux équivalents qui font partie de la norme ST.36 de l'OMPI sont menées simultanément par le même mécanisme.

7. Le Bureau international souhaiterait recevoir tout commentaire sur les propositions figurant dans les dossiers PCT/EF/PFC 09/001 et PCT/EF/PFC 09/002 au plus tard le 31 mars 2009. Les commentaires sont à envoyer de préférence au moyen de la fonction "Envoyer un commentaire" prévue sur le site Internet (voir http://www.wipo.int/efiling_standard/fr/submit_comment.htm), mais ils peuvent aussi être envoyés par courrier postal ou par télécopie +41-22-338 8040. Les commentaires reçus seront annexés au dossier de propositions de modifications correspondant. Des copies imprimées des propositions seront disponibles auprès du Bureau international sur demande. Les demandes de renseignements concernant ces propositions devront être adressées au Bureau international par courrier électronique (mél. : pct.efiling@wipo.int).

SUITE DU PROCESSUS

8. Une fois que le groupe consultatif créé en vertu de la section 2.5 de l'annexe F des instructions administratives du PCT aura formulé ses recommandations, le Bureau international promulguera les modifications voulues des instructions administratives du PCT, accompagnées de renseignements sur l'entrée en vigueur de ces modifications, et lesdites modifications seront soumises à l'Équipe d'experts du SCIT chargée de la norme ST.36 en vue d'une recommandation visant l'adoption des modifications correspondantes à apporter aux éléments communs internationaux dans la norme ST.36 de l'OMPI.

Veillez agréer, Madame, Monsieur, l'assurance de ma considération distinguée.

Le Directeur général :



Francis Gurry



WORLD INTELLECTUAL PROPERTY ORGANIZATION
ORGANISATION MONDIALE DE LA PROPRIÉTÉ INTELLECTUELLE
GENEVA/GENÈVE

ADMINISTRATIVE INSTRUCTIONS UNDER THE
PATENT COOPERATION TREATY (PCT)
STANDARD FOR THE ELECTRONIC FILING AND PROCESSING
OF INTERNATIONAL APPLICATIONS

INSTRUCTIONS ADMINISTRATIVES DU
TRAITÉ DE COOPÉRATION EN MATIÈRE DE BREVETS (PCT)
NORME CONCERNANT LE DÉPÔT ET LE TRAITEMENT ÉLECTRONIQUES
DES DEMANDES INTERNATIONALES

PROPOSAL FOR CHANGE FILE
DOSSIER RELATIF À LA PROPOSITION DE MODIFICATION

SUBJECT:	Changes to Annex F, Appendix I, section 3.6 (sequence list)	PROPOSED BY:	IB
SUJET :	Modifications de la section 3.6 de l'appendice I de l'annexe F (séquence liste)	PROPOSÉE PAR :	
HANDLING:	Expedited cycle	PROPOSED DATE OF ENTRY INTO FORCE:	01.07.2009
TRAITEMENT :	Cycle accéléré	DATE PROPOSÉE D'ENTRÉE EN VIGUEUR :	
ANNEX/ ANNEXE	CONTENT/CONTENU	ORIGIN/ ORIGINE	DATE
1	Updates to package-data DTD, request DTD and Fees DTD adding additional sequence listing functionality	IB	11.02.2009

[Annex follows/
L'annexe suit]

NEXT ACTION:	Comments	BY:	31.03.2009
PROCHAINE ACTION :	Comments	POUR LE :	

ANNEX/ANNEXE

UPDATES TO DTD RELATING TO SEQUENCE LISTINGS AND TABLES

<p>1-1) package-data</p>	<p>Change:</p> <pre> <!-- SEQUENCE LISTING According to WIPO ST.25: STANDARD FOR THE PRESENTATION OF NUCLEOTIDE AND AMINO ACID SEQUENCE LISTINGS IN PATENT APPLICATIONS: see http://www.wipo.int/scit/en/index.html "The sequence listing as defined in paragraph 2(i) shall, where it is filed together with the application, be placed at the end of the application. This part shall be entitled Sequence Listing, begin on a new page and preferably have independent page numbering. The sequence listing forms an integral part of the description; it is therefore unnecessary, subject to paragraph 36, to describe the sequences elsewhere in the description." Therefore we create here a separate sub-document for sequence listings, it should follow any drawings or the claims. It should follow the format of ST.25 and be an external file --> <!ELEMENT sequence-list EMPTY> <!ATTLIST sequence-list id ID #IMPLIED file CDATA #REQUIRED lang CDATA #IMPLIED carriers (internal- electronic external-electronic paper) #IMPLIED seq-file-type CDATA #FIXED 'ST.25' status CDATA #IMPLIED > </pre> <p>To:</p> <pre> <!-- SEQUENCE LISTING According to WIPO ST.25: STANDARD FOR THE PRESENTATION OF NUCLEOTIDE AND AMINO ACID SEQUENCE LISTINGS IN PATENT APPLICATIONS: see http://www.wipo.int/scit/en/index.html "The sequence listing as defined in paragraph 2(i) shall, where it is filed together with the application, be placed at the end of the description part of the application. This part shall be entitled Sequence Listing, begin on a new page and preferably have independent page numbering. The sequence listing forms an integral part of the description; it is therefore unnecessary, subject to paragraph 36, to describe the sequences elsewhere in the description." Therefore we create here a separate sub-document for sequence listings, it should follow any drawings or the claims. It should follow the format of Annex C/ST.25 and be an external </pre>
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NEXT ACTION:

Comments

BY:

31.03.2009

PROCHAINE ACTION :

Comments

POUR LE :

	<pre> file --> <!ELEMENT sequence-list EMPTY> <!ATTLIST sequence-list id ID #IMPLIED file CDATA #REQUIRED lang CDATA #IMPLIED carriers (internal- electronic external-electronic paper) #IMPLIED seq-file-type CDATA #REQUIRED 'ST.25' or 'ST.25 TEXT' status CDATA #IMPLIED part-of-application (yes no) #IMPLIED > </pre>
Items impacted	ST.36 element sequence-list, package-data.dtd
Reason	<p>There are two changes in the element</p> <p>a) update to attribute seq-file-type to permit the differentiation at the file level as to whether the sequence listing is in a ST.25 text format that is processible by applications including PatentIn or in another no-processible format</p> <p>and,</p> <p>b) add an attribute to indicate, again at the file level, whether the specific sequence listing file referenced by each instance of the sequence-list element forms part of the application (yes) , or is furnished for other purposes (no).</p>
1-2) request	<p>Change:</p> <pre> <!-- Checklist; a sequence listing is being furnished quantity - the number of sequence listing files furnished (not including copies) --> <!ELEMENT cl-sequence-listing EMPTY> <!ATTLIST cl-sequence-listing quantity CDATA #REQUIRED for-search-only (yes no) #IMPLIED additional-copies-including-search-copy (yes no) #IMPLIED with-identifying-statement (yes no) #IMPLIED page-count CDATA #IMPLIED carriers (internal-electronic external-electronic paper) #IMPLIED > </pre> <p>To:</p> <pre> <!-- Checklist; a sequence listing or sequence listings is/are being furnished --> <!ELEMENT cl-sequence-listing EMPTY> <!ATTLIST cl-sequence-listing quantity CDATA #REQUIRED </pre>

	<pre> for-search-only (yes no) #IMPLIED additional-copies-including-search-copy (yes no) #IMPLIED with-identifying-statement (yes no) #IMPLIED page-count CDATA #IMPLIED carriers (internal-electronic external-electronic paper) #IMPLIED carriers-type (FD CD DVD) #IMPLIED carriers-quantity CDATA #IMPLIED size CDATA #IMPLIED > </pre>
Items impacted	ST.36 element cl-sequence-list, request.dtd
Reason	<p>This element from July 1, 2009 needs to support 4 cases none of which are available for PAPER filings:</p> <p>a) ST.25 IMAGE FORMAT FILE ONLY (E-FILE) b) ST.25 TEXT FORMAT FILE ONLY (E-FILE) c) BOTH ST.25 IMAGE AND TEXT FORMATS (E-FILE) d) ST.25 TEXT FORMAT ONLY NOT AS PART OF APP (EASY, E-FILE)</p> <p>a) Sequence listing(s) in ST.25 IMAGE format as a separate file as part of the description (not for the purposes of search), but not ST.25/Annex C text format compliant</p> <p>e.g. <cl-sequence-listing quantity 1 page-count 42 > or <cl-sequence-listing quantity 3 page-count 42 ></p> <p>(The USPTO do not support physical medium for ST.25 image format files? - it is logical as these will be bigger than the text files!)</p> <p>b) Sequence listing(s) file(s) in ST.25/Annex C text format, filed as part of the description of the application, furnished for both this aforementioned purpose, and that of international search</p> <p>e.g. <cl-sequence-listing quantity 1 for-search-only="no" carriers="internal-electronic" ></p> <p>OR <cl-sequence-listing quantity 1 for-search-only="no" carriers="external-electronic" carriers-type="CD" carriers-quantity=1 size=42123 (Bytes,TOTAL for multiple files)></p> <p>c) Sequence listing(s) in ST.25 format as a separate file(s) as part of the description, but not compliant with ST.25/Annex C text format PLUS sequence listing(s) file(s) in ST.25/Annex C text format furnished for the purpose of international search only</p> <p>e.g. <cl-sequence-listing quantity 1 for-search-only="yes" (applying only to the text compliant file) with-identifying-statement="yes" page-count 42 (applying to the Description non text compliant file) carriers="external-electronic" carriers-type="CD" carriers-quantity=1</p>

	<pre>size=42123 (Bytes, TOTAL for multiple files) ></pre> <p>d) sequence listing(s) in ST.25/Annex C text format (files) furnished for the purpose of international search ONLY (Where for the purposes of the description part of the application the sequence listing is embedded in the text of the main part of the description or the application is a PCT-EASY (diskette plus paper filing accompanied by an electronic carrier for transmission to the searching authority).</p> <p>e.g. <cl-sequence-listing quantity 1 (or 2...n) for-search-only="yes" with-identifying-statement="yes" size=42123 (Bytes,TOTAL for multiple files) ></p> <p>or <cl-sequence-listing quantity 1 (or 2...n) for-search-only="yes" with-identifying-statement="yes" carriers="external-electronic" carriers-type="CD" carriers-quantity=1 size=42123 (Bytes,TOTAL for multiple files) ></p> <p>Furthermore there is an additional requirement to record the size in KB for ST.25/Annex C text format files, and support the filing of this format of file using a separate physical carrier to support receiving offices who support this option (EFS WEB). PCT-SAFE will not support this function, and thus the size attribute could be dropped from this PFC.</p>
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[End of Annex and of file/
Fin de l'annexe et du dossier]



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DES DEMANDES INTERNATIONALES

PROPOSAL FOR CHANGE FILE
DOSSIER RELATIF À LA PROPOSITION DE MODIFICATION

SUBJECT: Changes to Annex F, Appendix I, section 3.6 (wo-bibliographic DTD)		PROPOSED BY: IB	
SUJET : Modifications de la section 3.6 de l'appendice I de l'annexe F (wo-bibliographic DTD)		PROPOSÉE PAR :	
HANDLING: Expedited cycle		PROPOSED DATE OF ENTRY INTO FORCE: 01.07.2009	
TRAITEMENT : Cycle accéléré		DATE PROPOSÉE D'ENTRÉE EN VIGUEUR :	
ANNEX/ ANNEXE	CONTENT/CONTENU	ORIGIN/ ORIGINE	DATE
1	Additional elements to support transmittal of supplementary search information	IB	19.02.2008

[Annex follows/
L'annexe suit]

NEXT ACTION: Comments	BY:	31.03.2009
PROCHAINE ACTION : Comments	POUR LE :	

SUPPLEMENTARY INTERNATIONAL SEARCH BIBLIOGRAPHIC MODIFICATIONS

1-1)	<p>Change :</p> <pre><!ELEMENT wo-bibliographic-data (publication-reference? , wo-publication-info? , application-reference? , wo- application-info? , wo-amendment-info? , wo-bib-change- info? , wo-demand-info? , file-reference-id? , invention- title* , parties? , designation-of-states? , wo-priority- info? , search-authority? , declaration-info? , classification-ipc? , classifications-ipcr? , figure-to- publish? , signatories? , correspondence-address? , dtext?)></pre> <pre><!ATTLIST wo-bibliographic-data date-produced CDATA #IMPLIED lang CDATA #IMPLIED dtd-version CDATA #IMPLIED file CDATA #IMPLIED status CDATA #IMPLIED office-name CDATA #IMPLIED produced-by (applicant RO ISA IPEA IB DO EO national- office regional- office) #REQUIRED ></pre> <p>To:</p> <pre><!ELEMENT wo-bibliographic-data (publication-reference? , wo-publication-info? , application-reference? , wo- application-info? , wo-amendment-info? , wo-bib-change- info? , wo-demand-info? , file-reference-id? , invention- title* , parties? , designation-of-states? , wo-priority- info? , search-authority? , supplementary-search-info* , declaration-info? , classification-ipc? , classifications- ipcr? , figure-to-publish? , signatories? , correspondence- address? , dtext?)></pre> <pre><!ATTLIST wo-bibliographic-data date-produced CDATA #IMPLIED</pre>
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NEXT ACTION:	Comments	BY:	31.03.2009
PROCHAINE ACTION :	Comments	POUR LE :	

	lang	CDATA
#IMPLIED		
	dtd-version	CDATA
#IMPLIED		
	file	CDATA
#IMPLIED		
	status	CDATA
#IMPLIED		
	office-name	CDATA
#IMPLIED		
	produced-by	
(applicant		RO
		ISA
		IPEA
		SISA
		IB
		DO
		EO
		national-
office		
		regional-
office) #REQUIRED >		
<!--		
Supplementary searching authority or authorities. No		
provision for the inclusion of earlier search documents as		
yet.		
<!--		
Supplementary International Search (SIS) information:		
SISA, request and report information, noting for an		
supplementary-search-info element there must be a request		
and an SISA (reuses ISA element).		
-->		
<!ELEMENT supplementary-search-info (isa, supplementary-		
search-request-info, supplementary-search-report-info?)>		
<!--		
For element supplementary-search-request-info		
Attribute sis-request-status values:		
new - where a sis-request has been received at the		
IB.		
transmitted - where the sis-request has been received and		
sent to the SISA.		
withdrawn - where a sis-request has been withdrawn (either		
by the applicant or has been considered as withdrawn, or not		
to have been made, by the IB.		
-->		
<!ELEMENT supplementary-search-request-info (received-at-		
ib)>		
<!ATTLIST supplementary-search-request-info sis-request-		
status (new transmitted withdrawn) #REQUIRED >		
<!--		
For element supplementary-search-report-info		
Attribute sis-report-status values:		

	<pre> new - where a sis-report has been established by the SISA. corrected - where a corrected sis-report has been established by the SISA. not-established - where the SISA has notified the IB that a sis-report will not be established. --> <!ELEMENT supplementary-search-report-info (received-at-ib, date-search-completed?, date-search-report-mailed?)> <!ATTLIST supplementary-search-report-info sis-report-status (new corrected not-established) #REQUIRED > <!-- The following two elements are already defined in ST.36, but do not appear in wo-bibliographic-data or wo-published- application DTDs. --> <!ELEMENT date-search-completed (date)> <!-- Date of mailing of search report. (ST.32:B566) --> <!ELEMENT date-search-report-mailed (date)> </pre>
Items impacted	ANNEX F DTDs: wo-published-application and wo-bibliographic-data
Reason	<p>To enable the communication of the supplementary search authority information.</p> <p>It should be noted that the proposal uses elements to be added to the ST.36 ICEs, and these elements will be proposed via the PFR procedure.</p>

[End of Annex and of file/
Fin de l'annexe et du dossier]