

PROPOSALS CONCERNING P-DOC

Authors:

Adriana Atanasoae

Adriana Aldescu

Bogdan Boreschievici

State Office for Inventions and Trademarks - OSIM - Romania

As a consequence of the analysis of the project proposed by the International Bureau and the proposals made by the delegations of Japan and Canada, as well as the comments of the participating delegations, the Romanian Patent Office draws up the following proposals:

1. The task put by the General Assembly before the International Bureau consists of the elaboration of an IT system meant to facilitate the exchange of priority documents (P-Doc) between the Applicants and the IP Offices, namely the Digital Access Service (DAS) for Priority Documents.
2. The International Bureau together with the participating delegations established a set of principles to be assumed as a basis of said system. At the same time, the International Bureau proposed a first draft of the possible structure of the future DAS system, including all possible sources of P-Doc.
3. The delegation of Canada made a first system analysis, trying to map out the possibilities of taking over, with the required adaptation, said mechanisms within the new system.
4. In its turn, the delegation of Japan proposed a synthetic model of the future P-Doc system, while mapping out the main processes of the system to be.
5. On said basis, a plurality of EXCEPTIONS to be analyzed by the Working Group were brought into discussion.
6. Considering all those aspects, the Romanian delegation proposes that the International Bureau and the Working Group **focus on the developping of DAS, as requested by the General Assembly.**
7. Having in view the above mentioned proposal, we consider that the role of the

Working Group is of defining :

i. The rules defining the activity of the participants in the DAS system; said rules are supposed to allow the improvement of the criticized aspects of the traditional exchange system;

ii. We consider as a basic assumption the VOLUNTARY participation in the P-Doc System of all the participants involved;

iii. Another basic assumption should be the idea that, by agreeing with the participation in the P-Doc System, all the participants shall also agree with the already established rules concerning the system operation;

iv. All special or exceptional situations shall be registered and treated in the framework of the first developing stage or during a subsequent stage, depending on the actual importance of the issues; thereby, the International Bureau shall be able to focus on the task set down to it by the General Assembly, to observe the time limits and to predict the further developments.

8. At this moment, we consider that some strict rules, irrespective of the further DAS developments, need to be defined:

i. **The system administration shall be incumbent on the International Bureau**; it shall be done within the limits of the rules set out by and together with the participants; the financing of the DAS system shall be included and periodically revised within the framework of WIPO strategy in IT fields;

ii. **The amendment of the rules shall be possible every two years**, together with the reanalysis of WIPO strategy in IT fields; said analysis shall include both technical and financial aspects based on efficiency ratios defined in the system analysis stage; this way, there shall be possible to include the impact of the requested amendments upon the technical and financial aspects of the extant system in the further development stage of the WIPO strategy in IT fields strategy and to better sustain said amendments before the Finance and Budget Committee;

iii. **Integration of new P-Document sources** in the system shall be made upon the advice of DAS members and shall be based on a thorough technical and economical analysis;

iv. **A cooperation agreement shall be signed when accessing the system; within said agreement, the participant's preferences, as well as the responsibilities and the time limits to be observed shall be set out; the preferences shall be defined once for the entire system; the accession of a participant may not be followed by its quitting the system** before a period of time equal to the period during which the documents that are being processed shall become public documents;

v. **Confidentiality**: all operations carried on within the system shall be subject to the confidentiality rule; when a participant, **which is not the intended recipient**, receives confidential information by error, he shall be obliged to delete it, to keep the information strictly confidential and to inform the sender thereof upon his mistake;

vi. **Data exchange** within the system shall be done as follows:

- on paper or CD-DVD, according to the current procedures;

- electronically - by using existing electronic filing means which are accepted for PCT filing, while ensuring the security level provided by said systems;

vii. Each member of the system **shall declare a contact person or group** for the purpose of data exchange administration;

viii. With regard to the structure of the documents exchanged in electronic form, the International Bureau shall make a standard project proposal to be agreed with by SCIT, thereby becoming a **COMPULSORY STANDARD** for the system operation.

9. As far as the operation of DAS system is concerned, we propose to set out the following classes of rules:

i. First level rules - the rules to be observed by every DAS member;

ii. Second level rules ensuring the interoperability with other existing or future P-Doc exchange systems; we think that, eventually, the conversion of said rules into **STANDARDS** discussed and agreed upon in the framework of SCIT should be useful, such a standard allowing further interoperability of various IP existing systems;

iii. Third level rules dealing with exceptions.

10. We consider that, taking into account the short time limit, the Working Group and the International Bureau should focus on implementing the DAS and taking into consideration the interoperability thereof with the existing systems.

11. As a consequence, we propose **two sub-stages**:

i. The development of the DAS concept and structure aiming at the efficiency increase in comparison with the traditional exchange system;

ii. The development of the concept of interoperability with other **EXISTING** systems.

12. The DAS concept shall be organized by observing a group of rules which are different from the above-mentioned strict rules and which set out the behaviour of the players inside the system; we propose hereinafter two such groups of rules; we wish these proposals were accepted only as an attempt to contribute to the finalization of the analysis stage as soon as possible. The authors do not pretend to be original, in most cases, the issues contained in this material being discussed within the Meeting. Our contribution consists of the systematization and partial development of some proposals which have already been made.

12.1. **This model has two key players**: the International Bureau and the Applicant; the entire responsibility of time limits observance and of a correct data flow inside the system is incumbent on them.

Said DAS system model is based on the following rules:

i. The Applicant

- applies to the International Bureau requesting to be included in the DAS system; the

request may be made traditionally or electronically, by signing the cooperation agreement; depending on the way selected by the applicant (ordinary mail / e-mail), he shall receive from the part of the International Bureau a personal DAS access code and/or an access card for electronic filing;

- requests a complete P-Doc documents package (certificate + description) from the part of the Office of First Filing (OFF);
- checks up the correctness and completeness of the received package; if any fault is ascertained, he shall request the retransmission of documents by the OFF;
- the exchange of documents may be made by traditional means or by electronic filing systems accepted by both parts (?);
- communicates the priority documents (certificate + description) to the International Bureau while observing the general rules provisions;
- periodically checks up if the sent documents have been communicated within the desired time limit, if they are correct and complete;
- completes, whenever necessary, the distribution list comprising the Offices of the Second Filing (OSF) where he has filed or is intending to file an Application.
- communicates the number and date of the priority certificate to the OSF;
- decides the moment when the P-Doc documents become public documents by checking it within DAS.

Translations

- decides, in the moment of signing the agreement, if he intends to communicate the translation of the documents by means of DAS and he checks the recipient Offices in the distribution list;
- decides which are the translations to become public and which is the moment when said translations may become public by checking them within DAS.

ii. The Office of the First Filing - OFF

- shall send to the Applicant, upon request, a complete P-Doc package; if OFF is a member of another P-Doc distribution system, the rules described within the INTERFACES chapter may be applied;
- may verify if the priority documents are correctly displayed in DAS data base;
- shall report to the Applicant any irregularity ascertained;

iii. The International Bureau

- defines a System Administrator and a Help Desk;
- receives the participation request from the Applicant or from an Office or group of Offices;
- follows through the conclusion of the cooperation agreement;
- prepares and transmits the access codes and instruments to the interested parties;
- opens the access of the participants to the DAS;
- ensures the system and data security, as well as the security of the access to the

system;

- receives the P-Doc from the Applicant;
 - if they are paper documents:
 - checks up the completeness thereof;
 - reports possibly missing documents and asks for the completion thereof;
 - prepares P-Doc in electronic format;
 - inserts and marks up the reception of P-Doc and possibly requested corrections into the DAS data base, while marking up the expected reply date and simultaneously opening the access of the applicant to the distribution lists, to passing into the public domain and starting the history records;
 - makes the received corrections;
 - if they are in electronic format:
 - checks up the completeness thereof;
 - reports possibly missing documents, including those relating to an incorrect electronic format and asks for the completion and correction thereof to the Applicant;
 - inserts and marks up the reception of P-Doc and possibly requested corrections into the DAS data base, while marking up the expected reply date and simultaneously opening the access of the applicant to the distribution lists, to passing into the public domain and starting the history records;
 - makes the received corrections;
- opens the Applicant the access to view his own DAS content;
- opens the Applicant the access to complete his own distribution lists;
- receives from the Applicant the translations to be treated in the same way as the P-Doc and after introducing them in DAS allows the Applicant to complete his own distribution lists;
- permits the access of OSF Offices for downloading the P-Doc, as far as they are DAS members, and communicates them the registering access passwords;
- keeps the history of all P-Doc-related events;
- passes into the public domain the documents for which the Applicant has made such a request;
- passes into the public domain the translations for which the Applicant has made such a request;

iv. The OSF :

- signs the cooperation agreement with the International Bureau;
- requests the certificate number and date from the Applicant, in order to access the necessary documents in DAS;
- accesses the DAS data base and may download said documents as well as the corresponding translations;
- reports all irregularities to the Applicants and the International Bureau.

12.2. The second model is closer to the improved proposal made by the delegation of Japan. **The model has three key players:** the International Bureau, the OFF and the

Applicant; the entire responsibility of time limits observation and of a correct data flow inside the system is incumbent on them. The responsibility of transmitting the P-Doc belongs to OFF, while the responsibility of transmitting the translations and administering the access lists belongs to the Applicant and the International Bureau shall be responsible for making the P-Doc available to the interested parties.

Said package of rules comprises the following:

i. The Applicant:

- applies to the International Bureau requesting to be included in the DAS system; the request may be made traditionally or electronically, by signing the cooperation agreement; he shall receive from the part of the International Bureau a personal DAS access code and/or an access card for electronic filing;
- **requests the TRANSMISSION of a complete P-Doc documents package (certificate + description) from the part of the Office of First Filing (OFF) to the International Bureau;**
- checks up through the DAS connection the correctness and completeness of the received package and the compliance with the time limits already agreed upon; if any fault is ascertained, he shall request the OFF to correct the documents transmitted to the International Bureau;
- completes, whenever necessary, through the DAS connection, the distribution list comprising the Offices of the Second Filing (OSF) where he has filed or is intending to file an Application.
- communicates the number and date of the priority certificate to the OSF;
- decides the moment when the P-Doc documents become public documents by checking it within DAS.

Translations

- decides, in the moment of signing the agreement, if he intends to communicate the translation of the documents by means of DAS;
- communicates the translations to the International Bureau;
- checks the recipient Offices in the distribution list;
- updates, whenever necessary, the distribution list for translations;
- decides which are the translations to become public and which is the moment when said translations may become public by checking them within DAS.

ii. **The Office of the First Filing - OFF**

- shall send to the International Bureau a complete P-Doc package; if OFF is a member of another P-Doc distribution system, the rules described within the **INTERFACES chapter** may be applied;
- verifies if the priority documents are correctly displayed in DAS data base;
- shall make the necessary corrections **within the time limit provided for by the**

Agreement.

iii. The International Bureau

- defines a System Administrator and a Help Desk;
- receives the participation request from the Applicant or from an Office or group of Offices;
- follows through the conclusion of the cooperation agreement;
- prepares and transmits the access codes and instruments to the interested parties;
- opens the access of the participants to the DAS;
- ensures the system and data security, as well as the security of the access to the system;
- receives the P-Doc from the OFF;
 - if they are paper documents:
 - checks up the completeness thereof;
 - reports possible missing documents and asks for the completion thereof;
 - prepares the electronic format of P-Doc;
 - inserts and marks up the reception of P-Doc and possible requested corrections into the DAS data base, while marking up the expected reply date and simultaneously opening the access of the applicant to the distribution lists, to passing into the public domain and starting the history recordals;
 - makes the received corrections;
 - if they are in electronic format:
 - checks up the completeness thereof;
 - reports possibly missing documents, including those relating to an incorrect electronic format and asks for the completion and **correction thereof to the OFF**;
 - inserts and marks up the reception of P-Doc and possibly requested corrections into the DAS data base, while marking up the expected reply date and simultaneously opening the access of the applicant to the distribution lists, to passing into the public domain and starting the history records;
 - makes the received corrections;
- opens the Applicant the access to view his own DAS content;
- opens the Applicant the access to complete his own distribution lists;
- **receives from the Applicant the translations to be treated in the same way as the P-Doc** and after introducing them in DAS allows the Applicant to complete his own distribution lists;
- permits the access of OSF Offices for downloading the P-Doc, as far as they are DAS members, and communicates them the registering access passwords;
- keeps the history of all P-Doc-related events;
- passes into the public domain the documents for which the Applicant have made such a request;
- passes into the public domain the translations for which the Applicant have made such

a request;

iv. **The OSF :**

- signs the cooperation agreement with the International Bureau;
- requests the certificate number and date from the Applicant, in order to access the necessary documents in DAS;
- accesses the DAS data base and may download said documents as well as the corresponding translations;
- reports all irregularities to the Applicant and the International Bureau.

13. INTERFACES

The possible interfacing of DAS with other similar, but less opened, systems resulted from the discussions.

For the present stage we propose certain additional rules:

- i. The DAS system shall communicate with other P-Doc systems by specific buffers defined within DAS and accessible for being completed by DAS operators;
- ii. The requests in the buffer shall only be processed by the P-Doc system to which the buffer is in relation;
- iii. The time limits for processing shall be agreed upon by the Cooperation Agreement;
- iv. The results of the process shall be placed in the buffer and shall be accessible to the Applicant and the OSF exclusively.

The establishment of a buffer-type administration system shall be agreed upon by the Cooperation Agreement, the Applicant using said buffer system to make a request to the P-Doc system which already has his documents stored; in fact, there is a DAS-set list accesible to the applicant, where he writes down his DAS identification code, the number and priority date of the desired documents.

The list shall be periodically (daily, immediately) processed by the administrator of the P-Doc system. Said administrator shall have the right to access the buffer-list according to the agreement concluded with the International Bureau.

After processing, the retrieved documents shall be communicated to the International Bureau to be processed according to the rules mentioned in 12.1.

The shortcoming of said system consists of the document duplication in DAS and the existing P-Doc system.

This can be prevented and the generality level of the INTERFACE can be increased (irrespective of DAS rules) if the buffer is NOT accessible to the Applicant, but to the

OSF; consequently, in the situation of the rules in 12.1, and also in 12.2, the Applicant shall communicate the P-Doc identification data and the information that said data are a part of DAS, to the OSF; in the next step, when accessing the control interface, OSF shall indicate that the request is in a different P-Doc system and specify which is said P-Doc system, according to the information received from the Applicant.

The required data shall be automatically put in the buffer corresponding to the above-mentioned P-Doc system.

The specific buffer shall be periodically processed by the indicated P-Doc system, by using a human or automatic operator.

The resulting documents shall be communicated to the results buffer and shall be accessible only by the Applicant and the OSF. The OSF and the Applicant shall be announced on the exclusive electronic way upon the reception of documents. This way, DAS and other P-Doc systems shall be autonomous and the DAS rules shall not influence the rules of other P-Doc systems.