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The Common Application Format Definition

Ver.2.0

Prepared by the Five IP Offices

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I. Background

The Common Application Format (CAF) was agreed on by Trilateral Offices in November 2007, responding to the industry's demand, and was prepared based on the PCT international application format. The Common Application Format supports the realization of a goal to create globally standardized common application format, which allows applicants to prepare application in the official language of each participating office without need for further changes to comply with formal requirements.

For the purpose of expansion of participating offices which adopt the Common Application Format, IP5 Offices agreed to adopt the Common Application Format as one of IP5 Foundation Projects at the IP5 Deputy-Head meeting held in May 2008, and agreed that the Working Group on IT-Supported Business Processes (Working Group 2) would be given mandates that includes to expand countries/offices which adopt the Common Application Format at IP5 Deputy-Head meeting held in September 2009.

The purpose of this document is to modify the Common Application Format document agreed by Trilateral Offices, so that IP5 Offices may adopt the Common Application Format Definition which allows an expansion of countries/offices which adopt the Common Application Format.

The Common Application Format is designed to standardize the style of descriptions, claims, abstract and drawings (name of each item or order of items) that are different at each office. The Common Application Format will reduce the burden of applicants to re-draft specifications in accordance with each country's original format. In addition, the Common Application Format enables examiners to understand the specifications of other countries more easily.

The Common Application Format furthers the principle of the Patent Law Treaty using PCT standards. It takes into consideration the preparations for the implementation of the PLT and the further adoption of XML processing.

II. Basic Principles

1. The objective of the Common Application Format is to provide a basis for filing applications that is beneficial to both applicants and participating offices.
2. Although the use of the Common Application Format by applicants is optional, any filing claiming to be in the Common Application Format must implement all of the requirements.
3. The Common Application Format will be based on the best practices applied to the existing PCT format and is aimed at addressing remaining differences in national/regional law and practices.
4. The Common Application Format will be applicable eventually to all forms of patent submissions and it is a long term goal [of the participating offices] to accept applications in text-based XML.
5. The Common Application Format will ensure that applications will meet the formal requirements of the participating offices.
6. The Common Application Format will be progressively applied to each kind of application filed with each office.
7. An application which complies with the Common Application Format shall be accepted without any further amendment by any of the participating offices as a national/regional application as far as the agreed-upon formal requirements are concerned. Each of the participating offices may provide requirements which are more favorable for applicants than the requirements provided for by the Common Application Format.

III. The Common Application Format

The Common Application Format is described in **Annex I**.

The comparative table of examples for each type of the applications is shown in **Annex**

II.

1. Permissibility of Delimiter

An application which is not XML electronically filed (e.g. an application filed on paper or in PDF format) tagged with a specific delimiter (for example, “Sumitsuki” bracket “[]” or curly bracket “{ }”) for the headings including section titles, paragraph numbers, and signs of numbering as defined in Annex I (e.g., “Fig. 1”, “Table 1”) shall be accepted by all the participating offices.

2. XML e-filing

Electronically filed applications with XML tags are accommodated in the Common Application Format. That is to say, WIPO Standard ST.36 & Annex F to the PCT Administrative Instructions correspond to Common Application Format headings.

IV . Relation of the Common Application Format to the PLT and PCT

The Common Application Format rationalizes divergent filing requirements applied in participating offices. Noting that the Patent Law Treaty (PLT) has not yet come into effect for all of the participating offices, some elements of the Common Application Format harmonize diverging filing requirements for national/regional applications filed in each of the participating offices by referring to the corresponding PCT provisions, which would apply prior to the PLT coming into effect for all of the participating offices. Other elements of the Common Application Format address issues not regulated by the PCT for which the offices have different practices. Still other elements pertain to issues that go beyond the PCT but, in terms of future development, represent what the offices consider to be appropriate means for addressing those issues.

A. PCT and PLT

The PLT requires that offices of Contracting Parties shall not require compliance with any requirements relating to the form or contents of an application different from or additional to the requirements relating to the form or contents which are required for international applications under the PCT. Since the PLT has not yet come into effect for all of the participating offices, however, there remain at present a number of diverging

filing requirements for national/regional applications filed with each office. The use of Common Application Format (items b, d, g, i and m in Annex I) would allow for harmonization of these national filing requirements prior to the PLT coming into effect even in the countries where the PLT has not yet come into effect.

B. Elements Not Regulated by the PCT or PLT

Other elements of the Common Application Format (items a and c in Annex I) are not regulated by the PCT, nor, by extension, the PLT. By identifying an approach acceptable to each of the participating offices, the Common Application Format provides an important benefit in terms of the amount of additional work an applicant may have to undertake to prepare an application for filing in each of the Offices. This approach is also considered by the Offices to be a best practice acceptable for introduction into the PCT at an appropriate stage, in an effort to further develop the PCT for the benefit of offices and users.

C. Other Elements

A number of elements of the Common Application Format (items e, f, h, j, k and l in Annex 1) go beyond what the PCT requires (and therefore the PLT), but represent what is to be considered to be an ideal practice for future development of applications filed in electronic form using XML conversion software. In this regard, the Common Application Format is a significant contribution to the further development of electronic filing systems and end-to-end electronic processing of applications, which will have important benefits for both offices and users.

V. Benefits of the Common Application Format

The Common Application Format can be implemented immediately in any filing format. This simplification of the application filing requirements in each office means an applicant wishing to file an application in each office need only prepare a single application in the Common Application Format, and it will be accepted by each office without the need for amendments (except for amendments made in response to substantive objections/rejections that may be required by national/regional law after filing). The need to prepare only a single application will result in a considerable cost

savings to applicants. With respect to future developments, the offices recognize that XML-based application filing provides a number of important advantages for applicants and offices. Thus, even though not all of the participating offices are currently in a position to implement XML, the Common Application Format will provide the basis for such implementation. When implemented, XML will allow end-to-end electronic processing of applications and allow the offices to capture and share application data, which will help improve search and examination efforts across the offices.