

Filing and Processing in Electronic Form of International Applications and Documents Relating to International Applications.

Since 7 January 2002, any receiving Office having the adequate technical systems in place is able to accept the filing of international applications in electronic form in accordance with Part 7 and Annex F of the Administrative Instructions under the PCT containing, respectively, the legal framework and technical standard necessary to enable the implementation of filing and processing in electronic form of international applications, as provided for under PCT Rule 89bis.1.

On 3 November 2014, the Indian Patent Office, in its capacity as receiving Office, notified the International Bureau, under PCT Rules 89bis.1(d) and 89bis.2 and pursuant to Sections 710(a) and 713 of the Administrative Instructions under the PCT, that it is prepared to receive and process international applications in electronic form with effect from 15 November 2014, as follows:

“As to electronic document formats (Section 710(a)(i)):

XML (in general; see Annex F, section 3.1.1.1)

– WIPO Standard ST.25 (for sequence listings; see Annex F, section 3.1.1.2, and Annex C)

– PDF (for files that are referenced by XML files within the international application; see Annex F, section 3.1.2)

– TIFF (for files that are referenced by XML files within the international application; see Annex F, section 3.1.3.1)

As to means of transmittal (Section 710(a)(i)):

– on-line filing (see Annex F, section 5.1 and Appendix III, section 2(d))

As to electronic document packaging (Section 710(a)(i)):

– WASP (Wrapped and Signed Package; see Annex F, section 4.2.1)

As to electronic filing software (Section 710(a)(i)):

– ePCT-Filing

As to types of electronic signature (Section 710(a)(i)):

– enhanced electronic signature (see Annex F, section 3.3.4)

As to conditions, rules and procedures relating to electronic receipt

(Section 710(a)(ii)):The acknowledgment of receipt of any purported international application filed in electronic form with the Office will contain, in addition to the mandatory information required under Section 704(a)(i) to (iv), the names of the electronic files received (see Section 704(a)(v)).

The Office will make every effort to accept an international application in electronic form. It is only if the application is not sent in accordance with the E-filing interoperability protocol (see Annex F, section 5.1) that no acknowledgement of receipt will be generated. Other errors, such as the use of outdated certificates (see Annex F, Appendix II, section 4.4.7), applications infected by viruses or other forms of malicious logic (see Section 708(b)) or certain missing files, are notified to the applicant by inclusion in the notification of receipt.

Where it appears that the notification of receipt sent to the applicant by electronic means of transmittal was not successfully transmitted, the Office will promptly retransmit the notification of receipt by the same or another means (see Section 709(b)).

As to methods of online payment (Section 710(a)(ii)):

Online payment is not available.

As to details concerning help desks (Section 710(a)(ii)):

The Office has put in place a help desk to answer questions from users of the service. The help desk may be contacted:

– by e-mail at: patentin-pct@nic.in

As to the kinds of documents which may be transmitted to the Office in electronic form (Section 710(a)(iii)):

– international applications

– subsequently filed documents for international applications, to the extent

supported by the relevant software

As to the filing of documents in pre-conversion format (Section 710(a)(iv)):

The Office will accept the filing of documents in any pre-conversion format together with the international application.

As to procedures for notification of applicants and procedures which applicants may follow as alternatives when the electronic systems of the Office are not available (Section 710(a)(v)):

In case of failure of the electronic systems when an international application is filed with it, the Office will use all means available, such as fax or e-mail, to inform the applicant about procedures to follow as alternatives.

The Office will provide information concerning the availability of the online filing system on its website (www.ipindia.nic.in).

As to the certification authorities that are accepted by the Office and the electronic addresses of the certificate policies under which certificates are issued (Section 710(a)(vi)):

– WIPO Customer CA (www.wipo.int/pct-safe/en/certificates.htm)

As to the procedures relating to access to the files of international applications filed or stored in electronic form (Section 710(a)(vii)):

Applications filed via ePCT-Filing can be accessed by the applicant using the ePCT private services.”