

THE FIRST
TWENTY-FIVE YEARS
OF THE
PATENT COOPERATION TREATY
(PCT)
1970-1995



WORLD INTELLECTUAL PROPERTY ORGANIZATION

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PREFACE

The Patent Cooperation Treaty was adopted and signed 25 years ago.

It has developed into the most important system for acquiring patents for inventions that need protection in several countries.

In the year in which this book is published, the number of States bound by the Patent Cooperation Treaty will reach 80 or more and the number of international applications is expected to reach 40,000.

If each of those applications is used in respect of 25 countries—which is a reasonable average with 80 member countries—the 40,000 international applications will replace 1,000,000 national applications in 1995 alone.

The receiving and processing of international applications is the task of the International Bureau in Geneva and the national patent offices of the various member States as well as regional patent offices. Their cooperation is an exemplary demonstration of international cooperation among public authorities for the benefit of private research and industry.

This book is intended to record how all this was achieved and who the individuals were who played an important role in making the PCT system a success.



Arpad Bogoch
Director General

World Intellectual Property Organization



The WIPO Building in Geneva

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Arpad Bogsch
Director General of WIPO since 1973

Chapter I

SUMMARY HISTORY OF THE PATENT COOPERATION TREATY

(1966 - 1995)

by **Arpad Bogsch,**
Director General,
World Intellectual Property Organization (WIPO)

This book, published in 1995, is intended to celebrate the 25th anniversary of the conclusion of the Patent Cooperation Treaty.

It does that by telling the history of the Treaty: how it came into existence in 1970 after four years (1966 - 1970) of gestation, how it became operational in 1978 after eight years (1970 - 1978) of preparations, and how it developed during the 17 years (1978 - 1995) of operations, until it became 25 years old in 1995.

Of all this, I shall attempt to give a bird's-eye view in the present introduction.

But before that, I shall briefly describe what the PCT is and what purpose it serves.

Description of the PCT System and its Usefulness

The Patent Cooperation Treaty is a multilateral treaty among States ("the Contracting States"). It has established what is known as the PCT system.

The PCT system is a system that is used by inventors and other prospective right holders in inventions who wish to obtain patents for several countries and wish to obtain those patents in a simpler and cheaper way than by filing separate applications in each of the patent Offices which serve those countries.

The filing of such separate patent applications is avoided through the applicant's filing of an "international" or "PCT" application.

The formal requirements of any international application are stated in the PCT and in what are called the "PCT Regulations." The PCT (consisting of 69 "Articles") contains the fundamental provisions; the PCT Regulations (consisting of some 100 "Rules") regulate the details.

The principal formal requirements are that the international application contain a "request," a description of the invention, one or more claims defining the matter for which patent protection is sought, any necessary drawings and an abstract that is a summary of a few lines of the description of the invention and of the claims. Furthermore, the international application must be in a prescribed language, must comply with the prescribed physical requirements (size of the paper on which the international application is written, etc.), must not cover more than one invention or one group of inventions so linked as to form a single general inventive



*Carlos Mayorga, "Geneva."
Oil on canvas*

concept (the so-called "unity of invention" requirement) and is subject to the payment of the prescribed fees.

The "request" is a petition to the effect that the international application be processed according to the PCT. In addition, it must contain the identification of the applicant (name, address, residence, nationality) and, in certain cases, also of the inventor (if he is not the applicant). Finally, the request must indicate the Contracting States in which the applicant wishes his international application to have effect. These are called "designated" States.

To be entitled to file an international application, the applicant (or, if there are several applicants, at least one of them) must be a resident or national of a Contracting State.

Where can one file an international application?

Either in the International Bureau of the World Intellectual Property Organization (WIPO) or with a patent office which is the national patent office of, or acts for, a Contracting State of which the applicant is a resident or national.

Patent offices "acting for" a Contracting State may be a national office (for example, the Swiss Federal Intellectual Property Office acting for Liechtenstein) or a regional office, namely the European Patent Office (EPO) in Munich (Germany) and the Office of the African Regional Industrial Property Organization (ARIPO) in Harare (Zimbabwe).

The office with which any international application was (correctly) filed is called the "receiving Office."

What is the legal effect of an international application?

The effect, in each designated State, is the same as if a national patent application had been filed with the national patent office of that State. However, where a designated State is a member of the European Patent Organisation, the applicant may—and in the case of Belgium, France, Greece, Ireland, Italy, Monaco and the Netherlands, must—opt for the effect of a European rather than a national patent application.

Similar situations may arise in the case of States members of the African Intellectual Property Organization (OAPI) and ARIPO.

Now, what does the receiving Office do with the international application it received?

It checks it for compliance with the formal requirements and sends a copy (the "record copy") to the International

Bureau of WIPO and a copy (the "search copy") to the competent International Searching Authority, and it keeps one copy (the "home copy"). The receiving Office also collects the fees and, with the exception of that part which belongs to it, transmits them to the International Bureau and the International Searching Authority.

International Searching Authorities do not exist under this name. They are certain patent offices that, when they make international searches, are called by that name. In 1995, such patent offices were the Patent Offices of Australia, Austria, China, Japan, the Russian Federation, Spain, Sweden and the United States of America and the European Patent Office. In other words, there were nine International Searching Authorities for some 80 Contracting States.

Perhaps I should have stated first that every international application is subjected, by the competent International Searching Authority, to what is called an "international search," whose result is a report called the "international search report." That report consists in the identification ("citation") of those documents that the International Searching Authority considers to be relevant in respect of the patentability of the claimed invention. Most of the citations refer to patents and published patent applications of the countries issuing the most patents and some refer to published scientific articles and the like. A search report rarely contains no citations; some contain dozens; the average may be around five.

Which International Searching Authority is competent for any given international application?

This depends on arrangements among the International Bureau, the receiving Office and any such Authority. In many cases, the applicant might choose between two or more. The most used International Searching Authorities are the European Patent Office, the United States Patent and Trademark Office and the Japanese Patent Office which together, in 1994, prepared 92% of all international search reports.

What purpose does the international search report serve?

Its main importance is for the applicant. If it contains citations which seem to seriously imperil the patentability of his invention, he will normally withdraw or abandon his application because pursuing further would mean significant additional cost to him without much hope of receiving patent protection. Otherwise, the applicant will normally further pursue his application and, if he does, the international search report will be important also for his competitors (who will

have access to it since the report is published together with the application) and for those designated Offices that carry out substantive patentability examinations (since citations, or their absence, generally are of great relevance for such an examination).

As already signalled, if the international application is not withdrawn, it is, together with the international search report, published by the International Bureau and communicated to each designated Office, that is, the offices of, or acting for, the Contracting States designated in the international application.

The publication is done on paper (in pamphlets), with an average of 35 pages each, and on CD-ROM. Both are available to the public. Each designated Office may choose paper copies or CD-ROMs. In 1994, the number of international applications published was 30,003.

If, after having studied the international search report, the applicant decides to continue with the international application with a view to obtaining national or regional patents, he can wait until the end of the 20th month after the filing of the international application or, where that application claims the priority of an earlier application, until the end of the 20th month after the filing of that earlier application, before commencing the national procedure before each designated Office by furnishing a translation (where necessary) of the application into the official language of that Office and paying to it the usual fees. This 20-month period is extended by a further 10 months where the applicant chooses to ask for an "international preliminary examination report," a report that is prepared by one of the major patent offices and gives a preliminary and non-binding opinion on the patentability of the claimed invention. The applicant is entitled to amend the international application during the international preliminary examination.

The procedure under the PCT has great advantages for the applicant and the patent offices.

Here is a very brief summary of those advantages.

Depending on whether or not he asks for a preliminary examination report, the applicant has at least 18 or eight months more than he has in a procedure outside the PCT to reflect on the desirability of seeking protection in foreign countries, for appointing local patent agents in each foreign country, for preparing the necessary translations and for paying the national fees. Furthermore, he is assured that, if his international application is in the form prescribed by the PCT, it cannot be rejected on formal grounds by any designated

Office during the national phase of the processing of the application. Also, on the basis of the international search report, he can evaluate with reasonable probability the chances of his invention being patented; on the basis of the international preliminary examination report, that probability is even stronger. Finally, the applicant has the possibility during the international preliminary examination of amending the international application to put it in order before processing by the designated Offices.

As far as patent offices are concerned, the main advantage of the PCT is that their search and examination work is considerably reduced or virtually eliminated thanks to the international search report and, where applicable, the international preliminary examination report that accompany the international application that designates them.



*Emeric, "WIPO 1991." Oil on canvas.
Gift of the artist to WIPO*

The Origins of the PCT (1966 - 1970)

Having briefly described the PCT and its usefulness, I shall recount its origins.

They reach back to the mid-1960s. In those years, national patent Offices were particularly worried about the rapidly increasing number of patent applications they had to deal with. The numbers were so high that examination backlogs grew alarmingly and pendencies were so long that by the time a decision was made by the patent office on whether or not to grant a patent, the applicant's economic interest in his invention may have faded. The whole patent system was in crisis.

Also, very long pendencies kept the public, particularly potential competitors, in the dark since during such pendency the applications were kept secret (e.g., in the United States of America) or, even if published, they were published without data which may have helped competitors in formulating opinions on the claimed invention's chances of obtaining patent protection

Thus, those who advocated a system that became the PCT system thought that the interest of the public would, to a great extent, be served if the application were made public within a relatively short period of time after filing and if it were accompanied by a report which, without being conclusive, went far in allowing the assessment of the application's failure or success in obtaining a patent. The PCT achieved that, as I have already indicated above.

Another and at least equally important complaint in the 1960s was that when an invention sought protection in several countries, the applicant had to file several applications, with the patent offices effecting the same examination work. In other words, the same work was repeated several times, and no patent office had access to the work of the other patent offices.

A complete solution to this problem existed then, and continues to exist today, only in theory. It would consist of creating a patent valid in all countries. Although partial solutions have been found in the meantime, a complete solution was not possible then and, I believe, will not be possible in the foreseeable future. For two main reasons. One is that countries want patents valid in their territories to be in their own language. The other is that—subject to certain exceptions—a country usually does not trust the judgment on patentability of a patent office other than its own. This lack of trust is also partly connected with the problem created by the multiplicity of languages, since the examiners of—say—the

German Patent Office are less likely to understand already granted patents (to be searched) in the Japanese language than those in the German language, and vice versa. I said that there were exceptions to this lack of confidence in the work of another office. The most outstanding example so far is the European Patent Office, which grants patents valid in many countries. But there, too, the other—the language—question remains since a European patent granted in one language must be translated (generally, within three months from the mention of the decision to grant a patent in the EPO *Bulletin*) into that country's language, failing which, the patent shall be deemed to be void *ab initio* in that country.

The creators of the PCT knew that they would not be able to completely solve those problems. But they tried—and, I believe, succeeded—in reducing the practical burdens caused by repetitive searches and examinations, and the multiplicity of the required translations. The first was solved—partially, I repeat—through the introduction of search reports and preliminary examination reports. Rules were established as to what patent documents—from which countries and for which periods—and what non-patent literature (scientific articles, etc.) must be taken into consideration by all International Searching and Preliminary Examining Authorities in respect of all and any international application. These documents—they total many millions and currently grow every year by at least a million—constitute the "PCT minimum documentation." Each Authority must have at least 100 examiners. These requirements are steps towards arriving at comparable search and examination results.

The difficulties caused by the multiplicity of languages were also, if not solved, at least very substantially reduced by the creators of the PCT. This was done by providing that the international application is to be filed in one language and in most cases it is to be internationally searched, preliminarily examined and published in that same language. Thus, the international application has the effect of a national or regional application, in many countries having different languages, without any translation. Translations are necessary only 20 or 30 months after the priority date when the international application enters into what is called the "national phase."

As can be seen, the creators of the PCT system were satisfied with a compromise: a midway between a single procedure for the whole world (a utopia) and as many procedures as there are countries (the situation in 1970)

I am convinced that the compromise was indispensable for the success of the PCT. It is, indeed, the explanation of its success.

In the second half of the 1960s (when the plans for a PCT were under discussion) and in 1970 (when the PCT was adopted and signed), this compromise was the maximum of simplification that could be agreed upon. It still seems to be the maximum 25 years later. But I do not believe that it will remain the maximum also in the 21st century. On the contrary, I believe that further streamlining the procedures and a higher degree of relying on the results of the international search and examination can and will be realized. They should remain on the agenda of WIPO and should be vigorously pursued by the governments and the patent offices as well as by the International Bureau of WIPO.

The consultations that led to the conclusion of the PCT lasted a little less than four years and took place under the aegis of BIRPI ("Bureaux internationaux réunis pour la protection de la propriété intellectuelle") in Geneva. BIRPI was the predecessor of WIPO. It was headed then by Georg H.C. Bodenhausen. The author of these lines was his first deputy. WIPO started functioning five months after the conclusion of the diplomatic conference which adopted the PCT.



Georg H.C. Bodenhausen

The success of the negotiations leading to the said diplomatic conference was due to several factors. One of the most important ones was the interest of the United States of America, then by far the leading country in the field of technology and patenting. The Patent Office of the United States supported the scheme, and I like to believe that the decisive step towards the solution was found in a conversation between the then Commissioner of Patents, Edward J.

Brenner, and myself in the former's office, in the building of the United States Department of Commerce, near the White House, in Washington. The two of us stood before a blackboard on which we chalked the diagram of the proposed system on June 8, 1966. Not only the Government but also the interested private sectors in the United States of America were in favor of the plan, and the Government of the United States of America could not have given better evidence of its interest than by hosting the diplomatic conference, in Washington, for the adoption of the PCT.



Edward J. Brenner

Europe was also in favor of the scheme. The overburdening of the national patent offices was a real and great problem at that time. To solve it, work was necessary for concluding what has become the European Patent Convention. However, in the late 1960s, the scheme for creating the European Patent Convention was at a virtual standstill, and the PCT played a role in putting the scheme again into motion.

The Governments of Japan, the Soviet Union and a number of other countries important in the field of the protection of inventions, all exasperated by the lack of international simplifications, also backed the efforts.

Another reason for the success of the negotiations was that BIRPI invited to those negotiations not only all the potentially interested governments but also the interested professional, private organizations.

The first official statement made by a BIRPI body was made on September 29, 1966, by the Executive Committee of the Paris Union. It reads as follows:

"The Executive Committee of the International (Paris) Union for the Protection of Industrial Property,"

"Having noted:

that all countries issuing patents, and particularly the countries having a preliminary novelty examination system, have to deal with very substantial and constantly growing volumes of applications of increasing complexity,

that in any one country a considerable number of applications duplicate or substantially duplicate applications concerning the same inventions in other countries thereby increasing further the same volume of applications to be processed, and

that a resolution of the difficulties attendant upon duplications in filings and examination would result in more economical, quicker, and more effective protection for inventions throughout the world thus benefiting inventors, the general public and Governments,"

"Recommends:

that the Director of BIRPI undertake urgently a study on solutions tending to reduce the duplication of effort both for applicants and national patent offices in consultation with outside experts to be invited by him and giving due regard to the efforts of other international organizations and groups of States to solve similar problems, with a view to making specific recommendations for further action, including the conclusion of special agreements within the framework of the Paris Union."

The first substantive meeting organized by BIRPI met in February 1967 for three days. Only six States—France, Germany (the part which was then called "West Germany"), Japan, the Soviet Union, the United Kingdom and the United States of America—and the International Patent Institute (in The Hague) were invited and participated. The meeting already had before it the draft of a treaty (which was not yet called the PCT). The draft was prepared by the International Bureau—mostly personally by me—as were all the subsequent revisions of the draft, the draft regulations and the hundreds of pages of explanations.

I have just mentioned the International Patent Institute. A word of explanation concerning it may be interesting. That Institute was an intergovernmental organization formed by a few Western European countries, under the leadership of France. It made patent searches for its member States. Its ambition was to become *the*—that is, the one and only—instance to carry out the searching and examination of all the proposed international applications. At the time of the preparations for the PCT, the International Patent Institute was already intended to be eventually merged into the, then merely planned, European Patent Office. (This happened in 1978.) The planners of the European Patent Convention wished the European Patent Organisation to have the same ambition. Throughout the preparation of the PCT, they advocated that the PCT system should have only one searching and preliminary examining authority, namely the International Patent Institute and, once established, the European Patent Office. In the end, the multiplicity of authorities was admitted only reluctantly by the countries planning the European Patent Convention and this reluctance is reflected by the text of the PCT itself. Its Article 16(2) says "*if, pending* the establishment of a *single* International Searching Authority, there are several International Searching Authorities..." [emphasis added]. Thus the hope—but nothing more—for a single Authority was officially recognized.

After this excursion, I revert to the meetings organized by BIRPI for working on a draft treaty. The first such meeting, as already indicated, took place in February 1967. It was called "BIRPI Meeting of Consultants on International Cooperation in the Granting of Protection of Inventions." It did not contain the word "patent." It was a politically cautious title, since there was a country—the Soviet Union—in which inventions were mainly protected by "inventors' certificates," rather than patents. This Meeting of Consultants was followed by 10 others during the period from January 1968 to June 1969. The speed of the operation—10 meetings in less than 18 months—was tremendous. No treaty, before or since the PCT, was prepared in such a short time. As from its second session, the title of the Meeting of Consultants included the word "patent" and the name of the PCT. It was called "BIRPI Meeting of Consultants on a Plan for a Patent Cooperation Treaty (PCT)." There were some additional preparatory meetings: two of them were called "Committees of Experts," three others had other names.

Among the 23 preparatory meetings, the so-called "Meetings of Consultants" were particularly important. There were 11 of the latter kind. In five of them, only governments and the International Patent Institute participated. The five core governments were those of France, Germany, Japan, the United Kingdom and the United States of America. I wish to

mention here the names of some of their delegates. If one can point to individuals whose role was decisive, they included in particular François Savignon and Pierre Fressonnet (France), Albrecht Krieger, Kurt Haertel and Romuald Singer (Germany), Bunroku Yoshino (Japan), Yevgeny Artemiev (Soviet Union), Edward Armitage, Ivor Davis, Gordon Grant and Alec Sugden (United Kingdom), Donald Banner, Edward Brenner, George Clark, Dieter Hoinkes, William E. Schuyler, Jr. and Harvey J. Winter (United States of America), and Guillaume Finniss (a Frenchman leading the International Patent Institute).

It is interesting to note that two of the usual delegates in the early meetings became staff members of BIRPI before the Diplomatic Conference, namely, Klaus Pfanner (Germany) and Joseph Voyame (Switzerland), both of whom used their talent in the preparations of the PCT.

The other six consultative meetings were attended by the representatives of four to eight international non-governmental organizations. There, too, I shall name a few among them

who helped to create the PCT: Heinz Bardehle and Alberto Elzaburu (International Federation of Industrial Property Attorneys (FICPI)), Stephen P. Ladas (International Association for the Protection of Industrial Property (AIPPI)), Martin van Dam (Council of European Industrial Federations (CEIF)), François P. Panel (European Industrial Research Management Association (EIRMA)), Daniel A. Was (International Chamber of Commerce (ICC)), Takashi Aoki (Japan Patent Association (JPA)).

These meetings led to the Diplomatic Conference which took place from May 25 to June 19, 1970, in Washington. It consisted of 55 voting government delegations (with 199 delegates), 23 non-voting (observer) government delegations (with 32 representatives), 11 intergovernmental organizations and 11 international non-governmental organizations (with 19 and 35 representatives, respectively).

The meetings took place in the building of the Department of State (the ministry of external affairs) of the United States of America in Washington. The Conference and



Stackhouse, "To the Brooklyn Bridge."
Gouache on paper. Gift of the New York Patent, Trademark and Copyright Law Association to WIPO

one of its two main Committees were chaired by two Americans: Eugene M. Braderman and William E. Schuyler, Jr., respectively. The other main Committee was chaired by Bob van Benthem (Netherlands), who later became the President of the European Patent Office. There were three Drafting Committees, chaired by Yevgeny Artemiev (Soviet Union), Edward Armitage (United Kingdom) and Jean Balmay (France), respectively. The International Bureau was represented by Georg H.C. Bodenhausen, its Director. I was the Secretary of the Conference. (I was then First Deputy Director of BIRPI.) Joseph Voyame and Klaus Pfanner, both from BIRPI, were the Secretaries of the two main Committees.

In the end, the PCT was unanimously adopted by the Diplomatic Conference. It was signed on the spot by 20 countries. Fifteen further countries had signed it by the end of 1970.



Liliana D. Tchaoucheva,
"Scientific and Technical Creativity." Tapestry.
Gift of the Government of Bulgaria to WIPO

The Preparations for the PCT Becoming Operational (1970 - 1978)

Once adopted, the PCT existed. But it existed only on paper.

It took eight years before it came into force and before operations started, with the filing of the first international application on June 1, 1978.

What happened during those eight years?

Preparations were made for the operations under the PCT system. Such preparations were made by governments proposing modifications in their patent laws and asking their countries' legislative bodies to ratify or accede to the PCT. They were made by national or regional patent offices to make it possible for them to receive the filing of international applications (that is, to act as receiving Offices) and to grant or refuse the grant of patents on the basis of international applications (where they were "designated" or "elected"). Preparations were also made by certain national patent offices and the European Patent Office to act as International Searching or Preliminary Examining Authorities. And, last but not least, they were made by the International Bureau of WIPO (until 1973, BIRPI) to organize the work of everyone involved in the use of the PCT system, including in particular the tasks specifically entrusted to the International Bureau by the PCT.

This preparatory work was gigantic. It lasted eight years, that is, twice as long as the gestation period of the diplomatic conference. For the International Bureau, it meant the holding of 36 formal international meetings, that is, an average of one meeting every three months. The International Bureau prepared each meeting by making written proposals. The documents containing and explaining such proposals amounted, in one language, to some 3,000 pages.

The Diplomatic Conference recommended that the International Bureau set up three "Interim"—that is, between the Diplomatic Conference and the start of the operations of the PCT system—Committees: one for Technical Assistance (for developing countries), one for Technical Cooperation (mainly among the prospective International Searching and Preliminary Examining Authorities) and one for Administrative Questions (concerning the International Bureau and the patent offices of prospective member States of the PCT system, as well as the International Patent Institute or its then prospective successor, the European Patent Office). Each of these Interim Committees met for five days approximately once a year. This meant some 110 meeting days. Some subgroups were

established to study special questions, in particular financial questions, forms and publications. Their meetings meant some additional 45 meeting days.

These meetings, like almost all other WIPO-organized meetings, were open to and attended by representatives of both the interested governments and the interested intergovernmental and non-governmental organizations. Thus, not only those public authorities contributed to the finding of solutions to the problems which were expected in the administration of the PCT system but also those private or professional organizations whose members could best measure what was in the interests of inventors and industry.

Many hundreds of individuals were involved in those meetings. Among them, I shall name the chairmen of some of the more important meetings.

Alvaro G. de Alencar (Brazil) and Fawzi El Ibrashi (Egypt) come to my mind in the work concerning developing countries. One should recall, among the chairmen of the other Interim Committees, Göran Borggård (Sweden), Jean-Louis Comte (Switzerland), Jacob Dekker (Netherlands), Heribert Mast (Germany), Kotaro Otani (Japan), Stojan Pretnar (Yugoslavia) and Erik Tuxen (Denmark).



Joseph Voyame

Thanks to them and the other participants, the prospects for a smooth start to the PCT operations seemed to be assured. Facts proved that this was, indeed, the case.

As far as the International Bureau is concerned, it was during this period—more precisely, in 1973—that Georg H.C. Bodenhausen retired. His influence was very important for the acceptance of the idea of the PCT system by the interested private circles. Before becoming an international civil servant (in 1963), Bodenhausen was an attorney-at-law in The Hague

in private practice and his speciality was intellectual property, including patent law. Thus he had a wide, practical experience and his person was well known all over the world by patent practitioners. His prestige as a private practitioner and law professor enhanced the credibility of the proposed PCT system.



Klaus Pfanner

It was in 1973 that I was elected Director General of WIPO, after having served, for the preceding 10 years, the International Bureau in the hierarchically second position, that is, as First Deputy Director of BIRPI and First Deputy Director General of WIPO. I spent a lot of time and energy on the PCT, preparing and participating in the WIPO meetings dealing with the PCT system and, equally importantly, in explaining its advantages to governments and the interested private circles during official missions to capitals and numerous congresses of interested non-governmental organizations, particularly in Europe, the United States of America and Japan.

A number of the staff of BIRPI/WIPO were engaged in preparing the Organization for the commencement of the operations of the PCT system. Among them, special mention is deserved by Klaus Pfanner, already mentioned, whom I appointed Deputy Director General of WIPO in 1974.

Deciding, for each government, to become party to the PCT was not a matter of course. National patent offices feared the new tasks that the PCT would mean to them. Patent agents feared that they would make less money. We tried to dispel these fears which, by the way, proved to be generally groundless once the PCT system became operational.

The First Seventeen Years of the Operational PCT System (1978 - 1995)

Having obtained the required ratifications or accessions, the PCT entered into force on January 28, 1978, but became operational only four months later.

This delay was decided in order to start the PCT operations on the same day as the European Patent Convention became operational.

That day was June 1, 1978.

That was the day on which, after being a plan for four years and having existed only on paper for an additional eight years, the PCT system became a living reality. The first international (or PCT) applications were filed on that day.

On that day, 18 States were party to the PCT. Seventeen years later, that is, on June 1, 1995, 78 States were party to the PCT.

The first 18 were Brazil, Cameroon, the Central African Republic, Chad, the Congo, France, Gabon, Germany (Federal Republic of), Luxembourg, Madagascar, Malawi, Senegal, the Soviet Union, Sweden, Switzerland, Togo, the United Kingdom and the United States of America.

The additional 60 were Armenia, Australia, Austria, Barbados, Belarus, Belgium, Benin, Bulgaria, Burkina Faso, Canada, China, Côte d'Ivoire, the Czech Republic, the Democratic People's Republic of Korea, Denmark, Estonia, Finland, Georgia, Greece, Guinea, Hungary, Iceland, Ireland, Italy, Japan, Kazakhstan, Kenya, Kyrgyzstan, Latvia, Liberia, Liechtenstein, Lithuania, Mali, Mauritania, Mexico, Monaco, Mongolia, the Netherlands, New Zealand, Niger, Norway, Poland, Portugal, the Republic of Korea, the Republic of Moldova, Romania, Singapore, Slovakia, Slovenia, Spain, Sri Lanka, Sudan, Swaziland, Tajikistan, Trinidad and Tobago, Turkmenistan, Uganda, Ukraine, Uzbekistan and Viet Nam.

The number of international applications filed during the 17 years (between June 1, 1978, and May 31, 1995) was, in round figures, 220,000.

Taking into account only full calendar years, the increase was always above 10% per year, except for two years (1982 and 1983) when it was 1.5% and 6.3%, respectively.

During the 13 full years when the increase was over 10%, the lowest was 10.3% (in 1993) and the highest was 35% (in 1980).

Naturally, one of the most interesting pieces of information one looks for is the number of national or regional applications that would have had to be filed if the said 220,000 international applications—in the absence of a PCT—had not been filed. In other words, what is the number of national and regional patent applications that have been replaced by the 220,000 international applications?

Unfortunately, precise statistics do not exist but the average number of designations for each year is known.

For each international application, that number started with five in 1978, grew to 10 by 1984, reached 20 in 1990 and was almost 40 in 1994. Taking a yearly average of 25, the number of the "replaced" national and regional applications is around 5,500,000.

Where did the international applications come from?

In 1994 (in round figures), 43% came from the United States of America, 13% from Germany, 9% from the United Kingdom, 7% from Japan and 5% from France. The other 23% came from 38 other countries.

In what languages were international applications filed?

In 1994 (in round figures), 68% in English, 14% in German, 6% in Japanese, 5% in French, and the remaining 7% in one of the Nordic languages, in Russian, Dutch, Spanish and Chinese. It is to be noted that the language must be one which can be handled by at least one of the International Searching Authorities.

In 1994, there were nine such authorities.

Fifty-five percent of the international applications were searched by the European Patent Office, 26% by the United States Patent and Trademark Office, 8% by the Swedish Patent and Registration Office, and 6% by the Japanese Patent Office. The remaining 5% were searched by the Australian, Austrian, Chinese and Russian Patent Offices. The Spanish Patent and Trademark Office had not yet started actual searching.

Applicants have to pay for the filing, searching and preliminary examination of their international applications. The fees for filing are paid to the International Bureau and their amount varies according to their volume and the number of the States designated in them. The fees paid to the International Bureau cover all the costs of that Bureau connected with the processing of the international application,

including the cost of the translation into English or French of the abstract and the cost of the publication of the full text of the application in an individual brochure (the "pamphlet") and the publication of an entry concerning it in the *PCT Gazette* in English and French. Although the amount of these fees has more than doubled in 17 years, that amount is still low, and plays no or very little role in deciding whether or not to file an international application.

With these factual statements as a background, I shall try to analyze the reasons for which the use of the PCT system has grown the way it has during the first 17 years since its use began.

I shall mention what I consider the three most important reasons for such a rapid growth.

The *first* and foremost reason undoubtedly is that the PCT system is a good system. It is user-friendly: it is reasonably costed and its use is legally safe, because its use is relatively simple and its procedural deadlines are realistic.

The PCT system was a good system at the outset, in 1978. But it is an even better system 17 years later, in 1995. This is so because it has been constantly improved. For example, the time limit for entering the national phase (pay the national fees and make the translations) has, where an international preliminary examination report was asked for, been extended by five months. Another example of improvement is that safeguards were introduced which make certain frequent errors or mistakes (filing the international application in the wrong place; not paying all the fees that should be paid) without any harmful legal consequence. Still another example is that a missing translation of amendments needed for entry into the national phase may now be supplied later, in most cases, without loss of rights.

Most of the improvements were effected through amendments in the PCT Regulations. For the most part, the amendments were proposed by the International Bureau, discussed in the meetings of one of two standing committees and decided by the Assembly of the PCT Union. The two standing committees are the PCT Committee for Administrative and Legal Matters (CAL) and the PCT Committee for Technical Cooperation (CTC).

All three bodies were busy during the 17 years in question. The Assembly met 22 times, the CTC 17 times and the CAL seven times. Hundreds of government delegates considered, discussed, improved (with few exceptions) and decided upon the International Bureau's proposals for amending the Regulations, the Administrative Instructions, the

forms and the procedures in general. Representatives of the users of the system participated, through non-governmental organizations, in every session of the Assembly and the Committees. This added a few hundred more to the number of thinkers, critics and proponents.

The *second* reason that I see for the rapid increase in the use of the PCT system is that the awareness of its usefulness for potential applicants has been constantly increasing as has the skill of patent counsels, patent agents and patent lawyers in handling international applications. Initial misgivings that the use of the PCT system was complicated have disappeared in the light of experience.

The International Bureau has done a lot to promote that awareness and that skill. It organized, between 1978 and 1994, some 500 seminars, workshops and other information meetings in which the presentations were almost exclusively made by WIPO staff and whose audience totalled some 20,000.

Furthermore, the International Bureau has written and published hundreds of individualized papers—addressed to a given government, groups of governments, meetings of non-governmental organizations, or the general public—on the use and usefulness of the PCT system.

Then there is the *PCT Applicant's Guide*, updated twice a year, and containing over 1,000 pages in four loose-leaf binders. It contains information and practical advice on the procedure in the "international phase" (from the filing of the international application to the receipt of the international search report or international preliminary examination report) and on the "national phase," that is, the procedure before the individual national or regional office serving the States in which the granting of patents is desired.

The *third* reason for the success of the PCT system is, I believe, that so many talented individuals, believing in the system's usefulness and having the right mixture of bold inspiration and down-to-earth realism, have devoted their intelligence, stamina and dynamism to finding the best methods of using, and the best ways for constantly improving, the system.

There have been, and are, hundreds of such individuals, both among the delegates of the member States and the representatives of non-governmental organizations. Also, the two Presidents of the European Patent Office, Bob van Benthem (1978 - 1985) and Paul Braendli (since 1985) have great merit in that the European and the PCT systems can be smoothly combined for the benefit of applicants.

And, last but not least, much of the merit goes to my past and present colleagues, the staff of the International Bureau and, among them, in particular to

- the Deputy Directors General who, at different times, supervised all or part of the PCT operations: Klaus Pfanner (1974 - 1986), Alfons Schäfers (1987 - 1990) and François Curchod (since 1991);

- to the directors and other senior officials who were or are directly in charge of the PCT operations: Jordan Franklin (1978 - 1985), E. Murray Haddrick (1978 - 1981), François Curchod (1981 - 1987), Daniel Bouchez (1987 -

1995), Busso Bartels (since 1979), Gary L. Smith (since 1995), Philip Thomas (since 1990), Wang Zhengfa (since 1993) and Vitaly Trousov (since 1978);

- to the other high officials in the field of computerization, technical documentation and finance, a major part of whose duties concerned or concern the PCT: Gust Ledakis, Paul Claus, Thomas J. Keefer and Philip Higham.

I think that there is no more appropriate ending to this short story of the PCT system than to express in it my thanks and congratulations to all of them, in the name of WIPO.



The Director General of WIPO, Dr. Arpad Bogsch, in his office at WIPO in March 1995 with (from left to right) Gary Smith, Wang Zhengfa, François Curchod, Daniel Bouchez, Busso Bartels and Philip Thomas

Chapter II

THE TEXT OF THE PATENT COOPERATION TREATY (PCT)

Patent Cooperation Treaty

Done at Washington on June 19, 1970,
amended on September 28, 1979,
and modified on February 3, 1984

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* The Table of Contents is added for the convenience of the reader; it does not appear in the signed text of the Treaty. Similarly, the numbers of the footnotes appearing in square brackets next to the titles of certain Articles do not appear in the signed text of the Treaty. The text itself of the footnotes appears on page 36. The footnotes show, in their original version, the provisions which have been later amended.

The Contracting States,

Desiring to make a contribution to the progress of science and technology,

Desiring to perfect the legal protection of inventions,

Desiring to simplify and render more economical the obtaining of protection for inventions where protection is sought in several countries,

Desiring to facilitate and accelerate access by the public to the technical information contained in documents describing new inventions,

Desiring to foster and accelerate the economic development of developing countries through the adoption of measures designed to increase the efficiency of their legal systems, whether national or regional, instituted for the protection of inventions by providing easily accessible information on the availability of technological solutions applicable to their special needs and by facilitating access to the ever expanding volume of modern technology,

Convinced that cooperation among nations will greatly facilitate the attainment of these aims,

Have concluded the present Treaty.

Introductory Provisions

Article 1

Establishment of a Union

(1) The States party to this Treaty (hereinafter called “the Contracting States”) constitute a Union for cooperation in the filing, searching, and examination, of applications for the protection of inventions, and for rendering special technical services. The Union shall be known as the International Patent Cooperation Union.

(2) No provision of this Treaty shall be interpreted as diminishing the rights under the Paris Convention for the Protection of Industrial Property of any national or resident of any country party to that Convention.

Article 2

Definitions

For the purposes of this Treaty and the Regulations and unless expressly stated otherwise:

(i) “application” means an application for the protection of an invention; references to an “application” shall be construed as references to applications for patents for inventions, inventors’ certificates, utility certificates, utility models, patents or certificates of addition, inventors’ certificates of addition, and utility certificates of addition;

(ii) references to a “patent” shall be construed as references to patents for inventions, inventors’ certificates, utility certificates, utility models, patents or certificates of addition, inventors’ certificates of addition, and utility certificates of addition;

(iii) “national patent” means a patent granted by a national authority;

(iv) “regional patent” means a patent granted by a national or an intergovernmental authority having the power to grant patents effective in more than one State;

(v) “regional application” means an application for a regional patent;

(vi) references to a “national application” shall be construed as references to applications for national patents and regional patents, other than applications filed under this Treaty;

(vii) “international application” means an application filed under this Treaty;

(viii) references to an “application” shall be construed as references to international applications and national applications;

(ix) references to a “patent” shall be construed as references to national patents and regional patents;

(x) references to “national law” shall be construed as references to the national law of a Contracting State or, where a regional application or a regional patent is involved, to the treaty providing for the filing of regional applications or the granting of regional patents;

(xi) “priority date,” for the purposes of computing time limits, means:

(a) where the international application contains a priority claim under Article 8, the filing date of the application whose priority is so claimed;

(b) where the international application contains several priority claims under Article 8, the filing date of the earliest application whose priority is so claimed;

(c) where the international application does not contain any priority claim under Article 8, the international filing date of such application;

(xii) “national Office” means the government authority of a Contracting State entrusted with the granting of patents; references to a “national Office” shall be construed as referring also to any intergovernmental authority which several States have entrusted with the task of granting regional patents, provided that at least one of those States is a Contracting State, and provided that the said States have authorized that authority to assume the obligations and exercise the powers which this Treaty and the Regulations provide for in respect of national Offices;

(xiii) “designated Office” means the national Office of or acting for the State designated by the applicant under Chapter I of this Treaty;

(xiv) “elected Office” means the national Office of or acting for the State elected by the applicant under Chapter II of this Treaty;

(xv) “receiving Office” means the national Office or the intergovernmental organization with which the international application has been filed;

(xvi) “Union” means the International Patent Cooperation Union;

(xvii) “Assembly” means the Assembly of the Union;

(xviii) “Organization” means the World Intellectual Property Organization;

(xix) “International Bureau” means the International Bureau of the Organization and, as long as it subsists, the United International Bureaux for the Protection of Intellectual Property (BIRPI);

(xx) “Director General” means the Director General of the Organization and, as long as BIRPI subsists, the Director of BIRPI.

CHAPTER I

International Application and International Search

Article 3

The International Application

(1) Applications for the protection of inventions in any of the Contracting States may be filed as international applications under this Treaty.

(2) An international application shall contain, as specified in this Treaty and the Regulations, a request, a description, one or more claims, one or more drawings (where required), and an abstract.

(3) The abstract merely serves the purpose of technical information and cannot be taken into account for any other purpose, particularly not for the purpose of interpreting the scope of the protection sought.

(4) The international application shall:

- (i) be in a prescribed language;
- (ii) comply with the prescribed physical requirements;
- (iii) comply with the prescribed requirement of unity of invention;
- (iv) be subject to the payment of the prescribed fees.

Article 4 **The Request**

(1) The request shall contain:

- (i) a petition to the effect that the international application be processed according to this Treaty;
- (ii) the designation of the Contracting State or States in which protection for the invention is desired on the basis of the international application ("designated States"); if for any designated State a regional patent is available and the applicant wishes to obtain a regional patent rather than a national patent, the request shall so indicate; if, under a treaty concerning a regional patent, the applicant cannot limit his application to certain of the States party to that treaty, designation of one of those States and the indication of the wish to obtain the regional patent shall be treated as designation of all the States party to that treaty; if, under the national law of the designated State, the designation of that State has the effect of an application for a regional patent, the designation of the said State shall be treated as an indication of the wish to obtain the regional patent;
- (iii) the name of and other prescribed data concerning the applicant and the agent (if any);
- (iv) the title of the invention;
- (v) the name of and other prescribed data concerning the inventor where the national law of at least one of the designated States requires that these indications be furnished at the time of filing a national application. Otherwise, the said indications may be furnished either in the request or in separate notices addressed to each designated Office whose national law requires the furnishing of the said indications but allows that they be furnished at a time later than that of the filing of a national application.

(2) Every designation shall be subject to the payment of the prescribed fee within the prescribed time limit.

(3) Unless the applicant asks for any of the other kinds of protection referred to in Article 43, designation shall mean that the desired protection consists of the grant of a patent by or for the designated State. For the purposes of this paragraph, Article 2(ii) shall not apply.

(4) Failure to indicate in the request the name and other prescribed data concerning the inventor shall have no consequence in any designated State whose national law requires the furnishing of the said indications but allows that they be furnished at a time later than that of the filing of a national application. Failure to furnish the said indications in a separate notice shall have no consequence in any designated State whose national law does not require the furnishing of the said indications.

Article 5 **The Description**

The description shall disclose the invention in a manner sufficiently clear and complete for the invention to be carried out by a person skilled in the art.

Article 6 **The Claims**

The claim or claims shall define the matter for which protection is sought. Claims shall be clear and concise. They shall be fully supported by the description.

Article 7 **The Drawings**

(1) Subject to the provisions of paragraph (2)(ii), drawings shall be required when they are necessary for the understanding of the invention.

(2) Where, without being necessary for the understanding of the invention, the nature of the invention admits of illustration by drawings:

- (i) the applicant may include such drawings in the international application when filed,
- (ii) any designated Office may require that the applicant file such drawings with it within the prescribed time limit.

Article 8 **Claiming Priority**

(1) The international application may contain a declaration, as prescribed in the Regulations, claiming the priority of one or more earlier applications filed in or for any country party to the Paris Convention for the Protection of Industrial Property.

(2)(a) Subject to the provisions of subparagraph (b), the conditions for, and the effect of, any priority claim declared under paragraph (1) shall be as provided in Article 4 of the Stockholm Act of the Paris Convention for the Protection of Industrial Property.

(b) The international application for which the priority of one or more earlier applications filed in or for a Contracting State is claimed may contain the designation of that State. Where, in the international application, the priority of one or more national applications filed in or for a designated State is claimed, or where the priority of an international application having designated only one State is claimed, the conditions for, and the effect of, the priority claim in that State shall be governed by the national law of that State.

Article 9 **The Applicant**

(1) Any resident or national of a Contracting State may file an international application.

(2) The Assembly may decide to allow the residents and the nationals of any country party to the Paris Convention for the Protection of Industrial Property which is not party to this Treaty to file international applications.

(3) The concepts of residence and nationality, and the application of those concepts in cases where there are several applicants or where the applicants are not the same for all the designated States, are defined in the Regulations.

Article 10
The Receiving Office

The international application shall be filed with the prescribed receiving Office, which will check and process it as provided in this Treaty and the Regulations.

Article 11
Filing Date and Effects of the International Application

(1) The receiving Office shall accord as the international filing date the date of receipt of the international application, provided that that Office has found that, at the time of receipt:

(i) the applicant does not obviously lack, for reasons of residence or nationality, the right to file an international application with the receiving Office,

(ii) the international application is in the prescribed language,

(iii) the international application contains at least the following elements:

(a) an indication that it is intended as an international application,

(b) the designation of at least one Contracting State,

(c) the name of the applicant, as prescribed,

(d) a part which on the face of it appears to be a description,

(e) a part which on the face of it appears to be a claim or claims.

(2)(a) If the receiving Office finds that the international application did not, at the time of receipt, fulfill the requirements listed in paragraph (1), it shall, as provided in the Regulations, invite the applicant to file the required correction.

(b) If the applicant complies with the invitation, as provided in the Regulations, the receiving Office shall accord as the international filing date the date of receipt of the required correction.

(3) Subject to Article 64(4), any international application fulfilling the requirements listed in items (i) to (iii) of paragraph (1) and accorded an international filing date shall have the effect of a regular national application in each designated State as of the international filing date, which date shall be considered to be the actual filing date in each designated State.

(4) Any international application fulfilling the requirements listed in items (i) to (iii) of paragraph (1) shall be equivalent to a regular national filing within the meaning of the Paris Convention for the Protection of Industrial Property.

Article 12
Transmittal of the International Application to the International Bureau and the International Searching Authority

(1) One copy of the international application shall be kept by the receiving Office ("home copy"), one copy ("record copy") shall be transmitted to the International Bureau, and another copy ("search copy") shall be transmitted to the competent International Searching Authority referred to in Article 16, as provided in the Regulations.

(2) The record copy shall be considered the true copy of the international application.

(3) The international application shall be considered withdrawn if the record copy has not been received by the International Bureau within the prescribed time limit.

Article 13
Availability of Copy of the International Application to Designated Offices

(1) Any designated Office may ask the International Bureau to transmit to it a copy of the international application prior to the communication provided for in Article 20, and the International Bureau shall transmit such copy to the designated Office as soon as possible after the expiration of one year from the priority date.

(2)(a) The applicant may, at any time, transmit a copy of his international application to any designated Office.

(b) The applicant may, at any time, ask the International Bureau to transmit a copy of his international application to any designated Office, and the International Bureau shall transmit such copy to the designated Office as soon as possible.

(c) Any national Office may notify the International Bureau that it does not wish to receive copies as provided for in subparagraph (b), in which case that subparagraph shall not be applicable in respect of that Office.

Article 14
Certain Defects in the International Application

(1)(a) The receiving Office shall check whether the international application contains any of the following defects, that is to say:

(i) it is not signed as provided in the Regulations;

(ii) it does not contain the prescribed indications concerning the applicant;

(iii) it does not contain a title;

(iv) it does not contain an abstract;

(v) it does not comply to the extent provided in the Regulations with the prescribed physical requirements.

(b) If the receiving Office finds any of the said defects, it shall invite the applicant to correct the international application within the prescribed time limit, failing which that application shall be considered withdrawn and the receiving Office shall so declare.

(2) If the international application refers to drawings which, in fact, are not included in that application, the receiving Office shall notify the applicant accordingly and he may furnish them within the prescribed time limit and, if he does, the international filing date shall be the date on which the drawings are received by the receiving Office. Otherwise, any reference to the said drawings shall be considered non-existent.

(3)(a) If the receiving Office finds that, within the prescribed time limits, the fees prescribed under Article 3(4)(iv) have not been paid, or no fee prescribed under Article 4(2) has been paid in respect of any of the designated States, the international application shall be considered withdrawn and the receiving Office shall so declare.

(b) If the receiving Office finds that the fee prescribed under Article 4(2) has been paid in respect of one or more (but less than all) designated States within the prescribed time limit, the designation of those States in respect of which it has not been paid within the prescribed time limit shall be considered withdrawn and the receiving Office shall so declare.

(4) If, after having accorded an international filing date to the international application, the receiving Office finds, within the prescribed time limit, that any of the requirements listed in items (i) to (iii) of Article 11(1) was not complied with at that date, the said application shall be considered withdrawn and the receiving Office shall so declare.

Article 15

The International Search

(1) Each international application shall be the subject of international search.

(2) The objective of the international search is to discover relevant prior art.

(3) International search shall be made on the basis of the claims, with due regard to the description and the drawings (if any).

(4) The International Searching Authority referred to in Article 16 shall endeavor to discover as much of the relevant prior art as its facilities permit, and shall, in any case, consult the documentation specified in the Regulations.

(5)(a) If the national law of the Contracting State so permits, the applicant who files a national application with the national Office of or acting for such State may, subject to the conditions provided for in such law, request that a search similar to an international search ("international-type search") be carried out on such application.

(b) If the national law of the Contracting State so permits, the national Office of or acting for such State may subject any national application filed with it to an international-type search.

(c) The international-type search shall be carried out by the International Searching Authority referred to in Article 16 which would be competent for an international search if the national application were an international application and were filed with the Office referred to in subparagraphs (a) and (b). If the national application is in a language which the International Searching Authority considers it is not equipped to handle, the international-type search shall be carried out on a translation prepared by the applicant in a language prescribed for international applications and which the International Searching Authority has undertaken to accept for international applications. The national application and the translation, when required, shall be presented in the form prescribed for international applications.

Article 16

The International Searching Authority

(1) International search shall be carried out by an International Searching Authority, which may be either a national Office or an intergovernmental organization, such as the International Patent Institute, whose tasks include the establishing of documentary search reports on prior art with respect to inventions which are the subject of applications.

(2) If, pending the establishment of a single International Searching Authority, there are several International Searching Authorities, each receiving Office shall, in accordance with the provisions of the applicable agreement referred to in paragraph (3)(b), specify the International Searching Authority or Authorities competent for the searching of international applications filed with such Office.

(3)(a) International Searching Authorities shall be appointed by the Assembly. Any national Office and any intergovernmental organization satisfying the requirements referred to in subparagraph (c) may be appointed as International Searching Authority.

(b) Appointment shall be conditional on the consent of the national Office or intergovernmental organization to be appointed and the conclusion of an agreement, subject to approval by the Assembly, between such Office or organization and the International Bureau. The agreement shall specify the rights and obligations of the parties,

in particular, the formal undertaking by the said Office or organization to apply and observe all the common rules of international search.

(c) The Regulations prescribe the minimum requirements, particularly as to manpower and documentation, which any Office or organization must satisfy before it can be appointed and must continue to satisfy while it remains appointed.

(d) Appointment shall be for a fixed period of time and may be extended for further periods.

(e) Before the Assembly makes a decision on the appointment of any national Office or intergovernmental organization, or on the extension of its appointment, or before it allows any such appointment to lapse, the Assembly shall hear the interested Office or organization and seek the advice of the Committee for Technical Cooperation referred to in Article 56 once that Committee has been established.

Article 17

Procedure before the International Searching Authority

(1) Procedure before the International Searching Authority shall be governed by the provisions of this Treaty, the Regulations, and the agreement which the International Bureau shall conclude, subject to this Treaty and the Regulations, with the said Authority.

(2)(a) If the International Searching Authority considers

(i) that the international application relates to a subject matter which the International Searching Authority is not required, under the Regulations, to search, and in the particular case decides not to search, or

(ii) that the description, the claims, or the drawings, fail to comply with the prescribed requirements to such an extent that a meaningful search could not be carried out,

the said Authority shall so declare and shall notify the applicant and the International Bureau that no international search report will be established.

(b) If any of the situations referred to in subparagraph (a) is found to exist in connection with certain claims only, the international search report shall so indicate in respect of such claims, whereas, for the other claims, the said report shall be established as provided in Article 18.

(3)(a) If the International Searching Authority considers that the international application does not comply with the requirement of unity of invention as set forth in the Regulations, it shall invite the applicant to pay additional fees. The International Searching Authority shall establish the international search report on those parts of the international application which relate to the invention first mentioned in the claims ("main invention") and, provided the required additional fees have been paid within the prescribed time limit, on those parts of the international application which relate to inventions in respect of which the said fees were paid.

(b) The national law of any designated State may provide that, where the national Office of that State finds the invitation, referred to in subparagraph (a), of the International Searching Authority justified and where the applicant has not paid all additional fees, those parts of the international application which consequently have not been searched shall, as far as effects in that State are concerned, be considered withdrawn unless a special fee is paid by the applicant to the national Office of that State.

Article 18

The International Search Report

(1) The international search report shall be established within the prescribed time limit and in the prescribed form.

(2) The international search report shall, as soon as it has been established, be transmitted by the International Searching Authority to the applicant and the International Bureau.

(3) The international search report or the declaration referred to in Article 17(2)(a) shall be translated as provided in the Regulations. The translations shall be prepared by or under the responsibility of the International Bureau.

Article 19

Amendment of the Claims before the International Bureau

(1) The applicant shall, after having received the international search report, be entitled to one opportunity to amend the claims of the international application by filing amendments with the International Bureau within the prescribed time limit. He may, at the same time, file a brief statement, as provided in the Regulations, explaining the amendments and indicating any impact that such amendments might have on the description and the drawings.

(2) The amendments shall not go beyond the disclosure in the international application as filed.

(3) If the national law of any designated State permits amendments to go beyond the said disclosure, failure to comply with paragraph (2) shall have no consequence in that State.

Article 20

Communication to Designated Offices

(1)(a) The international application, together with the international search report (including any indication referred to in Article 17(2)(b)) or the declaration referred to in Article 17(2)(a), shall be communicated to each designated Office, as provided in the Regulations, unless the designated Office waives such requirement in its entirety or in part.

(b) The communication shall include the translation (as prescribed) of the said report or declaration.

(2) If the claims have been amended by virtue of Article 19(1), the communication shall either contain the full text of the claims both as filed and as amended or shall contain the full text of the claims as filed and specify the amendments, and shall include the statement, if any, referred to in Article 19(1).

(3) At the request of the designated Office or the applicant, the International Searching Authority shall send to the said Office or the applicant, respectively, copies of the documents cited in the international search report, as provided in the Regulations.

Article 21

International Publication

(1) The International Bureau shall publish international applications.

(2)(a) Subject to the exceptions provided for in subparagraph (b) and in Article 64(3), the international publication of the international application shall be effected promptly after the expiration of 18 months from the priority date of that application.

(b) The applicant may ask the International Bureau to publish his international application any time before the expiration of the time

limit referred to in subparagraph (a). The International Bureau shall proceed accordingly, as provided in the Regulations.

(3) The international search report or the declaration referred to in Article 17(2)(a) shall be published as prescribed in the Regulations.

(4) The language and form of the international publication and other details are governed by the Regulations.

(5) There shall be no international publication if the international application is withdrawn or is considered withdrawn before the technical preparations for publication have been completed.

(6) If the international application contains expressions or drawings which, in the opinion of the International Bureau, are contrary to morality or public order, or if, in its opinion, the international application contains disparaging statements as defined in the Regulations, it may omit such expressions, drawings, and statements, from its publications, indicating the place and number of words or drawings omitted, and furnishing, upon request, individual copies of the passages omitted.

Article 22 ^[1]

Copy, Translation, and Fee, to Designated Offices

(1) The applicant shall furnish a copy of the international application (unless the communication provided for in Article 20 has already taken place) and a translation thereof (as prescribed), and pay the national fee (if any), to each designated Office not later than at the expiration of 20 months from the priority date. Where the national law of the designated State requires the indication of the name of and other prescribed data concerning the inventor but allows that these indications be furnished at a time later than that of the filing of a national application, the applicant shall, unless they were contained in the request, furnish the said indications to the national Office of or acting for the State not later than at the expiration of 20 months from the priority date.

(2) Where the International Searching Authority makes a declaration, under Article 17(2)(a), that no international search report will be established, the time limit for performing the acts referred to in paragraph (1) of this Article shall be the same as that provided for in paragraph (1).

(3) Any national law may, for performing the acts referred to in paragraphs (1) or (2), fix time limits which expire later than the time limit provided for in those paragraphs.

Article 23

Delaying of National Procedure

(1) No designated Office shall process or examine the international application prior to the expiration of the applicable time limit under Article 22.

(2) Notwithstanding the provisions of paragraph (1), any designated Office may, on the express request of the applicant, process or examine the international application at any time.

Article 24

Possible Loss of Effect in Designated States

(1) Subject, in case (ii) below, to the provisions of Article 25, the effect of the international application provided for in Article 11(3) shall cease in any designated State with the same consequences as the withdrawal of any national application in that State:

(i) if the applicant withdraws his international application or the designation of that State;

(ii) if the international application is considered withdrawn by virtue of Articles 12(3), 14(1)(b), 14(3)(a), or 14(4), or if the designation of that State is considered withdrawn by virtue of Article 14(3)(b);

(iii) if the applicant fails to perform the acts referred to in Article 22 within the applicable time limit.

(2) Notwithstanding the provisions of paragraph (1), any designated Office may maintain the effect provided for in Article 11(3) even where such effect is not required to be maintained by virtue of Article 25(2).

Article 25

Review by Designated Offices

(1)(a) Where the receiving Office has refused to accord an international filing date or has declared that the international application is considered withdrawn, or where the International Bureau has made a finding under Article 12(3), the International Bureau shall promptly send, at the request of the applicant, copies of any document in the file to any of the designated Offices named by the applicant.

(b) Where the receiving Office has declared that the designation of any given State is considered withdrawn, the International Bureau shall promptly send, at the request of the applicant, copies of any document in the file to the national Office of such State.

(c) The request under subparagraphs (a) or (b) shall be presented within the prescribed time limit.

(2)(a) Subject to the provisions of subparagraph (b), each designated Office shall, provided that the national fee (if any) has been paid and the appropriate translation (as prescribed) has been furnished within the prescribed time limit, decide whether the refusal, declaration, or finding, referred to in paragraph (1) was justified under the provisions of this Treaty and the Regulations, and, if it finds that the refusal or declaration was the result of an error or omission on the part of the receiving Office or that the finding was the result of an error or omission on the part of the International Bureau, it shall, as far as effects in the State of the designated Office are concerned, treat the international application as if such error or omission had not occurred.

(b) Where the record copy has reached the International Bureau after the expiration of the time limit prescribed under Article 12(3) on account of any error or omission on the part of the applicant, the provisions of subparagraph (a) shall apply only under the circumstances referred to in Article 48(2).

Article 26

Opportunity to Correct before Designated Offices

No designated Office shall reject an international application on the grounds of non-compliance with the requirements of this Treaty and the Regulations without first giving the applicant the opportunity to correct the said application to the extent and according to the procedure provided by the national law for the same or comparable situations in respect of national applications.

Article 27

National Requirements

(1) No national law shall require compliance with requirements relating to the form or contents of the international application different from or additional to those which are provided for in this Treaty and the Regulations.

(2) The provisions of paragraph (1) neither affect the application of the provisions of Article 7(2) nor preclude any national law from requiring, once the processing of the international application has started in the designated Office, the furnishing:

(i) when the applicant is a legal entity, of the name of an officer entitled to represent such legal entity,

(ii) of documents not part of the international application but which constitute proof of allegations or statements made in that application, including the confirmation of the international application by the signature of the applicant when that application, as filed, was signed by his representative or agent.

(3) Where the applicant, for the purposes of any designated State, is not qualified according to the national law of that State to file a national application because he is not the inventor, the international application may be rejected by the designated Office.

(4) Where the national law provides, in respect of the form or contents of national applications, for requirements which, from the viewpoint of applicants, are more favorable than the requirements provided for by this Treaty and the Regulations in respect of international applications, the national Office, the courts and any other competent organs of or acting for the designated State may apply the former requirements, instead of the latter requirements, to international applications, except where the applicant insists that the requirements provided for by this Treaty and the Regulations be applied to his international application.

(5) Nothing in this Treaty and the Regulations is intended to be construed as prescribing anything that would limit the freedom of each Contracting State to prescribe such substantive conditions of patentability as it desires. In particular, any provision in this Treaty and the Regulations concerning the definition of prior art is exclusively for the purposes of the international procedure and, consequently, any Contracting State is free to apply, when determining the patentability of an invention claimed in an international application, the criteria of its national law in respect of prior art and other conditions of patentability not constituting requirements as to the form and contents of applications.

(6) The national law may require that the applicant furnish evidence in respect of any substantive condition of patentability prescribed by such law.

(7) Any receiving Office or, once the processing of the international application has started in the designated Office, that Office may apply the national law as far as it relates to any requirement that the applicant be represented by an agent having the right to represent applicants before the said Office and/or that the applicant have an address in the designated State for the purpose of receiving notifications.

(8) Nothing in this Treaty and the Regulations is intended to be construed as limiting the freedom of any Contracting State to apply measures deemed necessary for the preservation of its national security or to limit, for the protection of the general economic interests of that State, the right of its own residents or nationals to file international applications.

Article 28

Amendment of the Claims, the Description, and the Drawings, before Designated Offices

(1) The applicant shall be given the opportunity to amend the claims, the description, and the drawings, before each designated Office within the prescribed time limit. No designated Office shall grant a patent, or refuse the grant of a patent, before such time limit has expired except with the express consent of the applicant.

(2) The amendments shall not go beyond the disclosure in the international application as filed unless the national law of the designated State permits them to go beyond the said disclosure.

(3) The amendments shall be in accordance with the national law of the designated State in all respects not provided for in this Treaty and the Regulations.

(4) Where the designated Office requires a translation of the international application, the amendments shall be in the language of the translation.

Article 29

Effects of the International Publication

(1) As far as the protection of any rights of the applicant in a designated State is concerned, the effects, in that State, of the international publication of an international application shall, subject to the provisions of paragraphs (2) to (4), be the same as those which the national law of the designated State provides for the compulsory national publication of unexamined national applications as such.

(2) If the language in which the international publication has been effected is different from the language in which publications under the national law are effected in the designated State, the said national law may provide that the effects provided for in paragraph (1) shall be applicable only from such time as:

(i) a translation into the latter language has been published as provided by the national law, or

(ii) a translation into the latter language has been made available to the public, by laying open for public inspection as provided by the national law, or

(iii) a translation into the latter language has been transmitted by the applicant to the actual or prospective unauthorized user of the invention claimed in the international application, or

(iv) both the acts described in (i) and (iii), or both the acts described in (ii) and (iii), have taken place.

(3) The national law of any designated State may provide that, where the international publication has been effected, on the request of the applicant, before the expiration of 18 months from the priority date, the effects provided for in paragraph (1) shall be applicable only from the expiration of 18 months from the priority date.

(4) The national law of any designated State may provide that the effects provided for in paragraph (1) shall be applicable only from the date on which a copy of the international application as published under Article 21 has been received in the national Office of or acting for such State. The said Office shall publish the date of receipt in its gazette as soon as possible.

Article 30

Confidential Nature of the International Application

(1)(a) Subject to the provisions of subparagraph (b), the International Bureau and the International Searching Authorities shall not allow access by any person or authority to the international application before the international publication of that application, unless requested or authorized by the applicant.

(b) The provisions of subparagraph (a) shall not apply to any transmittal to the competent International Searching Authority, to transmittals provided for under Article 13, and to communications provided for under Article 20.

(2)(a) No national Office shall allow access to the international application by third parties, unless requested or authorized by the applicant, before the earliest of the following dates:

(i) date of the international publication of the international application,

(ii) date of the receipt of the communication of the international application under Article 20,

(iii) date of the receipt of a copy of the international application under Article 22.

(b) The provisions of subparagraph (a) shall not prevent any national Office from informing third parties that it has been designated, or from publishing that fact. Such information or publication may, however, contain only the following data: identification of the receiving Office, name of the applicant, international filing date, international application number, and title of the invention.

(c) The provisions of subparagraph (a) shall not prevent any designated Office from allowing access to the international application for the purposes of the judicial authorities.

(3) The provisions of paragraph (2)(a) shall apply to any receiving Office except as far as transmittals provided for under Article 12(1) are concerned.

(4) For the purposes of this Article, the term "access" covers any means by which third parties may acquire cognizance, including individual communication and general publication, provided, however, that no national Office shall generally publish an international application or its translation before the international publication or, if international publication has not taken place by the expiration of 20 months from the priority date, before the expiration of 20 months from the said priority date.

CHAPTER II

International Preliminary Examination

Article 31

Demand for International Preliminary Examination

(1) On the demand of the applicant, his international application shall be the subject of an international preliminary examination as provided in the following provisions and the Regulations.

(2)(a) Any applicant who is a resident or national, as defined in the Regulations, of a Contracting State bound by Chapter II, and whose international application has been filed with the receiving Office of or acting for such State, may make a demand for international preliminary examination.

(b) The Assembly may decide to allow persons entitled to file international applications to make a demand for international preliminary examination even if they are residents or nationals of a State not party to this Treaty or not bound by Chapter II.

(3) The demand for international preliminary examination shall be made separately from the international application. The demand shall contain the prescribed particulars and shall be in the prescribed language and form.

(4)(a) The demand shall indicate the Contracting State or States in which the applicant intends to use the results of the international preliminary examination ("elected States"). Additional Contracting States may be elected later. Election may relate only to Contracting States already designated under Article 4.

(b) Applicants referred to in paragraph (2)(a) may elect any Contracting State bound by Chapter II. Applicants referred to in paragraph (2)(b) may elect only such Contracting States bound by Chapter II as have declared that they are prepared to be elected by such applicants.

(5) The demand shall be subject to the payment of the prescribed fees within the prescribed time limit.

(6)(a) The demand shall be submitted to the competent International Preliminary Examining Authority referred to in Article 32.

(b) Any later election shall be submitted to the International Bureau.

(7) Each elected Office shall be notified of its election.

Article 32

The International Preliminary Examining Authority

(1) International preliminary examination shall be carried out by the International Preliminary Examining Authority.

(2) In the case of demands referred to in Article 31(2)(a), the receiving Office, and, in the case of demands referred to in Article 31(2)(b), the Assembly, shall, in accordance with the applicable agreement between the interested International Preliminary Examining Authority or Authorities and the International Bureau, specify the International Preliminary Examining Authority or Authorities competent for the preliminary examination.

(3) The provisions of Article 16(3) shall apply, *mutatis mutandis*, in respect of International Preliminary Examining Authorities.

Article 33

The International Preliminary Examination

(1) The objective of the international preliminary examination is to formulate a preliminary and non-binding opinion on the questions whether the claimed invention appears to be novel, to involve an inventive step (to be non-obvious), and to be industrially applicable.

(2) For the purposes of the international preliminary examination, a claimed invention shall be considered novel if it is not anticipated by the prior art as defined in the Regulations.

(3) For the purposes of the international preliminary examination, a claimed invention shall be considered to involve an inventive step if, having regard to the prior art as defined in the Regulations, it is not, at the prescribed relevant date, obvious to a person skilled in the art.

(4) For the purposes of the international preliminary examination, a claimed invention shall be considered industrially applicable if, according to its nature, it can be made or used (in the technological sense) in any kind of industry. "Industry" shall be understood in its broadest sense, as in the Paris Convention for the Protection of Industrial Property.

(5) The criteria described above merely serve the purposes of international preliminary examination. Any Contracting State may apply additional or different criteria for the purpose of deciding whether, in that State, the claimed invention is patentable or not.

(6) The international preliminary examination shall take into consideration all the documents cited in the international search report. It may take into consideration any additional documents considered to be relevant in the particular case.

Article 34

Procedure before the International Preliminary Examining Authority

(1) Procedure before the International Preliminary Examining Authority shall be governed by the provisions of this Treaty, the Regulations, and the agreement which the International Bureau shall conclude, subject to this Treaty and the Regulations, with the said Authority.

(2)(a) The applicant shall have a right to communicate orally and in writing with the International Preliminary Examining Authority.

(b) The applicant shall have a right to amend the claims, the description, and the drawings, in the prescribed manner and within the prescribed time limit, before the international preliminary examination report is established. The amendment shall not go beyond the disclosure in the international application as filed.

(c) The applicant shall receive at least one written opinion from the International Preliminary Examining Authority unless such Authority considers that all of the following conditions are fulfilled:

(i) the invention satisfies the criteria set forth in Article 33(1),

(ii) the international application complies with the requirements of this Treaty and the Regulations in so far as checked by that Authority,

(iii) no observations are intended to be made under Article 35(2), last sentence.

(d) The applicant may respond to the written opinion.

(3)(a) If the International Preliminary Examining Authority considers that the international application does not comply with the requirement of unity of invention as set forth in the Regulations, it may invite the applicant, at his option, to restrict the claims so as to comply with the requirement or to pay additional fees.

(b) The national law of any elected State may provide that, where the applicant chooses to restrict the claims under subparagraph (a), those parts of the international application which, as a consequence of the restriction, are not to be the subject of international preliminary examination shall, as far as effects in that State are concerned, be considered withdrawn unless a special fee is paid by the applicant to the national Office of that State.

(c) If the applicant does not comply with the invitation referred to in subparagraph (a) within the prescribed time limit, the International Preliminary Examining Authority shall establish an international preliminary examination report on those parts of the international application which relate to what appears to be the main invention and shall indicate the relevant facts in the said report. The national law of any elected State may provide that, where its national Office finds the invitation of the International Preliminary Examining Authority justified, those parts of the international application which do not relate to the main invention shall, as far as effects in that State are concerned, be considered withdrawn unless a special fee is paid by the applicant to that Office.

(4)(a) If the International Preliminary Examining Authority considers

(i) that the international application relates to a subject matter on which the International Preliminary Examining Authority is not required, under the Regulations, to carry out an international preliminary examination, and in the particular case decides not to carry out such examination, or

(ii) that the description, the claims, or the drawings, are so unclear, or the claims are so inadequately supported by the description, that no meaningful opinion can be formed on the novelty, inventive step (non-obviousness), or industrial applicability, of the claimed invention,

the said Authority shall not go into the questions referred to in Article 33(1) and shall inform the applicant of this opinion and the reasons therefor.

(b) If any of the situations referred to in subparagraph (a) is found to exist in, or in connection with, certain claims only, the provisions of that subparagraph shall apply only to the said claims.

Article 35

The International Preliminary Examination Report

(1) The international preliminary examination report shall be established within the prescribed time limit and in the prescribed form.

(2) The international preliminary examination report shall not contain any statement on the question whether the claimed invention is or seems to be patentable or unpatentable according to any national law. It shall state, subject to the provisions of paragraph (3), in relation to each claim, whether the claim appears to satisfy the criteria of novelty, inventive step (non-obviousness), and industrial applicability, as defined for the purposes of the international preliminary examination in Article 33(1) to (4). The statement shall be accompanied by the citation of the documents believed to support the stated conclusion with such explanations as the circumstances of the case may require. The statement shall also be accompanied by such other observations as the Regulations provide for.

(3)(a) If, at the time of establishing the international preliminary examination report, the International Preliminary Examining Authority considers that any of the situations referred to in Article 34(4)(a) exists, that report shall state this opinion and the reasons therefor. It shall not contain any statement as provided in paragraph (2).

(b) If a situation under Article 34(4)(b) is found to exist, the international preliminary examination report shall, in relation to the claims in question, contain the statement as provided in subparagraph (a), whereas, in relation to the other claims, it shall contain the statement as provided in paragraph (2).

Article 36

Transmittal, Translation, and Communication, of the International Preliminary Examination Report

(1) The international preliminary examination report, together with the prescribed annexes, shall be transmitted to the applicant and to the International Bureau.

(2)(a) The international preliminary examination report and its annexes shall be translated into the prescribed languages.

(b) Any translation of the said report shall be prepared by or under the responsibility of the International Bureau, whereas any translation of the said annexes shall be prepared by the applicant.

(3)(a) The international preliminary examination report, together with its translation (as prescribed) and its annexes (in the original language), shall be communicated by the International Bureau to each elected Office.

(b) The prescribed translation of the annexes shall be transmitted within the prescribed time limit by the applicant to the elected Offices.

(4) The provisions of Article 20(3) shall apply, *mutatis mutandis*, to copies of any document which is cited in the international preliminary examination report and which was not cited in the international search report.

Article 37

Withdrawal of Demand or Election

(1) The applicant may withdraw any or all elections.

(2) If the election of all elected States is withdrawn, the demand shall be considered withdrawn.

(3)(a) Any withdrawal shall be notified to the International Bureau.

(b) The elected Offices concerned and the International Preliminary Examining Authority concerned shall be notified accordingly by the International Bureau.

(4)(a) Subject to the provisions of subparagraph (b), withdrawal of the demand or of the election of a Contracting State shall, unless the national law of that State provides otherwise, be considered to be withdrawal of the international application as far as that State is concerned.

(b) Withdrawal of the demand or of the election shall not be considered to be withdrawal of the international application if such withdrawal is effected prior to the expiration of the applicable time limit under Article 22; however, any Contracting State may provide in its national law that the aforesaid shall apply only if its national Office has received, within the said time limit, a copy of the international application, together with a translation (as prescribed), and the national fee.

Article 38

Confidential Nature of the International Preliminary Examination

(1) Neither the International Bureau nor the International Preliminary Examining Authority shall, unless requested or authorized by the applicant, allow access within the meaning, and with the proviso, of Article 30(4) to the file of the international preliminary examination by any person or authority at any time, except by the elected Offices once the international preliminary examination report has been established.

(2) Subject to the provisions of paragraph (1) and Articles 36(1) and (3) and 37(3)(b), neither the International Bureau nor the International Preliminary Examining Authority shall, unless requested or authorized by the applicant, give information on the issuance or non-issuance of an international preliminary examination report and on the withdrawal or nonwithdrawal of the demand or of any election.

Article 39 ^[2]

Copy, Translation, and Fee, to Elected Offices

(1)(a) If the election of any Contracting State has been effected prior to the expiration of the 19th month from the priority date, the provisions of Article 22 shall not apply to such State and the applicant shall furnish a copy of the international application (unless the communication under Article 20 has already taken place) and a translation thereof (as prescribed), and pay the national fee (if any), to each elected Office not later than at the expiration of 30 months from the priority date.

(b) Any national law may, for performing the acts referred to in subparagraph (a), fix time limits which expire later than the time limit provided for in that subparagraph.

(2) The effect provided for in Article 11(3) shall cease in the elected State with the same consequences as the withdrawal of any national application in that State if the applicant fails to perform the acts referred to in paragraph (1)(a) within the time limit applicable under paragraph (1)(a) or (b).

(3) Any elected Office may maintain the effect provided for in Article 11(3) even where the applicant does not comply with the requirements provided for in paragraph (1)(a) or (b).

Article 40

Delaying of National Examination and Other Processing

(1) If the election of any Contracting State has been effected prior to the expiration of the 19th month from the priority date, the provisions of Article 23 shall not apply to such State and the national Office of or acting for that State shall not proceed, subject to the provisions of paragraph (2), to the examination and other processing of the international application prior to the expiration of the applicable time limit under Article 39.

(2) Notwithstanding the provisions of paragraph (1), any elected Office may, on the express request of the applicant, proceed to the examination and other processing of the international application at any time.

Article 41

Amendment of the Claims, the Description, and the Drawings, before Elected Offices

(1) The applicant shall be given the opportunity to amend the claims, the description, and the drawings, before each elected Office within the prescribed time limit. No elected Office shall grant a patent, or refuse the grant of a patent, before such time limit has expired, except with the express consent of the applicant.

(2) The amendments shall not go beyond the disclosure in the international application as filed, unless the national law of the elected State permits them to go beyond the said disclosure.

(3) The amendments shall be in accordance with the national law of the elected State in all respects not provided for in this Treaty and the Regulations.

(4) Where an elected Office requires a translation of the international application, the amendments shall be in the language of the translation.

Article 42

Results of National Examination in Elected Offices

No elected Office receiving the international preliminary examination report may require that the applicant furnish copies, or information on the contents, of any papers connected with the examination relating to the same international application in any other elected Office.

CHAPTER III

Common Provisions

Article 43

Seeking Certain Kinds of Protection

In respect of any designated or elected State whose law provides for the grant of inventors' certificates, utility certificates, utility models, patents or certificates of addition, inventors' certificates of addition, or utility certificates of addition, the applicant may indicate, as prescribed in the Regulations, that his international application is for the grant, as far as that State is concerned, of an inventor's certificate, a utility certificate, or a utility model, rather than a patent, or that it is for the grant of a patent or certificate of addition, an inventor's certificate of addition, or a utility certificate of addition, and the ensuing effect shall be governed by the applicant's choice. For the purposes of this Article and any Rule thereunder, Article 2(ii) shall not apply.

Article 44

Seeking Two Kinds of Protection

In respect of any designated or elected State whose law permits an application, while being for the grant of a patent or one of the other kinds of protection referred to in Article 43, to be also for the grant of another of the said kinds of protection, the applicant may indicate, as prescribed in the Regulations, the two kinds of protection he is seeking, and the ensuing effect shall be governed by the applicant's indications. For the purposes of this Article, Article 2(ii) shall not apply.

Article 45

Regional Patent Treaties

(1) Any treaty providing for the grant of regional patents ("regional patent treaty"), and giving to all persons who, according to Article 9, are entitled to file international applications the right to file applications for such patents, may provide that international applications designating or electing a State party to both the regional patent treaty and the present Treaty may be filed as applications for such patents.

(2) The national law of the said designated or elected State may provide that any designation or election of such State in the international application shall have the effect of an indication of the wish to obtain a regional patent under the regional patent treaty.

Article 46

Incorrect Translation of the International Application

If, because of an incorrect translation of the international application, the scope of any patent granted on that application exceeds the scope of the international application in its original language, the competent authorities of the Contracting State concerned may accordingly and retroactively limit the scope of the patent, and declare it null and void to the extent that its scope has exceeded the scope of the international application in its original language.

Article 47

Time Limits

(1) The details for computing time limits referred to in this Treaty are governed by the Regulations.

(2)(a) All time limits fixed in Chapters I and II of this Treaty may, outside any revision under Article 60, be modified by a decision of the Contracting States.

(b) Such decisions shall be made in the Assembly or through voting by correspondence and must be unanimous.

(c) The details of the procedure are governed by the Regulations.

Article 48

Delay in Meeting Certain Time Limits

(1) Where any time limit fixed in this Treaty or the Regulations is not met because of interruption in the mail service or unavoidable loss or delay in the mail, the time limit shall be deemed to be met in the cases and subject to the proof and other conditions prescribed in the Regulations.

(2)(a) Any Contracting State shall, as far as that State is concerned, excuse, for reasons admitted under its national law, any delay in meeting any time limit.

(b) Any Contracting State may, as far as that State is concerned, excuse, for reasons other than those referred to in subparagraph (a), any delay in meeting any time limit.

Article 49

Right to Practice before International Authorities

Any attorney, patent agent, or other person, having the right to practice before the national Office with which the international application was filed, shall be entitled to practice before the International Bureau and the competent International Searching Authority and competent International Preliminary Examining Authority in respect of that application.

CHAPTER IV

Technical Services

Article 50

Patent Information Services

(1) The International Bureau may furnish services by providing technical and any other pertinent information available to it on the basis of published documents, primarily patents and published applications (referred to in this Article as “the information services”).

(2) The International Bureau may provide these information services either directly or through one or more International Searching Authorities or other national or international specialized institutions, with which the International Bureau may reach agreement.

(3) The information services shall be operated in a way particularly facilitating the acquisition by Contracting States which are developing countries of technical knowledge and technology, including available published know-how.

(4) The information services shall be available to Governments of Contracting States and their nationals and residents. The Assembly may decide to make these services available also to others.

(5)(a) Any service to Governments of Contracting States shall be furnished at cost, provided that, when the Government is that of a Contracting State which is a developing country, the service shall be furnished below cost if the difference can be covered from profit made on services furnished to others than Governments of Contracting States or from the sources referred to in Article 51(4).

(b) The cost referred to in subparagraph (a) is to be understood as cost over and above costs normally incident to the performance of the services of a national Office or the obligations of an International Searching Authority.

(6) The details concerning the implementation of the provisions of this Article shall be governed by decisions of the Assembly and, within the limits to be fixed by the Assembly, such working groups as the Assembly may set up for that purpose.

(7) The Assembly shall, when it considers it necessary, recommend methods of providing financing supplementary to those referred to in paragraph (5).

Article 51

Technical Assistance

(1) The Assembly shall establish a Committee for Technical Assistance (referred to in this Article as “the Committee”).

(2)(a) The members of the Committee shall be elected among the Contracting States, with due regard to the representation of developing countries.

(b) The Director General shall, on his own initiative or at the request of the Committee, invite representatives of intergovernmental organizations concerned with technical assistance to developing countries to participate in the work of the Committee.

(3)(a) The task of the Committee shall be to organize and supervise technical assistance for Contracting States which are developing countries in developing their patent systems individually or on a regional basis.

(b) The technical assistance shall comprise, among other things, the training of specialists, the loaning of experts, and the supply of equipment both for demonstration and for operational purposes.

(4) The International Bureau shall seek to enter into agreements, on the one hand, with international financing organizations and intergovernmental organizations, particularly the United Nations, the agencies of the United Nations, and the Specialized Agencies connected with the United Nations concerned with technical assistance, and, on the other hand, with the Governments of the States receiving the technical assistance, for the financing of projects pursuant to this Article.

(5) The details concerning the implementation of the provisions of this Article shall be governed by decisions of the Assembly and, within the limits to be fixed by the Assembly, such working groups as the Assembly may set up for that purpose.

Article 52

Relations with Other Provisions of the Treaty

Nothing in this Chapter shall affect the financial provisions contained in any other Chapter of this Treaty. Such provisions are not applicable to the present Chapter or to its implementation.

CHAPTER V

Administrative Provisions

Article 53^[3]

Assembly

(1)(a) The Assembly shall, subject to Article 57(8), consist of the Contracting States.

(b) The Government of each Contracting State shall be represented by one delegate, who may be assisted by alternate delegates, advisors, and experts.

(2)(a) The Assembly shall:

(i) deal with all matters concerning the maintenance and development of the Union and the implementation of this Treaty;

(ii) perform such tasks as are specifically assigned to it under other provisions of this Treaty;

(iii) give directions to the International Bureau concerning the preparation for revision conferences;

(iv) review and approve the reports and activities of the Director General concerning the Union, and give him all necessary instructions concerning matters within the competence of the Union;

(v) review and approve the reports and activities of the Executive Committee established under paragraph (9), and give instructions to such Committee;

(vi) determine the program and adopt the triennial * budget of the Union, and approve its final accounts;

* *Editor's Note:* Since 1980, the budget of the Union has been biennial.

- (vii) adopt the financial regulations of the Union;
- (viii) establish such committees and working groups as it deems appropriate to achieve the objectives of the Union;
- (ix) determine which States other than Contracting States and, subject to the provisions of paragraph (8), which intergovernmental and international non-governmental organizations shall be admitted to its meetings as observers;
- (x) take any other appropriate action designed to further the objectives of the Union and perform such other functions as are appropriate under this Treaty.

(b) With respect to matters which are of interest also to other Unions administered by the Organization, the Assembly shall make its decisions after having heard the advice of the Coordination Committee of the Organization.

(3) A delegate may represent, and vote in the name of, one State only.

(4) Each Contracting State shall have one vote.

(5)(a) One-half of the Contracting States shall constitute a quorum.

(b) In the absence of the quorum, the Assembly may make decisions but, with the exception of decisions concerning its own procedure, all such decisions shall take effect only if the quorum and the required majority are attained through voting by correspondence as provided in the Regulations.

(6)(a) Subject to the provisions of Articles 47(2)(b), 58(2)(b), 58(3) and 61(2)(b), the decisions of the Assembly shall require two-thirds of the votes cast.

(b) Abstentions shall not be considered as votes.

(7) In connection with matters of exclusive interest to States bound by Chapter II, any reference to Contracting States in paragraphs (4), (5), and (6), shall be considered as applying only to States bound by Chapter II.

(8) Any intergovernmental organization appointed as International Searching or Preliminary Examining Authority shall be admitted as observer to the Assembly.

(9) When the number of Contracting States exceeds forty, the Assembly shall establish an Executive Committee. Any reference to the Executive Committee in this Treaty and the Regulations shall be construed as references to such Committee once it has been established.

(10) Until the Executive Committee has been established, the Assembly shall approve, within the limits of the program and triennial budget, the annual programs and budgets prepared by the Director General.*

(11)(a) The Assembly shall meet in every second calendar year in ordinary session upon convocation by the Director General and, in the absence of exceptional circumstances, during the same period and at the same place as the General Assembly of the Organization.

(b) The Assembly shall meet in extraordinary session upon convocation by the Director General, at the request of the Executive Committee, or at the request of one-fourth of the Contracting States.

(12) The Assembly shall adopt its own rules of procedure.

Article 54 ^[4] ^[5]

Executive Committee

(1) When the Assembly has established an Executive Committee, that Committee shall be subject to the provisions set forth hereinafter.

(2)(a) The Executive Committee shall, subject to Article 57(8), consist of States elected by the Assembly from among States members of the Assembly.

(b) The Government of each State member of the Executive Committee shall be represented by one delegate, who may be assisted by alternate delegates, advisors, and experts.

(3) The number of States members of the Executive Committee shall correspond to one-fourth of the number of States members of the Assembly. In establishing the number of seats to be filled, remainders after division by four shall be disregarded.

(4) In electing the members of the Executive Committee, the Assembly shall have due regard to an equitable geographical distribution.

(5)(a) Each member of the Executive Committee shall serve from the close of the session of the Assembly which elected it to the close of the next ordinary session of the Assembly.

(b) Members of the Executive Committee may be re-elected but only up to a maximum of two-thirds of such members.

(c) The Assembly shall establish the details of the rules governing the election and possible re-election of the members of the Executive Committee.

(6)(a) The Executive Committee shall:

(i) prepare the draft agenda of the Assembly;

(ii) submit proposals to the Assembly in respect of the draft program and biennial budget of the Union prepared by the Director General;

(iii) *[deleted]*

(iv) submit, with appropriate comments, to the Assembly the periodical reports of the Director General and the yearly audit reports on the accounts;

(v) take all necessary measures to ensure the execution of the program of the Union by the Director General, in accordance with the decisions of the Assembly and having regard to circumstances arising between two ordinary sessions of the Assembly;

(vi) perform such other functions as are allocated to it under this Treaty.

(b) With respect to matters which are of interest also to other Unions administered by the Organization, the Executive Committee shall make its decisions after having heard the advice of the Coordination Committee of the Organization.

(7)(a) The Executive Committee shall meet once a year in ordinary session upon convocation by the Director General, preferably during the same period and at the same place as the Coordination Committee of the Organization.

(b) The Executive Committee shall meet in extraordinary session upon convocation by the Director General, either on his own initiative or at the request of its Chairman or one-fourth of its members.

(8)(a) Each State member of the Executive Committee shall have one vote.

(b) One-half of the members of the Executive Committee shall constitute a quorum.

(c) Decisions shall be made by a simple majority of the votes cast.

(d) Abstentions shall not be considered as votes.

(e) A delegate may represent, and vote in the name of, one State only.

(9) Contracting States not members of the Executive Committee shall be admitted to its meetings as observers, as well as any intergov-

* *Editor's Note:* Since 1980, the program and budget of the Union have been biennial.

ernmental organization appointed as International Searching or Preliminary Examining Authority.

(10) The Executive Committee shall adopt its own rules of procedure.

Article 55

International Bureau

(1) Administrative tasks concerning the Union shall be performed by the International Bureau.

(2) The International Bureau shall provide the secretariat of the various organs of the Union.

(3) The Director General shall be the chief executive of the Union and shall represent the Union.

(4) The International Bureau shall publish a Gazette and other publications provided for by the Regulations or required by the Assembly.

(5) The Regulations shall specify the services that national Offices shall perform in order to assist the International Bureau and the International Searching and Preliminary Examining Authorities in carrying out their tasks under this Treaty.

(6) The Director General and any staff member designated by him shall participate, without the right to vote, in all meetings of the Assembly, the Executive Committee and any other committee or working group established under this Treaty or the Regulations. The Director General, or a staff member designated by him, shall be *ex officio* secretary of these bodies.

(7)(a) The International Bureau shall, in accordance with the directions of the Assembly and in cooperation with the Executive Committee, make the preparations for the revision conferences.

(b) The International Bureau may consult with intergovernmental and international non-governmental organizations concerning preparations for revision conferences.

(c) The Director General and persons designated by him shall take part, without the right to vote, in the discussions at revision conferences.

(8) The International Bureau shall carry out any other tasks assigned to it.

Article 56

Committee for Technical Cooperation

(1) The Assembly shall establish a Committee for Technical Cooperation (referred to in this Article as "the Committee").

(2)(a) The Assembly shall determine the composition of the Committee and appoint its members, with due regard to an equitable representation of developing countries.

(b) The International Searching and Preliminary Examining Authorities shall be *ex officio* members of the Committee. In the case where such an Authority is the national Office of a Contracting State, that State shall not be additionally represented on the Committee.

(c) If the number of Contracting States so allows, the total number of members of the Committee shall be more than double the number of *ex officio* members.

(d) The Director General shall, on his own initiative or at the request of the Committee, invite representatives of interested organizations to participate in discussions of interest to them.

(3) The aim of the Committee shall be to contribute, by advice and recommendations:

(i) to the constant improvement of the services provided for under this Treaty,

(ii) to the securing, so long as there are several International Searching Authorities and several International Preliminary Examining Authorities, of the maximum degree of uniformity in their documentation and working methods and the maximum degree of uniformly high quality in their reports, and

(iii) on the initiative of the Assembly or the Executive Committee, to the solution of the technical problems specifically involved in the establishment of a single International Searching Authority.

(4) Any Contracting State and any interested international organization may approach the Committee in writing on questions which fall within the competence of the Committee.

(5) The Committee may address its advice and recommendations to the Director General or, through him, to the Assembly, the Executive Committee, all or some of the International Searching and Preliminary Examining Authorities, and all or some of the receiving Offices.

(6)(a) In any case, the Director General shall transmit to the Executive Committee the texts of all the advice and recommendations of the Committee. He may comment on such texts.

(b) The Executive Committee may express its views on any advice, recommendation, or other activity of the Committee, and may invite the Committee to study and report on questions falling within its competence. The Executive Committee may submit to the Assembly, with appropriate comments, the advice, recommendations and report of the Committee.

(7) Until the Executive Committee has been established, references in paragraph (6) to the Executive Committee shall be construed as references to the Assembly.

(8) The details of the procedure of the Committee shall be governed by the decisions of the Assembly.

Article 57

Finances

(1)(a) The Union shall have a budget.

(b) The budget of the Union shall include the income and expenses proper to the Union and its contribution to the budget of expenses common to the Unions administered by the Organization.

(c) Expenses not attributable exclusively to the Union but also to one or more other Unions administered by the Organization shall be considered as expenses common to the Unions. The share of the Union in such common expenses shall be in proportion to the interest the Union has in them.

(2) The budget of the Union shall be established with due regard to the requirements of coordination with the budgets of the other Unions administered by the Organization.

(3) Subject to the provisions of paragraph (5), the budget of the Union shall be financed from the following sources:

(i) fees and charges due for services rendered by the International Bureau in relation to the Union;

(ii) sale of, or royalties on, the publications of the International Bureau concerning the Union;

(iii) gifts, bequests, and subventions;

(iv) rents, interests, and other miscellaneous income.

(4) The amounts of fees and charges due to the International Bureau and the prices of its publications shall be so fixed that they should, under normal circumstances, be sufficient to cover all the ex-

penses of the International Bureau connected with the administration of this Treaty.

(5)(a) Should any financial year close with a deficit, the Contracting States shall, subject to the provisions of subparagraphs (b) and (c), pay contributions to cover such deficit.

(b) The amount of the contribution of each Contracting State shall be decided by the Assembly with due regard to the number of international applications which has emanated from each of them in the relevant year.

(c) If other means of provisionally covering any deficit or any part thereof are secured, the Assembly may decide that such deficit be carried forward and that the Contracting States should not be asked to pay contributions.

(d) If the financial situation of the Union so permits, the Assembly may decide that any contributions paid under subparagraph (a) be reimbursed to the Contracting States which have paid them.

(e) A Contracting State which has not paid, within two years of the due date as established by the Assembly, its contribution under subparagraph (b) may not exercise its right to vote in any of the organs of the Union. However, any organ of the Union may allow such a State to continue to exercise its right to vote in that organ so long as it is satisfied that the delay in payment is due to exceptional and unavoidable circumstances.

(6) If the budget is not adopted before the beginning of a new financial period, it shall be at the same level as the budget of the previous year, as provided in the financial regulations.

(7)(a) The Union shall have a working capital fund which shall be constituted by a single payment made by each Contracting State. If the fund becomes insufficient, the Assembly shall arrange to increase it. If part of the fund is no longer needed, it shall be reimbursed.

(b) The amount of the initial payment of each Contracting State to the said fund or of its participation in the increase thereof shall be decided by the Assembly on the basis of principles similar to those provided for under paragraph (5)(b).

(c) The terms of payment shall be fixed by the Assembly on the proposal of the Director General and after it has heard the advice of the Coordination Committee of the Organization.

(d) Any reimbursement shall be proportionate to the amounts paid by each Contracting State, taking into account the dates at which they were paid.

(8)(a) In the headquarters agreement concluded with the State on the territory of which the Organization has its headquarters, it shall be provided that, whenever the working capital fund is insufficient, such State shall grant advances. The amount of these advances and the conditions on which they are granted shall be the subject of separate agreements, in each case, between such State and the Organization. As long as it remains under the obligation to grant advances, such State shall have an *ex officio* seat in the Assembly and on the Executive Committee.

(b) The State referred to in subparagraph (a) and the Organization shall each have the right to denounce the obligation to grant advances, by written notification. Denunciation shall take effect three years after the end of the year in which it has been notified.

(9) The auditing of the accounts shall be effected by one or more of the Contracting States or by external auditors, as provided in the financial regulations. They shall be designated, with their agreement, by the Assembly.

Article 58 Regulations

(1) The Regulations annexed to this Treaty provide Rules:

(i) concerning matters in respect of which this Treaty expressly refers to the Regulations or expressly provides that they are or shall be prescribed,

(ii) concerning any administrative requirements, matters, or procedures,

(iii) concerning any details useful in the implementation of the provisions of this Treaty.

(2)(a) The Assembly may amend the Regulations.

(b) Subject to the provisions of paragraph (3), amendments shall require three-fourths of the votes cast.

(3)(a) The Regulations specify the Rules which may be amended

(i) only by unanimous consent, or

(ii) only if none of the Contracting States whose national Office acts as an International Searching or Preliminary Examining Authority dissents, and, where such Authority is an intergovernmental organization, if the Contracting State member of that organization authorized for that purpose by the other member States within the competent body of such organization does not dissent.

(b) Exclusion, for the future, of any such Rules from the applicable requirement shall require the fulfillment of the conditions referred to in subparagraph (a)(i) or (a)(ii), respectively.

(c) Inclusion, for the future, of any Rule in one or the other of the requirements referred to in subparagraph (a) shall require unanimous consent.

(4) The Regulations provide for the establishment, under the control of the Assembly, of Administrative Instructions by the Director General.

(5) In the case of conflict between the provisions of the Treaty and those of the Regulations, the provisions of the Treaty shall prevail.

CHAPTER VI

Disputes

Article 59

Disputes

Subject to Article 64(5), any dispute between two or more Contracting States concerning the interpretation or application of this Treaty or the Regulations, not settled by negotiation, may, by any one of the States concerned, be brought before the International Court of Justice by application in conformity with the Statute of the Court, unless the States concerned agree on some other method of settlement. The Contracting State bringing the dispute before the Court shall inform the International Bureau; the International Bureau shall bring the matter to the attention of the other Contracting States.

CHAPTER VII

Revision and Amendment

Article 60

Revision of the Treaty

(1) This Treaty may be revised from time to time by a special conference of the Contracting States.

(2) The convocation of any revision conference shall be decided by the Assembly.

(3) Any intergovernmental organization appointed as International Searching or Preliminary Examining Authority shall be admitted as observer to any revision conference.

(4) Articles 53(5), (9) and (11), 54, 55(4) to (8), 56, and 57, may be amended either by a revision conference or according to the provisions of Article 61.

Article 61

Amendment of Certain Provisions of the Treaty

(1)(a) Proposals for the amendment of Articles 53(5), (9) and (11), 54, 55(4) to (8), 56, and 57, may be initiated by any State member of the Assembly, by the Executive Committee, or by the Director General.

(b) Such proposals shall be communicated by the Director General to the Contracting States at least six months in advance of their consideration by the Assembly.

(2)(a) Amendments to the Articles referred to in paragraph (1) shall be adopted by the Assembly.

(b) Adoption shall require three-fourths of the votes cast.

(3)(a) Any amendment to the Articles referred to in paragraph (1) shall enter into force one month after written notifications of acceptance, effected in accordance with their respective constitutional processes, have been received by the Director General from three-fourths of the States members of the Assembly at the time it adopted the amendment.

(b) Any amendment to the said Articles thus accepted shall bind all the States which are members of the Assembly at the time the amendment enters into force, provided that any amendment increasing the financial obligations of the Contracting States shall bind only those States which have notified their acceptance of such amendment.

(c) Any amendment accepted in accordance with the provisions of subparagraph (a) shall bind all States which become members of the Assembly after the date on which the amendment entered into force in accordance with the provisions of subparagraph (a).

CHAPTER VIII Final Provisions

Article 62

Becoming Party to the Treaty

(1) Any State member of the International Union for the Protection of Industrial Property may become party to this Treaty by:

(i) signature followed by the deposit of an instrument of ratification, or

(ii) deposit of an instrument of accession.

(2) Instruments of ratification or accession shall be deposited with the Director General.

(3) The provisions of Article 24 of the Stockholm Act of the Paris Convention for the Protection of Industrial Property shall apply to this Treaty.

(4) Paragraph (3) shall in no way be understood as implying the recognition or tacit acceptance by a Contracting State of the factual situation concerning a territory to which this Treaty is made applicable by another Contracting State by virtue of the said paragraph.

Article 63

Entry into Force of the Treaty

(1)(a) Subject to the provisions of paragraph (3), this Treaty shall enter into force three months after eight States have deposited their in-

struments of ratification or accession, provided that at least four of those States each fulfill any of the following conditions:

(i) the number of applications filed in the State has exceeded 40,000 according to the most recent annual statistics published by the International Bureau,

(ii) the nationals or residents of the State have filed at least 1,000 applications in one foreign country according to the most recent annual statistics published by the International Bureau,

(iii) the national Office of the State has received at least 10,000 applications from nationals or residents of foreign countries according to the most recent annual statistics published by the International Bureau.

(b) For the purposes of this paragraph, the term "applications" does not include applications for utility models.

(2) Subject to the provisions of paragraph (3), any State which does not become party to this Treaty upon entry into force under paragraph (1) shall become bound by this Treaty three months after the date on which such State has deposited its instrument of ratification or accession.

(3) The provisions of Chapter II and the corresponding provisions of the Regulations annexed to this Treaty shall become applicable, however, only on the date on which three States each of which fulfill at least one of the three requirements specified in paragraph (1) have become party to this Treaty without declaring, as provided in Article 64(1), that they do not intend to be bound by the provisions of Chapter II. That date shall not, however, be prior to that of the initial entry into force under paragraph (1).

Article 64

Reservations

(1)(a) Any State may declare that it shall not be bound by the provisions of Chapter II.

(b) States making a declaration under subparagraph (a) shall not be bound by the provisions of Chapter II and the corresponding provisions of the Regulations.

(2)(a) Any State not having made a declaration under paragraph (1)(a) may declare that:

(i) it shall not be bound by the provisions of Article 39(1) with respect to the furnishing of a copy of the international application and a translation thereof (as prescribed),

(ii) the obligation to delay national processing, as provided for under Article 40, shall not prevent publication, by or through its national Office, of the international application or a translation thereof, it being understood, however, that it is not exempted from the limitations provided for in Articles 30 and 38.

(b) States making such a declaration shall be bound accordingly.

(3)(a) Any State may declare that, as far as it is concerned, international publication of international applications is not required.

(b) Where, at the expiration of 18 months from the priority date, the international application contains the designation only of such States as have made declarations under subparagraph (a), the international application shall not be published by virtue of Article 21(2).

(c) Where the provisions of subparagraph (b) apply, the international application shall nevertheless be published by the International Bureau:

(i) at the request of the applicant, as provided in the Regulations,

(ii) when a national application or a patent based on the international application is published by or on behalf of the national Office of any designated State having made a declaration under subparagraph (a), promptly after such publication but not before the expiration of 18 months from the priority date.

(4)(a) Any State whose national law provides for prior art effect of its patents as from a date before publication, but does not equate for prior art purposes the priority date claimed under the Paris Convention for the Protection of Industrial Property to the actual filing date in that State, may declare that the filing outside that State of an international application designating that State is not equated to an actual filing in that State for prior art purposes.

(b) Any State making a declaration under subparagraph (a) shall to that extent not be bound by the provisions of Article 11(3).

(c) Any State making a declaration under subparagraph (a) shall, at the same time, state in writing the date from which, and the conditions under which, the prior art effect of any international application designating that State becomes effective in that State. This statement may be modified at any time by notification addressed to the Director General.

(5) Each State may declare that it does not consider itself bound by Article 59. With regard to any dispute between any Contracting State having made such a declaration and any other Contracting State, the provisions of Article 59 shall not apply.

(6)(a) Any declaration made under this Article shall be made in writing. It may be made at the time of signing this Treaty, at the time of depositing the instrument of ratification or accession, or, except in the case referred to in paragraph (5), at any later time by notification addressed to the Director General. In the case of the said notification, the declaration shall take effect six months after the day on which the Director General has received the notification, and shall not affect international applications filed prior to the expiration of the said six-month period.

(b) Any declaration made under this Article may be withdrawn at any time by notification addressed to the Director General. Such withdrawal shall take effect three months after the day on which the Director General has received the notification and, in the case of the withdrawal of a declaration made under paragraph (3), shall not affect international applications filed prior to the expiration of the said three-month period.

(7) No reservations to this Treaty other than the reservations under paragraphs (1) to (5) are permitted.

Article 65 **Gradual Application**

(1) If the agreement with any International Searching or Preliminary Examining Authority provides, transitionally, for limits on the number or kind of international applications that such Authority undertakes to process, the Assembly shall adopt the measures necessary for the gradual application of this Treaty and the Regulations in respect of given categories of international applications. This provision shall also apply to requests for an international-type search under Article 15(5).

(2) The Assembly shall fix the dates from which, subject to the provision of paragraph (1), international applications may be filed and demands for international preliminary examination may be submitted. Such dates shall not be later than six months after this Treaty

has entered into force according to the provisions of Article 63(1), or after Chapter II has become applicable under Article 63(3), respectively

Article 66 **Denunciation**

(1) Any Contracting State may denounce this Treaty by notification addressed to the Director General.

(2) Denunciation shall take effect six months after receipt of the said notification by the Director General. It shall not affect the effects of the international application in the denouncing State if the international application was filed, and, where the denouncing State has been elected, the election was made, prior to the expiration of the said six-month period.

Article 67 **Signature and Languages**

(1)(a) This Treaty shall be signed in a single original in the English and French languages, both texts being equally authentic.

(b) Official texts shall be established by the Director General, after consultation with the interested Governments, in the German, Japanese, Portuguese, Russian and Spanish languages, and such other languages as the Assembly may designate.

(2) This Treaty shall remain open for signature at Washington until December 31, 1970.

Article 68 **Depositary Functions**

(1) The original of this Treaty, when no longer open for signature, shall be deposited with the Director General.

(2) The Director General shall transmit two copies, certified by him, of this Treaty and the Regulations annexed hereto to the Governments of all States party to the Paris Convention for the Protection of Industrial Property and, on request, to the Government of any other State.

(3) The Director General shall register this Treaty with the Secretariat of the United Nations.

(4) The Director General shall transmit two copies, certified by him, of any amendment to this Treaty and the Regulations to the Governments of all Contracting States and, on request, to the Government of any other State.

Article 69 **Notifications**

The Director General shall notify the Governments of all States party to the Paris Convention for the Protection of Industrial Property of:

- (i) signatures under Article 62,
- (ii) deposits of instruments of ratification or accession under Article 62,
- (iii) the date of entry into force of this Treaty and the date from which Chapter II is applicable in accordance with Article 63(3),
- (iv) any declarations made under Article 64(1) to (5),
- (v) withdrawals of any declarations made under Article 64(6)(b),
- (vi) denunciations received under Article 66, and
- (vii) any declarations made under Article 31(4).

Footnotes:

^[1] The text of Article 22(2) shown here is as modified by a decision of the Assembly of the PCT Union on February 3, 1984. The original text was:

"Notwithstanding the provisions of paragraph (1), where the International Searching Authority makes a declaration, under Article 17(2)(a), that no international search report will be established, the time limit for performing the acts referred to in paragraph (1) of this Article shall be two months from the date of the notification sent to the applicant of the said declaration."

^[2] The text of Article 39(1)(a) shown here is as modified by a decision of the Assembly of the PCT Union on February 3, 1984. The original text was:

"If the election of any Contracting State has been effected prior to the expiration of the 19th month from the priority date, the provisions of Article 22 shall not apply to such State and the applicant shall furnish a copy of the international application (unless the communication under Article 20 has already taken place) and a translation thereof (as prescribed), and pay the national fee (if any), to each elected Office not later than at the expiration of 25 months from the priority date."

^[3] The text of Article 53(11) shown here is as amended by a decision of the Assembly of the PCT Union on September 28, 1979. The original text was:

"(a) Until the Executive Committee has been established, the Assembly shall meet once in every

calendar year in ordinary session upon convocation by the Director General and, in the absence of exceptional circumstances, during the same period and at the same place as the Coordination Committee of the Organization.

(b) Once the Executive Committee has been established, the Assembly shall meet once in every third calendar year in ordinary session upon convocation by the Director General and, in the absence of exceptional circumstances, during the same period and at the same place as the General Assembly of the Organization.

(c) The Assembly shall meet in extraordinary session upon convocation by the Director General, at the request of the Executive Committee, or at the request of one-fourth of the Contracting States."

^[4] The text of Article 54(6)(a)(ii) shown here is as amended by a decision of the Assembly of the PCT Union on September 28, 1979. The original text was:

"submit proposals to the Assembly in respect of the draft program and triennial budget of the Union prepared by the Director General;"

^[5] Article 54(6)(a)(iii) was deleted by a decision of the Assembly of the PCT Union on September 28, 1979. The original text was:

"approve, within the limits of the program and triennial budget, the specific yearly budgets and programs prepared by the Director General;"

Chapter III

THE TEXT OF THE REGULATIONS UNDER THE PATENT COOPERATION TREATY AND OF THE VARIOUS AMENDMENTS OF THE REGULATIONS

The present chapter of this book reproduces the text of the Regulations under the PCT, as currently in force and, where the text currently in force is the result of one or several amendments of the original text (as adopted in 1970), the present chapter reproduces also the original text and any intermediate amendments. "Currently in force" means the text that was in force on January 1, 1994, and was still in force when the present book went into print, that is, on August 1, 1995.

Anything in bold characters is part of the current text. Anything not in bold characters has been superseded by the current text.

Wherever a provision is different in the current text from the original text or the intervening amendments, the various versions of such a provision appear between two horizontal lines.

In respect of provisions that have not undergone any amendment since the original text was adopted, the margin states that they have been in force "Since June 19, 1970."

In respect of all other provisions, the margin indicates the dates between which the provision was in force and, as far as the current text is concerned, the date since when it has been in force.

Regulations Under the Patent Cooperation Treaty

PART A

Introductory Rules

Rule 1
Abbreviated Expressions

Since June 19, 1970 1.1 *Meaning of Abbreviated Expressions*

(a) In these Regulations, the word "Treaty" means the Patent Cooperation Treaty.

(b) In these Regulations, the words "Chapter" and "Article" refer to the specified Chapter or Article of the Treaty.

Rule 2
Interpretation of Certain Words

Since June 19, 1970 2.1 *"Applicant"*

Whenever the word "applicant" is used, it shall be construed as meaning also the agent or other representative of the applicant, except where the contrary clearly follows from the wording or the nature of the provision, or the context in which the word is used, such as, in particular, where the provision refers to the residence or nationality of the applicant.

From June 19, 1970 to June 30, 1992 2.2 *"Agent"*

Whenever the word "agent" is used, it shall be construed as meaning any person who has the right to practice before international authorities as defined in Article 49 and, unless the contrary clearly follows from the wording or the nature of the provision, or the context in which the word is used, also the common representative referred to in Rule 4.8.

Since July 1, 1992 2.2 *"Agent"*

Whenever the word "agent" is used, it shall be construed as meaning an agent appointed under Rule 90.1, unless the contrary clearly follows from the wording or the nature of the provision, or the context in which the word is used.

Since July 1, 1992 2.2bis *"Common Representative"*

Whenever the expression "common representative" is used, it shall be construed as meaning an applicant appointed as, or considered to be, the common representative under Rule 90.2.

Since June 19, 1970 2.3 *"Signature"*

Whenever the word "signature" is used, it shall be understood that, if the national law applied by the receiving Office or the competent International Searching or Preliminary Examining Authority requires the use of a seal instead of a signature, the word, for the purposes of that Office or Authority, shall mean seal.

PART B

Rules Concerning Chapter I of the Treaty

Rule 3
The Request (Form)

Since June 19, 1970

From June 19, 1970 to June 30, 1992 3.1 *Printed Form*

The request shall be made on a printed form.

Since July 1, 1992 3.1 *Form of Request*

The request shall be made on a printed form or be presented as a computer print-out.

Since June 19, 1970 3.2 *Availability of Forms*

Copies of the printed form shall be furnished free of charge to the applicants by the receiving Office, or, if the receiving Office so desires, by the International Bureau.

From June 19, 1970 to June 30, 1992 3.3 *Check List*

(a) The printed form shall contain a list which, when filled in, will show:

Since July 1, 1992 3.3 *Check List*

(a) The request shall contain a list indicating:

Since June 19, 1970 (i) the total number of sheets constituting the international application and the number of the sheets of each element of the international application (request, description, claims, drawings, abstract);

From June 19, 1970 to September 30, 1981 (ii) whether or not the international application as filed is accompanied by a power of attorney (i.e., a document appointing an agent or a common representative), a priority document, a receipt for the fees paid or a check for the payment of the fees, an international or an international-type search report, a document in evidence of the fact that the applicant is the successor in title of the inventor, and any other document (to be specified in the check list);

Since October 1, 1981 (ii) whether or not the international application as filed is accompanied by a power of attorney (i.e., a document appointing an agent or a common representative), a copy of a general power of attorney, a priority document, a document relating to the payment of fees, and any other document (to be specified in the check list);

From June 19, 1970 to June 30, 1992 (iii) the number of that figure of the drawings which the applicant suggests should accompany the abstract when the abstract is published on the front page of the pamphlet and in the Gazette; in exceptional cases, the applicant may suggest more than one figure.

Since July 1, 1992 (iii) the number of that figure of the drawings which the applicant suggests should accompany the abstract when the abstract is published; in exceptional cases, the applicant may suggest more than one figure.

From June 19, 1970 to June 30, 1992 (b) The list shall be filled in by the applicant, failing which the receiving Office shall fill it in and make the necessary annotations, except that the number referred to in paragraph (a)(iii) shall not be filled in by the receiving Office.

Since July 1, 1992 (h) The list shall be completed by the applicant, failing which the receiving Office shall make the necessary indications, except that the number referred to in paragraph (a)(iii) shall not be indicated by the receiving Office.

From June 19, 1970 to June 30, 1992 3.4 *Particulars*
Subject to Rule 3.3, particulars of the printed form shall be prescribed by the Administrative Instructions.

Since July 1, 1992 3.4 *Particulars*
Subject to Rule 3.3, particulars of the printed request form and of a request presented as a computer print-out shall be prescribed by the Administrative Instructions.

Rule 4 The Request (Contents)

Since June 19, 1970 4.1 *Mandatory and Optional Contents; Signature*

(a) The request shall contain:

(i) a petition,

(ii) the title of the invention,

(iii) indications concerning the applicant and the agent, if there is an agent,

(iv) the designation of States,

(v) indications concerning the inventor where the national law of at least one of the designated States requires that the name of the inventor be furnished at the time of filing a national application.

(b) The request shall, where applicable, contain:

(i) a priority claim,

From June 19, 1970 to September 30, 1980 search, (ii) a reference to any earlier international search or to any earlier international-type search,

Since October 1, 1980 (ii) a reference to any earlier international, international-type or other search,

Since June 19, 1970 (iii) choices of certain kinds of protection,

From June 19, 1970 to June 30, 1992 (iv) an indication that the applicant wishes to obtain a regional patent and the names of the designated States for which he wishes to obtain such a patent,

Since July 1, 1992 (iv) an indication that the applicant wishes to obtain a regional patent,

From June 19, 1970 to December 31, 1993 (v) a reference to a parent application or parent patent.

Since January 1, 1994 (v) a reference to a parent application or parent patent,

Since January 1, 1994 (vi) **an indication of the applicant's choice of competent International Searching Authority.**

From June 19, 1970 to September 30, 1981 (c) The request may contain indications concerning the inventor where the national law of none of the designated States requires that the name of the inventor be furnished at the time of filing a national application.

Since October 1, 1981 (c) **The request may contain:**
(i) **indications concerning the inventor where the national law of none of the designated States requires that the name of the inventor be furnished at the time of filing a national application,**

(ii) **a request to the receiving Office to transmit the priority document to the International Bureau where the application whose priority is claimed was filed with the national Office or intergovernmental authority which is the receiving Office.**

Since June 19, 1970 (d) **The request shall be signed.**

4.2 *The Petition*

The petition shall be to the following effect and shall preferably be worded as follows: "The undersigned requests that the present international application be processed according to the Patent Cooperation Treaty."

Since June 19, 1970 4.3 *Title of the Invention*

The title of the invention shall be short (preferably from two to seven words when in English or translated into English) and precise.

Since June 19, 1970 4.4 *Names and Addresses*

(a) **Names of natural persons shall be indicated by the person's family name and given name(s), the family name being indicated before the given name(s).**

(b) **Names of legal entities shall be indicated by their full, official designations.**

From June 19, 1970 to April 13, 1978 (c) Addresses shall be indicated in such a way as to satisfy the customary requirements for prompt postal delivery at the indicated address and, in any case, shall consist of all the relevant administrative units up to, and including, the house number, if any. Where the national law of the designated State does not require the indication of the house number, failure to indicate such number shall have no effect in that State. It is recommended to indicate any telegraphic and teletype address and telephone number.

From April 14, 1978 to September 30, 1981

(c) Addresses shall be indicated in such a way as to satisfy the customary requirements for prompt postal delivery at the indicated address and, in any case, shall consist of all the relevant administrative units up to, and including, the house number, if any. Where the national law of the designated State does not require the indication of the house numbers, failure to indicate such number shall have no effect in that State. It is recommended to indicate any telegraphic and teleprinter address and telephone number.

From October 1, 1981 to June 30, 1992

(c) Addresses shall be indicated in such a way as to satisfy the customary requirements for prompt postal delivery at the indicated address and, in any case, shall consist of all the relevant administrative units up to, and including, the house number, if any. Where the national law of the designated State does not require the indication of the house number, failure to indicate such number shall have no effect in that State. It is recommended to indicate any telegraphic and teleprinter address and telephone number of the agent or common representative or, in the absence of the designation of an agent or common representative in the request, of the applicant first named in the request.

Since July 1, 1992

(c) Addresses shall be indicated in such a way as to satisfy the customary requirements for prompt postal delivery at the indicated address and, in any case, shall consist of all the relevant administrative units up to, and including, the house number, if any. Where the national law of the designated State does not require the indication of the house number, failure to indicate such number shall have no effect in that State. In order to allow rapid communication with the applicant, it is recommended to indicate any teleprinter address, telephone and facsimile machine numbers, or corresponding data for other like means of communication, of the applicant or, where applicable, the agent or the common representative.

From June 19, 1970 to September 30, 1981

(d) For each applicant, inventor, or agent, only one address may be indicated.

Since October 1, 1981

(d) For each applicant, inventor, or agent, only one address may be indicated, except that, if no agent has been appointed to represent the applicant, or all of them if more than one, the applicant or, if there is more than one applicant, the common representative, may indicate, in addition to any other address given in the request, an address to which notifications shall be sent.

Since June 19, 1970

4.5 *The Applicant*

(a) The request shall indicate the name, address, nationality and residence of the applicant or, if there are several applicants, of each of them.

(b) The applicant's nationality shall be indicated by the name of the State of which he is a national.

(c) The applicant's residence shall be indicated by the name of the State of which he is a resident.

Since July 1, 1992 (d) The request may, for different designated States, indicate different applicants. In such a case, the request shall indicate the applicant or applicants for each designated State or group of designated States.

Since June 19, 1970 4.6 *The Inventor*

(a) Where Rule 4.1(a)(v) applies, the request shall indicate the name and address of the inventor or, if there are several inventors, of each of them.

From June 19, 1970 to September 30, 1981 (b) If the applicant is the inventor, the request, in lieu of the indication under paragraph (a), shall contain a statement to that effect or shall repeat the applicant's name in the space reserved for indicating the inventor.

Since October 1, 1981 (b) If the applicant is the inventor, the request, in lieu of the indication under paragraph (a), shall contain a statement to that effect.

Since June 19, 1970 (c) The request may, for different designated States, indicate different persons as inventors where, in this respect, the requirements of the national laws of the designated States are not the same. In such a case, the request shall contain a separate statement for each designated State or group of States in which a particular person, or the same person, is to be considered the inventor, or in which particular persons, or the same persons, are to be considered the inventors.

Since June 19, 1970 4.7 *The Agent*

If agents are designated, the request shall so indicate, and shall state their names and addresses.

From June 19, 1970 to June 30, 1992 4.8 *Representation of Several Applicants Not Having a Common Agent*

(a) If there is more than one applicant and the request does not refer to an agent representing all the applicants ("a common agent"), the request shall designate one of the applicants who is entitled to file an international application according to Article 9 as their common representative.

From June 19, 1970 to September 30, 1980 (b) If there is more than one applicant and the request does not refer to an agent representing all the applicants and it does not comply with the requirement of designating one of the applicants as provided in paragraph (a), the applicant first named in the request who is entitled to file an international application according to Article 9 shall be considered the common representative.

From October 1, 1980 to June 30, 1992 (b) If there is more than one applicant and the request does not refer to an agent representing all the applicants and it does not comply with the requirement of designating one of the applicants as provided in paragraph (a), the common representative shall be the applicant first named in the request who is entitled to file an international application with the receiving Office with which the international application was filed (Rule 19.1(a)).

Since July 1, 1992 4.8 *Common Representative*

If a common representative is designated, the request shall so indicate.

From June 19, 1970 to June 30, 1992 4.9 *Designation of States*

Contracting States shall be designated in the request by their names.

Since July 1, 1992 4.9 *Designation of States*

(a) Contracting States shall be designated in the request:

(i) in the case of designations for the purpose of obtaining national patents, by an indication of each State concerned;

(ii) in the case of designations for the purpose of obtaining a regional patent, by an indication that a regional patent is desired either for all Contracting States which are party to the regional patent treaty concerned or only for such Contracting States as are specified.

(b) The request may contain an indication that all designations which would be permitted under the Treaty, other than those made under paragraph (a), are also made, provided that:

(i) at least one Contracting State is designated under paragraph (a), and

(ii) the request also contains a statement that any designation made under this paragraph is subject to confirmation as provided in paragraph (c) and that any designation which is not so confirmed before the expiration of 15 months from the priority date is to be regarded as withdrawn by the applicant at the expiration of that time limit.

(c) The confirmation of any designation made under paragraph (b) shall be effected by

(i) filing with the receiving Office a written notice containing an indication as referred to in paragraph (a)(i) or (ii), and

(ii) paying to the receiving Office the designation fee and the confirmation fee referred to in Rule 15.5

within the time limit under paragraph (b)(ii).

Since June 19, 1970 4.10 *Priority Claim*

(a) The declaration referred to in Article 8(1) shall be made in the request; it shall consist of a statement to the effect that the priority of an earlier application is claimed and shall indicate:

(i) when the earlier application is not a regional or an international application, the country in which it was filed; when the earlier application is a regional or an international application, the country or countries for which it was filed,

(ii) the date on which it was filed,

(iii) the number under which it was filed, and

(iv) when the earlier application is a regional or an international application, the national Office or intergovernmental organization with which it was filed.

From June 19,
1970 to
September 30,
1980

(b) If the request does not indicate both:

(i) when the earlier application is not a regional or an international application, the country in which it was filed; when the earlier application is a regional or an international application, at least one country for which it was filed; and

(ii) the date on which it was filed,

the priority claim shall, for the purposes of the procedure under the Treaty, be considered not to have been made.

From October 1,
1980 to
December 31,
1984

(b) If the request does not indicate both

(i) when the earlier application is not a regional or an international application, the country in which it was filed; when the earlier application is a regional or an international application, at least one country for which it was filed, and

(ii) the date on which it was filed,

the priority claim shall, for the purposes of the procedure under the Treaty, be considered not to have been made except where, resulting from an obvious error of transcription, the indication of the said country or the said date is missing or is erroneous; whenever the identity or correct identity of the said country, or the said date or the correct date, may be established on the basis of the copy of the earlier application which the receiving Office receives before it transmits the record copy to the International Bureau, the error shall be considered as an obvious error.

From January 1,
1985 to June 30,
1992

(b) If the request does not indicate both

(i) when the earlier application is not a regional or an international application, the country in which it was filed; when the earlier application is a regional or an international application, at least one country for which it was filed, and

(ii) the date on which it was filed,

the priority claim shall, for the purposes of the procedure under the Treaty, be considered not to have been made except where, resulting from an obvious error, the indication of the said country or the

said date is missing or is erroneous; whenever the identity or correct identity of the said country, or the said date or the correct date, may be established on the basis of the copy of the earlier application which reaches the receiving Office before it transmits the record copy to the International Bureau, the error shall be considered as an obvious error.

Since July 1, 1992

(b) If the request does not indicate both

(i) when the earlier application is not a regional or an international application, the country in which such earlier application was filed; when the earlier application is a regional or an international application, at least one country for which such earlier application was filed, and

(ii) the date on which the earlier application was filed,

the priority claim shall, for the purposes of the procedure under the Treaty, be considered not to have been made. However, where, resulting from an obvious error, the indication of the said country or the said date is missing or is erroneous, the receiving Office may, at the request of the applicant, make the necessary correction. The error shall be considered as an obvious error whenever the correction is obvious from a comparison with the earlier application. Where the error consists of the omission of the indication of the said date, the correction can only be made before the transmittal of the record copy to the International Bureau. In the case of any other error relating to the indication of the said date or in the case of any error relating to the indication of the said country, the correction can only be made before the expiration of the time limit under Rule 17.1(a) computed on the basis of the correct priority date.

From June 19,
1970 to
December 31,
1984

(c) If the application number of the earlier application is not indicated in the request but is furnished by the applicant to the International Bureau prior to the expiration of the 16th month from the priority date, it shall be considered by all designated States to have been furnished in time. If it is furnished after the expiration of that time limit, the International Bureau shall inform the applicant and the designated Offices of the date on which the said number was furnished to it. The International Bureau shall indicate that date in the international publication of the international application, or, if, at the time of the international publication, the said number has not been furnished to it, shall indicate that fact in the international publication.

Since January 1,
1985

(c) If the application number of the earlier application is not indicated in the request but is furnished by the applicant to the International Bureau or to the receiving Office prior to the expiration of the 16th month from the priority date, it shall be considered by all designated States to have been furnished in time.

From June 19,
1970 to April 13,
1978

(d) If the filing date of the earlier application as indicated in the request precedes the international filing date by more than one year, the receiving Office, or, if the receiving Office has failed to do so, the International Bureau, shall invite the applicant to ask either for the cancellation of the declaration made under Article 8(1) or, if the date of the earlier application was indicated erroneously, for the correction of the date so indicated. If the applicant fails to act accordingly within 1 month from the date of the invitation, the declaration made under Article 8(1) shall be cancelled ex officio. The receiving Office effecting the correction or cancellation shall notify the applicant

accordingly and, if copies of the international application have already been sent to the International Bureau and the International Searching Authority, that Bureau and that Authority. If the correction or cancellation is effected by the International Bureau, the latter shall notify the applicant and the International Searching Authority accordingly.

From April 14,
1978 to
December 31,
1984

(d) If the filing date of the earlier application as indicated in the request does not fall within the period of one year preceding the international filing date, the receiving Office, or, if the receiving Office has failed to do so, the International Bureau, shall invite the applicant to ask either for the cancellation of the declaration made under Article 8(1) or, if the date of the earlier application was indicated erroneously, for the correction of the date so indicated. If the applicant fails to act accordingly within 1 month from the date of the invitation, the declaration made under Article 8(1) shall be cancelled *ex officio*. The receiving Office effecting the correction or cancellation shall notify the applicant accordingly and, if copies of the international application have already been sent to the International Bureau and the International Searching Authority, that Bureau and that Authority. If the correction or cancellation is effected by the International Bureau, the latter shall notify the applicant and the International Searching Authority accordingly.

Since January 1,
1985

(d) If the filing date of the earlier application as indicated in the request does not fall within the period of one year preceding the international filing date, the receiving Office, or, if the receiving Office has failed to do so, the International Bureau, shall invite the applicant to ask either for the cancellation of the declaration made under Article 8(1) or, if the date of the earlier application was indicated erroneously, for the correction of the date so indicated. If the applicant fails to act accordingly within one month from the date of the invitation, the declaration made under Article 8(1) shall be cancelled *ex officio*.

Since June 19,
1970

(e) Where the priorities of several earlier applications are claimed, the provisions of paragraphs (a) to (d) shall apply to each of them.

From June 19,
1970 to
September 30,
1980

4.11 Reference to Earlier International or International-Type Search

If an international or international-type search has been requested on an application under Article 15(5), the request may state that fact and identify the application (or its translation, as the case may be) by country, date and number, and the request for the said search by date and, if available, number.

Since October 1,
1980

4.11 Reference to Earlier Search

If an international or international-type search has been requested on an application under Article 15(5) or if the applicant wishes the International Searching Authority to base the international search report wholly or in part on the results of a search, other than an international or international-type search, made by the national Office or intergovernmental organization which is the International Searching Authority competent for the international application, the request shall contain a reference to that fact. Such reference shall either identify the application (or its translation, as the case may be) in respect of which the earlier search was made by indicating country, date and number, or the said search by indicating, where applicable, date and number of the request for such search.

Since June 19,
1970

4.12 Choice of Certain Kinds of Protection

(a) If the applicant wishes his international application to be treated, in any designated State, as an application not for a patent but for the grant of any of the other kinds of protection specified in Article 43, he shall so indicate in the request. For the purposes of this paragraph, Article 2(ii) shall not apply.

(b) In the case provided for in Article 44, the applicant shall indicate the two kinds of protection sought, or, if one of two kinds of protection is primarily sought, he shall indicate which kind is sought primarily and which kind is sought subsidiarily.

Since June 19,
1970

4.13 Identification of Parent Application or Parent Grant

If the applicant wishes his international application to be treated, in any designated State, as an application for a patent or certificate of addition, inventor's certificate of addition, or utility certificate of addition, he shall identify the parent application or the parent patent, parent inventor's certificate, or parent utility certificate to which the patent or certificate of addition, inventor's certificate of addition, or utility certificate of addition, if granted, relates. For the purposes of this paragraph Article 2(ii) shall not apply.

Since June 19,
1970

4.14 Continuation or Continuation-in-Part

If the applicant wishes his international application to be treated, in any designated State, as an application for a continuation or a continuation-in-part of an earlier application, he shall so indicate in the request and shall identify the parent application involved.

Since January 1,
1994

4.14bis Choice of International Searching Authority

If two or more International Searching Authorities are competent for the searching of the international application, the applicant shall indicate his choice of International Searching Authority in the request.

From June 19,
1970 to June 30,
1992

4.15 Signature

The request shall be signed by the applicant.

Since July 1, 1992

4.15 Signature

(a) Subject to paragraph (b), the request shall be signed by the applicant or, if there is more than one applicant, by all of them.

(b) Where two or more applicants file an international application which designates a State whose national law requires that national applications be filed by the inventor and where an applicant for that designated State who is an inventor refused to sign the request or could not be found or reached after diligent effort, the request need not be signed by that applicant if

it is signed by at least one applicant and a statement is furnished explaining, to the satisfaction of the receiving Office, the lack of the signature concerned.

Since June 19, 1970 4.16 *Transliteration or Translation of Certain Words*

(a) Where any name or address is written in characters other than those of the Latin alphabet, the same shall also be indicated in characters of the Latin alphabet either as a mere transliteration or through translation into English. The applicant shall decide which words will be merely transliterated and which words will be so translated.

(b) The name of any country written in characters other than those of the Latin alphabet shall also be indicated in English.

From June 19, 1970 to December 31, 1984 4.17 *No Additional Matter*

(a) The request shall contain no matter other than that specified in Rules 4.1 to 4.16.

(b) If the request contains matter other than that specified in Rules 4.1 to 4.16, the receiving Office shall ex officio delete the additional matter.

Since January 1, 1985 4.17 *Additional Matter*

(a) The request shall contain no matter other than that specified in Rules 4.1 to 4.16, provided that the Administrative Instructions may permit, but cannot make mandatory, the inclusion in the request of any additional matter specified in the Administrative Instructions.

(b) If the request contains matter other than that specified in Rules 4.1 to 4.16 or permitted under paragraph (a) by the Administrative Instructions, the receiving Office shall ex officio delete the additional matter.

Rule 5
The Description

Since June 19, 1970 5.1 *Manner of the Description*

(a) The description shall first state the title of the invention as appearing in the request and shall:

(i) specify the technical field to which the invention relates;

(ii) indicate the background art which, as far as known to the applicant, can be regarded as useful for the understanding, searching and examination of the invention, and, preferably, cite the documents reflecting such art;

(iii) disclose the invention, as claimed, in such terms that the technical problem (even if not expressly stated as such) and its solution can be understood, and state the advantageous effects, if any, of the invention with reference to the background art;

(iv) briefly describe the figures in the drawings, if any;

(v) set forth at least the best mode contemplated by the applicant for carrying out the invention claimed; this shall be done in terms of examples, where appropriate, and with reference to the drawings, if any; where the national law of the designated State does not require the description of the best mode but is satisfied with the description of any mode (whether it is the best contemplated or not), failure to describe the best mode contemplated shall have no effect in that State;

(vi) indicate explicitly, when it is not obvious from the description or nature of the invention, the way in which the invention is capable of exploitation in industry and the way in which it can be made and used, or, if it can only be used, the way in which it can be used; the term "industry" is to be understood in its broadest sense as in the Paris Convention for the Protection of Industrial Property.

(b) The manner and order specified in paragraph (a) shall be followed except when, because of the nature of the invention, a different manner or a different order would result in a better understanding and a more economic presentation.

(c) Subject to the provisions of paragraph (b), each of the parts referred to in paragraph (a) shall preferably be preceded by an appropriate heading as suggested in the Administrative Instructions.

Since July 1, 1992 5.2 *Nucleotide and/or Amino Acid Sequence Disclosure*

Where the international application contains disclosure of a nucleotide and/or amino acid sequence, the description shall contain a listing of the sequence complying with the standard prescribed by the Administrative Instructions.

Rule 6
The Claims

Since June 19, 1970 6.1 *Number and Numbering of Claims*

(a) The number of the claims shall be reasonable in consideration of the nature of the invention claimed.

(b) If there are several claims, they shall be numbered consecutively in Arabic numerals.

(c) The method of numbering in the case of the amendment of claims shall be governed by the Administrative Instructions.

Since June 19,
1970

6.2 *References to Other Parts of the International Application*

(a) Claims shall not, except where absolutely necessary, rely, in respect of the technical features of the invention, on references to the description or drawings. In particular, they shall not rely on such references as: "as described in part . . . of the description," or "as illustrated in figure ... of the drawings."

(b) Where the international application contains drawings, the technical features mentioned in the claims shall preferably be followed by the reference signs relating to such features. When used, the reference signs shall preferably be placed between parentheses. If inclusion of reference signs does not particularly facilitate quicker understanding of a claim, it should not be made. Reference signs may be removed by a designated Office for the purposes of publication by such Office.

Since June 19,
1970

6.3 *Manner of Claiming*

(a) The definition of the matter for which protection is sought shall be in terms of the technical features of the invention.

(b) Whenever appropriate, claims shall contain:

(i) a statement indicating those technical features of the invention which are necessary for the definition of the claimed subject matter but which, in combination, are part of the prior art,

(ii) a characterizing portion — preceded by the words "characterized in that," "characterized by," "wherein the improvement comprises," or any other words to the same effect — stating concisely the technical features which, in combination with the features stated under (i), it is desired to protect.

(c) Where the national law of the designated State does not require the manner of claiming provided for in paragraph (b), failure to use that manner of claiming shall have no effect in that State provided the manner of claiming actually used satisfies the national law of that State.

From June 19,
1970 to
December 31,
1984

6.4 *Dependent Claims*

(a) Any claim which includes all the features of one or more other claims (claim in dependent form, hereinafter referred to as "dependent claim") shall do so by a reference, if possible at the beginning, to the other claim or claims and shall then state the additional features claimed. Any dependent claim which refers to more than one other claim ("multiple dependent claim") shall refer to such claims in the alternative only. Multiple dependent claims shall not serve as a basis for any other multiple dependent claim.

Since January 1,
1985

6.4 *Dependent Claims*

(a) Any claim which includes all the features of one or more other claims (claim in dependent form, hereinafter referred to as "dependent claim") shall do so by a reference, if possible at the beginning, to the other claim or claims and shall then state the additional features claimed. Any dependent claim which refers to more than one other claim ("multiple dependent claim") shall refer to such claims in the alternative only. Multiple dependent claims shall not serve as a basis for any other multiple dependent claim. Where the national law of the national Office acting as International Searching Authority does not allow multiple dependent claims to be drafted in a manner different from that provided for in the preceding two sentences, failure to use that manner of claiming may result in an indication under Article 17(2)(b) in the international search report. Failure to use the said manner of claiming shall have no effect in a designated State if the manner of claiming actually used satisfies the national law of that State.

Since June 19,
1970

(b) Any dependent claim shall be construed as including all the limitations contained in the claim to which it refers or, if the dependent claim is a multiple dependent claim, all the limitations contained in the particular claim in relation to which it is considered.

(c) All dependent claims referring back to a single previous claim, and all dependent claims referring back to several previous claims, shall be grouped together to the extent and in the most practical way possible.

Since June 19,
1970

6.5 *Utility Models*

Any designated State in which the grant of a utility model is sought on the basis of an international application may, instead of Rules 6.1 to 6.4, apply in respect of the matters regulated in those Rules the provisions of its national law concerning utility models once the processing of the international application has started in that State, provided that the applicant shall be allowed at least two months from the expiration of the time limit applicable under Article 22 to adapt his application to the requirements of the said provisions of the national law.

Rule 7 The Drawings

Since June 19,
1970

7.1 *Flow Sheets and Diagrams*

Flow sheets and diagrams are considered drawings.

Since June 19,
1970

7.2 *Time Limit*

The time limit referred to in Article 7(2)(ii) shall be reasonable under the circumstances of the case and shall, in no case, be shorter than two months from the date of the written invitation requiring the filing of drawings or additional drawings under the said provision.

**Rule 8
The Abstract**

Since June 19,
1970

8.1 Contents and Form of the Abstract

(a) The abstract shall consist of the following:

(i) a summary of the disclosure as contained in the description, the claims, and any drawings; the summary shall indicate the technical field to which the invention pertains and shall be drafted in a way which allows the clear understanding of the technical problem, the gist of the solution of that problem through the invention, and the principal use or uses of the invention;

(ii) where applicable, the chemical formula which, among all the formulae contained in the international application, best characterizes the invention.

(b) The abstract shall be as concise as the disclosure permits (preferably 50 to 150 words if it is in English or when translated into English).

(c) The abstract shall not contain statements on the alleged merits or value of the claimed invention or on its speculative application.

(d) Each main technical feature mentioned in the abstract and illustrated by a drawing in the international application shall be followed by a reference sign, placed between parentheses.

From June 19,
1970 to
December 31,
1984

8.2 Failure to Suggest a Figure to be Published with the Abstract

If the applicant fails to make the indication referred to in Rule 3.3(a)(iii), or if the International Searching Authority finds that a figure or figures other than that figure or those figures suggested by the applicant would, among all the figures of all the drawings, better characterize the invention, it shall indicate the figure or figures which it so considers. Publications by the International Bureau shall then use the figure or figures so indicated by the International Searching Authority. Otherwise, the figure or figures suggested by the applicant shall be used in the said publications.

Since January 1,
1985

8.2 Figure

(a) If the applicant fails to make the indication referred to in Rule 3.3(a)(iii), or if the International Searching Authority finds that a figure or figures other than that figure or those figures suggested by the applicant would, among all the figures of all the drawings, better characterize the invention, it shall, subject to paragraph (b), indicate the figure or figures which should accompany the abstract when the latter is published by the International Bureau. In such case, the abstract shall be accompanied by the figure or figures so indicated by the International Searching Authority. Otherwise, the abstract shall, subject to paragraph (b), be accompanied by the figure or figures suggested by the applicant.

(b) If the International Searching Authority finds that none of the figures of the drawings is useful for the understanding of the abstract, it shall notify the International Bureau accordingly. In such case, the abstract, when published by the International Bureau, shall not be accompanied by any figure of the drawings even where the applicant has made a suggestion under Rule 3.3(a)(iii).

Since June 19,
1970

8.3 Guiding Principles in Drafting

The abstract shall be so drafted that it can efficiently serve as a scanning tool for purposes of searching in the particular art, especially by assisting the scientist, engineer or researcher in formulating an opinion on whether there is a need for consulting the international application itself.

**Rule 9
Expressions, Etc., Not to Be Used**

Since June 19,
1970

9.1 Definition

The international application shall not contain:

(i) expressions or drawings contrary to morality;

(ii) expressions or drawings contrary to public order;

(iii) statements disparaging the products or processes of any particular person other than the applicant, or the merits or validity of applications or patents of any such person (mere comparisons with the prior art shall not be considered disparaging *per se*);

(iv) any statement or other matter obviously irrelevant or unnecessary under the circumstances.

Since June 19,
1970

9.2 Noting of Lack of Compliance

The receiving Office and the International Searching Authority may note lack of compliance with the prescriptions of Rule 9.1 and may suggest to the applicant that he voluntarily correct his international application accordingly. If the lack of compliance was noted by the receiving Office, that Office shall inform the competent International Searching Authority and the International Bureau; if the lack of compliance was noted by the International Searching Authority, that Authority shall inform the receiving Office and the International Bureau.

Since June 19,
1970

9.3 Reference to Article 21(6)

"Disparaging statements," referred to in Article 21(6), shall have the meaning as defined in Rule 9.1(iii).

Rule 10
Terminology and Signs

Since June 19, 1970 **10.1 Terminology and Signs**

(a) Units of weights and measures shall be expressed in terms of the metric system, or also expressed in such terms if first expressed in terms of a different system.

From June 19, 1970 to September 30, 1980 (b) Temperatures shall be expressed in degrees centigrade, or also expressed in degrees centigrade if first expressed in a different manner.

Since October 1, 1980 (b) Temperatures shall be expressed in degrees Celsius, or also expressed in degrees Celsius, if first expressed in a different manner.

From June 19, 1970 to September 30, 1980 (c) Density shall be expressed in metric units.

Since October 1, 1980 (c) [Deleted]

Since June 19, 1970 (d) For indications of heat, energy, light, sound, and magnetism, as well as for mathematical formulae and electrical units, the rules of international practice shall be observed; for chemical formulae, the symbols, atomic weights, and molecular formulae, in general use, shall be employed.

(e) In general, only such technical terms, signs and symbols should be used as are generally accepted in the art.

From June 19, 1970 to December 31, 1993 (f) When the international application or its translation is in English or Japanese, the beginning of any decimal fraction shall be marked by a period, whereas, when the international application or its translation is in a language other than English or Japanese, it shall be marked by a comma.

Since January 1, 1994 (f) When the international application or its translation is in Chinese, English or Japanese, the beginning of any decimal fraction shall be marked by a period, whereas, when the international application or its translation is in a language other than Chinese, English or Japanese, it shall be marked by a comma.

Since June 19, 1970 **10.2 Consistency**

The terminology and the signs shall be consistent throughout the international application.

Rule 11
Physical Requirements of the International Application

Since June 19, 1970 **11.1 Number of Copies**

(a) Subject to the provisions of paragraph (b), the international application and each of the documents referred to in the check list (Rule 3.3(a)(ii)) shall be filed in one copy.

(b) Any receiving Office may require that the international application and any of the documents referred to in the check list (Rule 3.3(a)(ii)), except the receipt for the fees paid or the check for the payment of the fees, be filed in two or three copies. In that case, the receiving Office shall be responsible for verifying the identity of the second and the third copies with the record copy.

Since June 19, 1970 **11.2 Fitness for Reproduction**

(a) All elements of the international application (i.e., the request, the description, the claims, the drawings, and the abstract) shall be so presented as to admit of direct reproduction by photography, electrostatic processes, photo offset, and microfilming, in any number of copies.

(b) All sheets shall be free from creases and cracks; they shall not be folded.

(c) Only one side of each sheet shall be used.

From June 19, 1970 to September 30, 1980 (d) Subject to Rule 11.13(j), each sheet shall be used in an upright position (i.e., the short sides at the top and bottom).

Since October 1, 1980 (d) Subject to Rule 11.10(d) and Rule 11.13(j), each sheet shall be used in an upright position (i.e., the short sides at the top and bottom).

Since June 19, 1970 **11.3 Material to Be Used**

All elements of the international application shall be on paper which shall be flexible, strong, white, smooth, non-shiny and durable.

Since June 19, 1970 **11.4 Separate Sheets, Etc.**

(a) Each element (request, description, claims, drawings, abstract) of the international application shall commence on a new sheet.

(b) All sheets of the international application shall be so connected that they can be easily turned when consulted, and easily separated and joined again if they have been separated for reproduction purposes.

Since June 19, 1970 **11.5 Size of Sheets**

The size of the sheets shall be A4 (29.7 cm x 21 cm). However, any receiving Office may accept international applications on sheets of other sizes provided that the record copy, as transmitted to the International Bureau, and, if the competent International Searching Authority so desires, the search copy, shall be of A4 size.

- top: 4 cm
- left side: 4 cm
- right side: 3 cm
- bottom: 3 cm.

Since June 19, 1970 **11.6 Margins**

From June 19, 1970 to April 13, 1978 (a) The minimum margins of the sheets containing the request, the description, the claims, and the abstract, shall be as follows:

- top of first sheet, except that of the request: 8 cm
- top of other sheets: 2 cm
- left side: 2.5 cm
- right side: 2 cm
- bottom: 2 cm.

From April 14, 1978 to June 30, 1992 (a) The minimum margins of the sheets containing the request, the description, the claims, and the abstract, shall be as follows:

- top: 2 cm
- left side: 2.5 cm
- right side: 2 cm
- bottom: 2 cm.

Since July 1, 1992 (a) The minimum margins of the sheets containing the description, the claims, and the abstract, shall be as follows:

- top: 2 cm
- left side: 2.5 cm
- right side: 2 cm
- bottom: 2 cm.

From June 19, 1970 to April 13, 1978 (b) The recommended maximum, for the margins provided for in paragraph (a), is as follows:

- top of first sheet, except that of the request: 9 cm
- top of other sheets: 4 cm
- left side: 4 cm
- right side: 3 cm
- bottom: 3 cm.

Since April 14, 1978 (b) The recommended maximum, for the margins provided for in paragraph (a), is as follows:

Since June 19, 1970 (c) On sheets containing drawings, the surface usable shall not exceed 26.2 cm x 17.0 cm. The sheets shall not contain frames around the usable or used surface. The minimum margins shall be as follows:

- top: 2.5 cm
- left side: 2.5 cm
- right side: 1.5 cm
- bottom: 1.0 cm.

(d) The margins referred to in paragraphs (a) to (c) apply to A4-size sheets, so that, even if the receiving Office accepts other sizes, the A4-size record copy and, when so required, the A4-size search copy shall leave the aforesaid margins.

From June 19, 1970 to June 30, 1992 (e) The margins of the international application, when submitted, must be completely blank.

Since July 1, 1992 (e) Subject to paragraph (f) and to Rule 11.8(b), the margins of the international application, when submitted, must be completely blank.

Since July 1, 1992 (f) The top margin may contain in the left-hand corner an indication of the applicant's file reference, provided that the reference appears within 1.5 cm from the top of the sheet. The number of characters in the applicant's file reference shall not exceed the maximum fixed by the Administrative Instructions.

Since June 19, 1970 **11.7 Numbering of Sheets**

(a) All the sheets contained in the international application shall be numbered in consecutive Arabic numerals.

From June 19, 1970 to June 30, 1992 (b) The numbers shall be placed at the top of the sheet, in the middle, but not in the margin.

Since July 1, 1992 (b) The numbers shall be centered at the top or bottom of the sheet, but shall not be placed in the margin.

Since June 19,
1970

11.8 *Numbering of Lines*

(a) It is strongly recommended to number every fifth line of each sheet of the description, and of each sheet of claims.

From June 19,
1970 to June 30,
1992

(b) The numbers should appear on the left side, to the right of the margin.

Since July 1, 1992

(b) The numbers should appear in the right half of the left margin.

Since June 19,
1970

11.9 *Writing of Text Matter*

(a) The request, the description, the claims and the abstract shall be typed or printed.

From June 19,
1970 to
December 31,
1993

(b) Only graphic symbols and characters, chemical or mathematical formulae, and certain characters in the Japanese language may, when necessary, be written by hand or drawn.

Since January 1,
1994

(b) Only graphic symbols and characters, chemical or mathematical formulae, and certain characters in the Chinese or Japanese language may, when necessary, be written by hand or drawn.

Since June 19,
1970

(c) The typing shall be $1\frac{1}{2}$ -spaced.

(d) All text matter shall be in characters the capital letters of which are not less than 0.21 cm high, and shall be in a dark, indelible color, satisfying the requirements specified in Rule 11.2.

From June 19,
1970 to
December 31,
1993

(e) As far as the spacing of the typing and the size of the characters are concerned, paragraphs (c) and (d) shall not apply to texts in the Japanese language.

Since January 1,
1994

(e) As far as the spacing of the typing and the size of the characters are concerned, paragraphs (c) and (d) shall not apply to texts in the Chinese or Japanese language.

Since June 19,
1970

11.10 *Drawings, Formulae, and Tables, in Text Matter*

(a) The request, the description, the claims and the abstract shall not contain drawings.

(b) The description, the claims and the abstract may contain chemical or mathematical formulae.

(c) The description and the abstract may contain tables; any claim may contain tables only if the subject matter of the claim makes the use of tables desirable.

Since October 1,
1980

(d) Tables and chemical or mathematical formulae may be placed sideways on the sheet if they cannot be presented satisfactorily in an upright position thereon; sheets on which tables or chemical or mathematical formulae are presented sideways shall be so presented that the tops of the tables or formulae are at the left side of the sheet.

Since June 19,
1970

11.11 *Words in Drawings*

(a) The drawings shall not contain text matter, except a single word or words, when absolutely indispensable, such as "water," "steam," "open," "closed," "section on AB," and, in the case of electric circuits and block schematic or flow sheet diagrams, a few short catch words indispensable for understanding.

(b) Any words used shall be so placed that, if translated, they may be pasted over without interfering with any lines of the drawings.

Since June 19,
1970

11.12 *Alterations, Etc.*

From June 19,
1970 to
September 30,
1980

Each sheet shall be reasonably free from erasures and shall be free from alterations, overwritings, and interlineations. Non-compliance with this Rule may be authorized, in exceptional cases, if the authenticity of the content is not in question and the requirements for good reproduction are not in jeopardy.

Since October 1,
1980

Each sheet shall be reasonably free from erasures and shall be free from alterations, overwritings, and interlineations. Non-compliance with this Rule may be authorized if the authenticity of the content is not in question and the requirements for good reproduction are not in jeopardy.

From June 19,
1970 to April 13,
1978

11.13 *Special Requirements for Drawings*

(a) Drawings shall be executed in durable, black or blue, sufficiently dense and dark, uniformly thick and well-defined, lines and strokes without colorings.

Since April 14,
1978

11.13 *Special Requirements for Drawings*

(a) Drawings shall be executed in durable, black, sufficiently dense and dark, uniformly thick and well-defined, lines and strokes without colorings.

Since June 19, 1970

(b) Cross-sections shall be indicated by oblique hatching which should not impede the clear reading of the reference signs and leading lines.

(c) The scale of the drawings and the distinctness of their graphical execution shall be such that a photographic reproduction with a linear reduction in size to two-thirds would enable all details to be distinguished without difficulty.

(d) When, in exceptional cases, the scale is given on a drawing, it shall be represented graphically.

(e) All numbers, letters and reference lines, appearing on the drawings, shall be simple and clear. Brackets, circles or inverted commas shall not be used in association with numbers and letters.

(f) All lines in the drawings shall, ordinarily, be drawn with the aid of drafting instruments.

(g) Each element of each figure shall be in proper proportion to each of the other elements in the figure, except where the use of a different proportion is indispensable for the clarity of the figure.

(h) The height of the numbers and letters shall not be less than 0.32 cm. For the lettering of drawings, the Latin and, where customary, the Greek alphabets shall be used.

(i) The same sheet of drawings may contain several figures. Where figures on two or more sheets form in effect a single complete figure, the figures on the several sheets shall be so arranged that the complete figure can be assembled without concealing any part of any of the figures appearing on the various sheets.

From June 19, 1970 to September 30, 1980

(j) The different figures shall be arranged on a sheet or sheets without wasting space, preferably in an upright position, clearly separated from one another.

Since October 1, 1980

(j) The different figures shall be arranged on a sheet or sheets without wasting space, preferably in an upright position, clearly separated from one another. Where the figures are not arranged in an upright position, they shall be presented sideways with the top of the figures at the left side of the sheet.

Since June 19, 1970

(k) The different figures shall be numbered in Arabic numerals consecutively and independently of the numbering of the sheets.

(l) Reference signs not mentioned in the description shall not appear in the drawings, and vice versa.

(m) The same features, when denoted by reference signs, shall, throughout the international application, be denoted by the same signs.

(n) If the drawings contain a large number of reference signs, it is strongly recommended to attach a separate sheet listing all reference signs and the features denoted by them.

Since June 19, 1970

11.14 *Later Documents*

Rules 10, and 11.1 to 11.13, also apply to any document — for example, corrected pages, amended claims — submitted after the filing of the international application.

From June 19, 1970 to December 31, 1984

11.15 *Translations*

No designated Office shall require that the translation of an international application filed with it comply with requirements other than those prescribed for the international application as filed.

Since January 1, 1985

11.15 [Deleted]

Since June 19, 1970

Rule 12 Language of the International Application

From June 19, 1970 to December 31, 1984

12.1 *The International Application*

Any international application shall be filed in the language, or one of the languages, specified in the agreement concluded between the International Bureau and the International Searching Authority competent for the international searching of that application, provided that, if the agreement specifies several languages, the receiving Office may prescribe among the specified languages that language in which or those languages in one of which the international application must be filed.

Since January 1, 1985

12.1 *Admitted Languages*

(a) Any international application shall be filed in the language, or one of the languages, specified in the agreement concluded between the International Bureau and the International Searching Authority competent for the international searching of that application, provided that, if the agreement specifies several languages, the receiving Office may prescribe among the specified languages that language in which or those languages in one of which the international application must be filed.

From January 1, 1985 to June 30, 1992

(b) If the international application is filed in a language other than the language in which it is to be published, the request may, notwithstanding paragraph (a), be filed in the language of publication.

Since July 1, 1992

(b) Notwithstanding paragraph (a), the request, any text matter of the drawings, and the abstract need not be in the same language as other elements of the international application, provided that:

(i) the request is in a language admitted under paragraph (a) or in the language in which the international application is to be published;

(ii) the text matter of the drawings is in the language in which the international application is to be published;

(iii) the abstract is in the language in which the international application is to be published.

Since January 1, 1985

(c) Subject to paragraph (d), where the official language of the receiving Office is one of the languages referred to in Rule 48.3(a) but is a language not specified in the agreement referred to in paragraph (a), the international application may be filed in the said official language. If the international application is filed in the said official language, the search copy transmitted to the International Searching Authority under Rule 23.1 shall be accompanied by a translation into the language, or one of the languages, specified in the agreement referred to in paragraph (a); such translation shall be prepared under the responsibility of the receiving Office.

(d) Paragraph (c) shall apply only where the International Searching Authority has declared, in a notification addressed to the International Bureau, that it accepts to search international applications on the basis of the translation referred to in paragraph (c).

From June 19, 1970 to December 31, 1984

12.2 *Changes in the International Application*

Any changes in the international application, such as amendments and corrections, shall be in the same language as the said application (cf. Rule 66.5).

Since January 1, 1985

12.2 *Language of Changes in the International Application*

Any changes in the international application, such as amendments and corrections, shall, subject to Rules 46.3 and 66.9, be in the same language as the said application.

Rule 13 Unity of Invention

Since June 19, 1970

13.1 *Requirement*

The international application shall relate to one invention only or to a group of inventions so linked as to form a single general inventive concept ("requirement of unity of invention").

From June 19, 1970 to September 30, 1980

13.2 *Claims of Different Categories*

Rule 13.1 shall be construed as permitting, in particular, either of the following two possibilities:

(i) in addition to an independent claim for a given product, the inclusion in the same international application of one independent claim for one process specially adapted for the manufacture of the said product, and the inclusion in the same international application of one independent claim for one use of the said product, or

(ii) in addition to an independent claim for a given process, the inclusion in the same international application of one independent claim for one apparatus or means specifically designed for carrying out the said process.

From October 1, 1980 to June 30, 1992

13.2 *Claims of Different Categories*

Rule 13.1 shall be construed as permitting, in particular, one of the following three possibilities:

(i) in addition to an independent claim for a given product, the inclusion in the same international application of an independent claim for a process specially adapted for the manufacture of the said product, and the inclusion in the same international application of an independent claim for a use of the said product, or

(ii) in addition to an independent claim for a given process, the inclusion in the same international application of an independent claim for an apparatus or means specifically designed for carrying out the said process, or

(iii) in addition to an independent claim for a given product, the inclusion in the same international application of an independent claim for a process specially adapted for the manufacture of the product, and the inclusion in the same international application of an independent claim for an apparatus or means specifically designed for carrying out the process.

Since July 1, 1992

13.2 *Circumstances in Which the Requirement of Unity of Invention Is to Be Considered Fulfilled*

Where a group of inventions is claimed in one and the same international application, the requirement of unity of invention referred to in Rule 13.1 shall be fulfilled only when there is a technical relationship among those inventions involving one or more of the same or corresponding special technical features. The expression "special technical features" shall mean those technical features that define a contribution which each of the claimed inventions, considered as a whole, makes over the prior art.

From June 19, 1970 to June 30, 1992

13.3 *Claims of One and the Same Category*

Subject to Rule 13.1, it shall be permitted to include in the same international application two or more independent claims of the same category (i.e., product, process, apparatus, or use) which cannot readily be covered by a single generic claim.

Since July 1, 1992 **13.3 Determination of Unity of Invention Not Affected by Manner of Claiming**

The determination whether a group of inventions is so linked as to form a single general inventive concept shall be made without regard to whether the inventions are claimed in separate claims or as alternatives within a single claim.

Since June 19, 1970 **13.4 Dependent Claims**

Subject to Rule 13.1, it shall be permitted to include in the same international application a reasonable number of dependent claims, claiming specific forms of the invention claimed in an independent claim, even where the features of any dependent claim could be considered as constituting in themselves an invention.

Since June 19, 1970 **13.5 Utility Models**

Any designated State in which the grant of a utility model is sought on the basis of an international application may, instead of Rules 13.1 to 13.4, apply in respect of the matters regulated in those Rules the provisions of its national law concerning utility models once the processing of the international application has started in that State, provided that the applicant shall be allowed at least two months from the expiration of the time limit applicable under Article 22 to adapt his application to the requirements of the said provisions of the national law.

**Rule 13bis
Microbiological Inventions**

Since January 1, 1981 **13bis.1 Definition**

For the purposes of this Rule, "reference to a deposited microorganism" means particulars given in an international application with respect to the deposit of a microorganism with a depositary institution or to the microorganism so deposited.

Since January 1, 1981 **13bis.2 References (General)**

Any reference to a deposited microorganism shall be made in accordance with this Rule and, if so made, shall be considered as satisfying the requirements of the national law of each designated State.

Since January 1, 1981 **13bis.3 References: Contents; Failure to Include Reference or Indication**

(a) A reference to a deposited microorganism shall indicate,

(i) the name and address of the depositary institution with which the deposit was made;

(ii) the date of deposit of the microorganism with that institution;

(iii) the accession number given to the deposit by that institution; and

(iv) any additional matter of which the International Bureau has been notified pursuant to Rule 13bis.7(a)(i), provided that the requirement to indicate that matter was published in the Gazette in accordance with Rule 13bis.7(c) at least two months before the filing of the international application.

(b) Failure to include a reference to a deposited microorganism or failure to include, in a reference to a deposited microorganism, an indication in accordance with paragraph (a), shall have no consequence in any designated State whose national law does not require such reference or such indication in a national application.

Since January 1, 1981 **13bis.4 References: Time of Furnishing Indications**

If any of the indications referred to in Rule 13bis.3(a) is not included in a reference to a deposited microorganism in the international application as filed but is furnished by the applicant to the International Bureau within 16 months after the priority date, the indication shall be considered by any designated Office to have been furnished in time unless its national law requires the indication to be furnished at an earlier time in the case of a national application and the International Bureau has been notified of such requirement pursuant to Rule 13bis.7(a)(ii), provided that the International Bureau has published such requirement in the Gazette in accordance with Rule 13bis.7(c) at least two months before the filing of the international application. In the event that the applicant makes a request for early publication under Article 21(2)(b), however, any designated Office may consider any indication not furnished by the time such request is made as not having been furnished in time. Irrespective of whether the applicable time limit under the preceding sentences has been observed, the International Bureau shall notify the applicant and the designated Offices of the date on which it has received any indication not included in the international application as filed. The International Bureau shall indicate that date in the international publication of the international application if the indication has been furnished to it before the completion of technical preparations for international publication.

Since January 1, 1981 **13bis.5 References and Indications for the Purposes of One or More Designated States; Different Deposits for Different Designated States; Deposits with Depositary Institutions Other Than Those Notified**

(a) A reference to a deposited microorganism shall be considered to be made for the purposes of all designated States, unless it is expressly made for the purposes of certain of the designated States only; the same applies to the indications included in the reference.

(b) References to different deposits of the microorganism may be made for different designated States.

(c) Any designated Office shall be entitled to disregard a deposit made with a depositary institution other than one notified by it under Rule 13bis.7(b).

Since January 1, 1981 **13bis.6 Furnishing of Samples**

(a) Where the international application contains a reference to a deposited microorganism, the applicant shall, upon the request of the International Searching Authority or the International Preliminary Examining Authority, authorize and assure the furnishing of a sample of that microorganism by the depositary institution to the said Authority, provided that the said Authority has notified the International Bureau that it may require the furnishing of samples and that such samples will be used solely for the purposes of international search or international preliminary examination, as the case may be, and such notification has been published in the Gazette.

(b) Pursuant to Articles 23 and 40, no furnishing of samples of the deposited microorganism to which a reference is made in an international application shall, except with the authorization of the applicant, take place before the expiration of the applicable time limits after which national processing may start under the said Articles. However, where the applicant performs the acts referred to in Articles 22 or 39 after international publication but before the expiration of the said time limits, the furnishing of samples of the deposited microorganism may take place, once the said acts have been performed. Notwithstanding the previous provision, the furnishing of samples of the deposited microorganism may take place under the national law applicable for any designated Office as soon as, under that law, the international publication has the effects of the compulsory national publication of an unexamined national application.

Since January 1, 1981 **13bis.7 National Requirements: Notification and Publication**

(a) Any national Office may notify the International Bureau of any requirement of the national law,

(i) that any matter specified in the notification, in addition to those referred to in Rule 13bis.3(a)(i), (ii) and (iii), is required to be included in a reference to a deposited microorganism in a national application;

(ii) that one or more of the indications referred to in Rule 13bis.3(a) are required to be included in a national application as filed or are required to be furnished at a time specified in the notification which is earlier than 16 months after the priority date.

From January 1, 1981 to December 31, 1984

(b) Each national Office shall notify the International Bureau a first time before entry into force of this Rule and then each time a change occurs of the depositary institutions with which the national law permits deposits of microorganisms to be made for the purposes of patent procedure before that Office or, if the national law does not provide for or permit such deposits, of that fact.

Since January 1, 1985

(b) Each national Office shall notify the International Bureau of the depositary institutions with which the national law permits deposits of microorganisms to be made for the purposes of patent procedure before that Office or, if the national law does not provide for or permit such deposits, of that fact.

Since January 1, 1981

(c) The International Bureau shall promptly publish in the Gazette requirements notified to it under paragraph (a) and information notified to it under paragraph (b).

Rule 13ter
Nucleotide and/or Amino Acid Sequence Listings

Since July 1, 1992 **13ter.1 Sequence Listing for International Authorities**

(a) If the International Searching Authority finds that a nucleotide and/or amino acid sequence listing does not comply with the standard prescribed in the Administrative Instructions under Rule 5.2, and/or is not in a machine readable form provided for in those Instructions, it may invite the applicant, within a time limit fixed in the invitation, as the case may be:

(i) to furnish to it a listing of the sequence complying with the prescribed standard, and/or

(ii) to furnish to it a listing of the sequence in a machine readable form provided for in the Administrative Instructions or, if that Authority is prepared to transcribe the sequence listing into such a form, to pay for the cost of such transcription.

(b) Any sequence listing furnished under paragraph (a) shall be accompanied by a statement to the effect that the listing does not include matter which goes beyond the disclosure in the international application as filed.

(c) If the applicant does not comply with the invitation within the time limit fixed in the invitation, the International Searching Authority shall not be required to search the international application to the extent that such non-compliance has the result that a meaningful search cannot be carried out.

(d) If the International Searching Authority chooses, under paragraph (a)(ii), to transcribe the sequence listing into a machine readable form, it shall send a copy of such transcription in machine readable form to the applicant.

(e) The International Searching Authority shall, upon request, make available to the International Preliminary Examining Authority a copy of any sequence listing furnished to it, or as transcribed by it, under paragraph (a).

(f) A sequence listing furnished to the International Searching Authority, or as transcribed by it, under paragraph (a) shall not form part of the international application.

Since July 1, 1992 **13ter.2 Sequence Listing for Designated Office**

(a) Once the processing of the international application has started before a designated Office, that Office may require the applicant to furnish to it a copy of any sequence listing furnished to the International Searching Authority, or as transcribed by that Authority, under Rule 13ter.1(a).

(b) If a designated Office finds that a nucleotide and/or amino acid sequence listing does not comply with the standard prescribed in the Administrative Instructions under Rule 5.2, and/or is not in a machine readable form provided for in those Instructions, and/or no listing of the sequence was furnished to the International Searching Authority, or transcribed by that Authority, under Rule 13ter.1(a), that Office may require the applicant:

(i) to furnish to it a listing of the sequence complying with the prescribed standard, and/or

(ii) to furnish to it a listing of the sequence in a machine readable form provided for in the Administrative Instructions or, if that Office is prepared to transcribe the sequence listing into such a form, to pay for the cost of such transcription.

Rule 14
The Transmittal Fee

Since June 19, 1970

14.1 The Transmittal Fee

(a) Any receiving Office may require that the applicant pay a fee to it, for its own benefit, for receiving the international application, transmitting copies to the International Bureau and the competent International Searching Authority, and performing all the other tasks which it must perform in connection with the international application in its capacity of receiving Office ("transmittal fee").

(b) The amount and the due date of the transmittal fee, if any, shall be fixed by the receiving Office.

Rule 15
The International Fee

Since June 19, 1970

15.1 Basic Fee and Designation Fee

Each international application shall be subject to the payment of a fee for the benefit of the International Bureau ("international fee") consisting of

(i) a "basic fee," and

(ii) as many "designation fees" as there are States designated in the international application, provided that, where a regional patent is sought for certain designated States, only one designation fee shall be due for those States.

From October 3, 1978 to July 31, 1979

Each international application shall be subject to the payment of a fee for the benefit of the International Bureau ("international fee") consisting of

(i) a "basic fee," and

(ii) as many "designation fees" as there are States designated in the international application for which a national patent is sought, provided that, where a regional patent is sought for certain designated States, only one designation fee shall be due for such purpose.

From August 1, 1979 to June 30, 1992

Each international application shall be subject to the payment of a fee for the benefit of the International Bureau ("international fee") to be collected by the receiving Office and consisting of,

(i) a "basic fee," and

(ii) as many "designation fees" as there are national patents and regional patents sought by the applicant in the international application, except that, where Article 44 applies in respect of a designation, only one designation fee shall be due.

Since July 1, 1992

Each international application shall be subject to the payment of a fee for the benefit of the International Bureau ("international fee") to be collected by the receiving Office and consisting of,

(i) a "basic fee," and

(ii) as many "designation fees" as there are national patents and regional patents sought under Rule 4.9(a) by the applicant in the international application, except that, where Article 44 applies in respect of a designation, only one designation fee shall be due for that designation.

Since June 19, 1970

15.2 Amounts

From June 19, 1970 to April 13, 1978

(a) The amount of the basic fee shall be:

(i) if the international application contains not more than 30 sheets: US \$45.00 or 194 Swiss francs,

(ii) if the international application contains more than 30 sheets: US \$ 45.00 or 194 Swiss francs plus US \$1.00 or 4.30 Swiss francs per sheet in excess of 30 sheets.

From April 14, 1978 to October 2, 1978

(a) The amount of the basic fee shall be:

(i) if the international application contains not more than 30 sheets: US \$165.00 or 300 Swiss francs,

(ii) if the international application contains more than 30 sheets: US \$165.00 or 300 Swiss francs plus US \$3.00 or 6 Swiss francs per sheet in excess of 30 sheets.

From October 3, 1978 to July 31, 1979

(a) The amount of the basic fee shall be:

(i) if the international application contains not more than 30 sheets: US \$165.00 or 250 Swiss francs,

(ii) if the international application contains more than 30 sheets: US \$165.00 or 250 Swiss francs plus US \$3.00 or 4.50 Swiss francs per sheet in excess of 30 sheets.

Since August 1,
1979

(a) The amounts of the basic fee and of the designation fee are as set out in the Schedule of Fees.

From June 19,
1970 to April 13,
1978

(b) The amount of the designation fee shall be:

(i) for each designated State or each group of designated States for which the same regional patent is sought which does not require the furnishing of a copy under Article 13: US \$12.00 or 52 Swiss francs,

(ii) for each designated State or each group of designated States for which the same regional patent is sought which requires the furnishing of a copy under Article 13: US \$14.00 or 60 Swiss francs.

From April 14,
1978 to October
2, 1978

(b) The amount of the designation fee for each designated State or each group of designated States for which the same regional patent is sought shall be: US \$40.00 or 80 Swiss francs.

From October 3,
1978 to July 31,
1979

(b) The amount of the designation fee for each designated State or each group of designated States for which the same regional patent is sought shall be: US \$40.00 or 60 Swiss francs.

Since August 1,
1979

(b) The amounts of the basic fee and of the designation fee shall be established, for each receiving Office which, under Rule 15.3, prescribes the payment of those fees in a currency or currencies other than Swiss currency, by the Director General after consultation with that Office and in the currency or currencies prescribed by that Office ("prescribed currency"). The amounts in each prescribed currency shall be the equivalent, in round figures, of the amounts in Swiss currency set out in the Schedule of Fees. They shall be published in the Gazette.

Since August 1,
1979

(c) Where the amounts of the fees set out in the Schedule of Fees are changed, the corresponding amounts in the prescribed currencies shall be applied from the same date as the amounts set out in the amended Schedule of Fees.

Since August 1,
1979

(d) Where the exchange rate between Swiss currency and any prescribed currency becomes different from the exchange rate last applied, the Director General shall establish new amounts in the prescribed currency according to directives given by the Assembly. The newly established amounts shall become applicable two months after the date of their publication in the Gazette, provided that the interested Office and the Director General may agree on a date falling during the said two-month period in which case the said amounts shall become applicable for that Office from that date.

Since June 19,
1970

15.3 Mode of Payment

From June 19,
1970 to July 31,
1979

(a) The international fee shall be collected by the receiving Office.

(b) The international fee shall be payable in the currency prescribed by the receiving Office, it being understood that, when transferred by the receiving Office to the International Bureau, it shall be freely convertible into Swiss currency.

Since August 1,
1979

The international fee shall be payable in the currency or currencies prescribed by the receiving Office, it being understood that, when transferred by the receiving Office to the International Bureau, the amount transferred shall be freely convertible into Swiss currency.

Since June 19,
1970

15.4 Time of Payment

From June 19,
1970 to July 31,
1979

(a) The basic fee shall be due on the date of receipt of the international application. However, any receiving Office may, at its discretion, notify the applicant of any lack of receipt or insufficiency of any amount received, and permit applicants to pay the basic fee later, without loss of the international filing date, provided that:

(i) permission shall not be given to pay later than 1 month after the date of receipt of the international application;

(ii) permission may not be subject to any extra charge.

From August 1,
1979 to
December 31,
1984

(a) Subject to paragraph (c), the basic fee shall be due on the date of receipt of the international application.

Since January 1,
1985

(a) The basic fee shall be paid within one month from the date of receipt of the international application.

From June 19,
1970 to July 31,
1979

(b) The designation fee may be paid on the date of receipt of the international application or on any later date but, at the latest, it must be paid before the expiration of one year from the priority date.

From August 1,
1979 to
December 31,
1984

(b) Subject to paragraph (c), the designation fee shall be paid on the date of receipt of the international application or on any later date prior to the expiration of one year from the priority date.

Since January 1,
1985

(h) The designation fee shall be paid:

(i) where the international application does not contain a priority claim under Article 8, within one year from the date of receipt of the international application,

(ii) where the international application contains a priority claim under Article 8, within one year from the priority date or within one month from the date of receipt of the

international application if that month expires after the expiration of one year from the priority date.

From August 1, 1979 to December 31, 1984

(c) The receiving Office may permit applicants to pay either the basic fee or the designation fee or both of the fees later than on the dates provided for in paragraphs (a) and (b), provided that:

(i) permission shall not be given to pay the basic fee or the designation fee later than one month after the date of receipt of the international application;

(ii) permission may not be subject to any extra charge.

Such later payment of the said fees shall be without loss, in the case of the basic fee, of the international filing date, or, in the case of the designation fee, of the designations to which the payment relates.

Since January 1, 1985

(c) Where the basic fee or the designation fee is paid later than the date on which the international application was received and where the amount of that fee is, in the currency in which it is payable, higher on the date of payment ("the higher amount") than it was on the date on which the international application was received ("the lower amount"),

(i) the lower amount shall be due if the fee is paid within one month from the date of receipt of the international application,

(ii) the higher amount shall be due if the fee is paid later than one month from the date of receipt of the international application.

From January 1, 1985 to June 30, 1992

(d) If, on February 3, 1984, paragraphs (a) and (b) are not compatible with the national law applied by the receiving Office and as long as they continue to be not compatible with that law, the basic fee shall be paid on the date of receipt of the international application and the designation fee shall be paid within one year from the priority date.

Since July 1, 1992

(d) [Deleted]

From June 19, 1970 to July 31, 1979

15.5 *Partial Payment*

(a) If the applicant specifies the States to which he wishes any amount paid to be applied as designation fee, the amount shall be applied accordingly to the number of States which are covered by the amount in the order specified by the applicant.

From August 1, 1979 to September 30, 1980

15.5 *Partial Payment*

(a) Where the amount of the international fee received by the receiving Office is not less than that of the basic fee and at least one designation fee but less than the amount required to cover the basic fee and all the designations made in the international application, the amount received shall be applied as follows:

(i) to cover the basic fee, and

(ii) to cover as many designation fees as, after deduction of the basic fee, may be covered in full by the amount received in the order indicated in paragraph (b).

From October 1, 1980 to June 30, 1992

15.5(a) [Deleted]

Since July 1, 1992

15.5 *Fees Under Rule 4.9(c)*

(a) Notwithstanding Rule 15.4(b), the confirmation under Rule 4.9(c) of any designations made under Rule 4.9(b) shall be subject to the payment to the receiving Office of as many designation fees (for the benefit of the International Bureau) as there are national patents and regional patents sought by the applicant by virtue of the confirmation, together with a confirmation fee (for the benefit of the receiving Office), as set out in the Schedule of Fees.

From June 19, 1970 to July 31, 1979

(b) If the applicant does not specify any such wish and if the amount or amounts received by the receiving Office are higher than the basic fee and one designation fee but lower than what is due according to the number of the designated States, any amount in excess of the basic fee and one designation fee shall be treated as designation fees for the States following the State first named in the request and in the order in which the States are designated in the request up to and including that designated State for which the total amount of the designation fee is covered by the amount or amounts received.

From August 1, 1979 to September 30, 1980

(b) The order in which the said amount shall be applied to the designations shall be established as follows:

(i) where the applicant indicates to which designation or designations the amount is to be applied, it shall be applied accordingly but, if the amount received is insufficient to cover the designations indicated, it shall be applied to as many designations as are covered by it in the order chosen by the applicant in indicating the designations;

(ii) to the extent that the applicant has not given the indications under item (i), the amount or the balance thereof shall be applied to the designations in the order in which they appear in the international application;

(iii) where the designation of a State is for the purposes of a regional patent and provided that the required designation fee is, under the preceding provisions, available for that designation, the designation of any further States for which the same regional patent is sought shall be considered as covered by that fee.

From October 1, 1980 to June 30, 1992

(b) [Deleted]

Since July 1, 1992 (b) Where moneys paid by the applicant within the time limit under Rule 4.9(b)(ii) are not sufficient to cover the fees due under paragraph (a), the receiving Office shall allocate any moneys paid as specified by the applicant or, in the absence of such specification, as prescribed by the Administrative Instructions.

From June 19, 1970 to September 30, 1980 (c) The designation fee for the first mentioned State belonging to a group of States for which the same regional patent is sought and which is specified under paragraph (a) or which is reached under paragraph (b) shall, for the purposes of the said paragraphs, be considered as covering also the other States of the said group.

Since October 1, 1980 (c) [Deleted]

From June 19, 1970 to June 30, 1992 15.6 *Refund*
(a) The international fee shall be refunded to the applicant if the determination under Article 11(1) is negative.

(b) In no other case shall the international fee be refunded.

Since July 1, 1992 15.6 *Refund*
The receiving Office shall refund the international fee to the applicant:
(i) if the determination under Article 11(1) is negative, or
(ii) if, before the transmittal of the record copy to the International Bureau, the international application is withdrawn or considered withdrawn.

Rule 16 The Search Fee

Since June 19, 1970 16.1 *Right to Ask for a Fee*
(a) Each International Searching Authority may require that the applicant pay a fee ("search fee") for its own benefit for carrying out the international search and for performing all other tasks entrusted to International Searching Authorities by the Treaty and these Regulations.

From June 19, 1970 to July 31, 1979 (b) The search fee shall be collected by the receiving Office. It shall be payable in the currency prescribed by that Office, it being understood that, if that currency is not the same as the currency of the State in which the International Searching Authority is located, the search fee, when transferred by the receiving Office to that Authority, shall be freely convertible into the currency of the said State. As to the time of payment of the search fee, Rule 15.4(a) shall apply.

Since August 1, 1979

(b) The search fee shall be collected by the receiving Office. The said fee shall be payable in the currency or currencies prescribed by that Office ("the receiving Office currency"), it being understood that, if any receiving Office currency is not that, or one of those, in which the International Searching Authority has fixed the said fee ("the fixed currency or currencies"), it shall, when transferred by the receiving Office to the International Searching Authority, be freely convertible into the currency of the State in which the International Searching Authority has its headquarters ("the headquarters currency"). The amount of the search fee in any receiving Office currency, other than the fixed currency or currencies, shall be established by the Director General after consultation with that Office. The amounts so established shall be the equivalents, in round figures, of the amount established by the International Searching Authority in the headquarters currency. They shall be published in the Gazette.

Since August 1, 1979

(c) Where the amount of the search fee in the headquarters currency is changed, the corresponding amounts in the receiving Office currencies, other than the fixed currency or currencies, shall be applied from the same date as the changed amount in the headquarters currency.

(d) Where the exchange rate between the headquarters currency and any receiving Office currency, other than the fixed currency or currencies, becomes different from the exchange rate last applied, the Director General shall establish the new amount in the said receiving Office currency according to directives given by the Assembly. The newly established amount shall become applicable two months after its publication in the Gazette, provided that any interested receiving Office and the Director General may agree on a date falling during the said two-month period in which case the said amount shall become applicable for that Office from that date.

(e) Where, in respect of the payment of the search fee in a receiving Office currency, other than the fixed currency or currencies, the amount actually received by the International Searching Authority in the headquarters currency is less than that fixed by it, the difference will be paid to the International Searching Authority by the International Bureau, whereas, if the amount actually received is more, the difference will belong to the International Bureau.

(f) As to the time of payment of the search fee, the provisions of Rule 15.4 relating to the basic fee shall apply.

Since June 19, 1970

16.2 *Refund*

From June 19, 1970 to June 30, 1992

The search fee shall be refunded to the applicant if the determination under Article 11(1) is negative.

Since July 1, 1992

The receiving Office shall refund the search fee to the applicant:

(i) if the determination under Article 11(1) is negative, or

(ii) if, before the transmittal of the search copy to the International Searching Authority, the international application is withdrawn or considered withdrawn.

Since June 19,
1970

16.3 Partial Refund

Where the international application claims the priority of an earlier international application which has been the subject of an international search by the same International Searching Authority, that Authority shall refund the search fee paid in connection with the later international application to the extent and under the conditions provided for in the agreement under Article 16(3)(b), if the international search report on the later international application could wholly or partly be based on the results of the international search effected on the earlier international application.

From October 1,
1980 to June 30,
1992

Rule 16bis
Advancing Fees by the International Bureau

Since July 1, 1992

Rule 16bis
Extension of Time Limits for Payment of Fees

From October 1,
1980 to
December 31,
1984

16bis.1 Guarantee by the International Bureau

(a) Where, by the time they are due under Rule 14.1(b), Rule 15.4(a) or (c) and Rule 16.1(f), the receiving Office finds that in respect of an international application no fees were paid to it by the applicant, or that the amount paid to it by the applicant is less than what is necessary to cover the transmittal fee, the basic fee and the search fee, the receiving Office shall charge the amount required to cover those fees, or the missing part thereof, to the International Bureau and shall consider the said amount as if it had been paid by the applicant at the due time.

From January 1,
1985 to June 30,
1992

16bis.1 Guarantee by the International Bureau

(a) Where, by the time they are due under Rule 14.1(b), Rule 15.4(a) and Rule 16.1(f), the receiving Office finds that in respect of an international application no fees were paid to it by the applicant, or that the amount paid to it by the applicant is less than what is necessary to cover the transmittal fee, the basic fee and the search fee, the receiving Office shall charge the amount required to cover those fees, or the missing part thereof, to the International Bureau and shall consider the said amount as if it had been paid by the applicant at the due time.

Since July 1, 1992

16bis.1 Invitation by the Receiving Office

(a) Where, by the time they are due under Rule 14.1(b), Rule 15.4(a) and Rule 16.1(f), the receiving Office finds that in respect of an international application no fees were paid to it by the applicant, or that the amount paid to it by the applicant is less than what is necessary to

cover the transmittal fee, the basic fee and the search fee, the receiving Office shall invite the applicant to pay to it the amount required to cover those fees, together with, where applicable, the late payment fee under Rule 16bis.2, within one month from the date of the invitation.

From October 1,
1980 to
December 31,
1984

(b) Where, by the time it or they are due under Rule 15.4(b) or (c), the receiving Office finds that in respect of an international application the payment made by the applicant is insufficient to cover the designation fees necessary to cover all the designations, the receiving Office shall charge the amount required to cover those fees to the International Bureau and shall consider that amount as if it had been paid by the applicant at the due time.

From January 1,
1985 to June 30,
1992

(b) Where, by the time they are due under Rule 15.4(b), the receiving Office finds that in respect of an international application the payment made by the applicant is insufficient to cover the designation fees necessary to cover all the designations, the receiving Office shall charge the amount required to cover those fees to the International Bureau and shall consider that amount as if it had been paid by the applicant at the due time.

Since July 1, 1992

(b) Where, by the time they are due under Rule 15.4(b), the receiving Office finds that in respect of an international application the payment made by the applicant is insufficient to cover the designation fees necessary to cover all the designations under Rule 4.9(a), the receiving Office shall invite the applicant to pay to it the amount required to cover those fees, together with, where applicable, the late payment fee under Rule 16bis.2, within one month from the date of the invitation.

From October 1,
1980 to June 30,
1992

(c) The International Bureau shall transfer from time to time to each receiving Office an amount which is expected to be necessary for covering any charges that the receiving Office has to make under paragraphs (a) and (b). The amount and the time of such transfers shall be determined by each receiving Office according to its own wish. The charging of any amount under paragraphs (a) and (b) shall not require any advance notice to, or any agreement by, the International Bureau.

Since July 1, 1992

(c) Where the receiving Office has sent to the applicant an invitation under paragraph (a) or (b) and the applicant has not, within one month from the date of the invitation, paid in full the amount due, including, where applicable, the late payment fee under Rule 16bis.2, the receiving Office shall:

(i) allocate any moneys paid as specified by the applicant or, in the absence of such specification, as prescribed by the Administrative Instructions,

(ii) make the applicable declaration under Article 14(3), and

(iii) proceed as provided in Rule 29.

From October 1,
1980 to
December 31,
1984

(d) Each month, the receiving Office shall inform the International Bureau of the charges, if any, made under paragraphs (a) and (b).

Since January 1, 1985	(d) [Deleted]	
From October 1, 1980 to June 30, 1992	16bis.2 Obligations of the Applicant, etc.	
Since July 1, 1992	16bis.2 Late Payment Fee	
From October 1, 1980 to June 30, 1992	(a) The International Bureau shall promptly notify the applicant of any amount by which it was charged under Rule 16bis.1(a) and (b) and shall invite him to pay to it, within one month from the date of the notification, the said amount augmented by a surcharge of 50%, provided that the surcharge will not be less, and will not be more, than the amounts indicated in the Schedule of Fees. The notification may refer to the charges made both under Rule 16bis.1(a) and (b) or, at the discretion of the International Bureau, there may be two separate notifications, one referring to charges made under Rule 16bis.1(a), the other referring to charges made under Rule 16bis.1(b).	designations indicated, it shall be applied to as many designations as are covered by it in the order chosen by the applicant in indicating the designations;
Since July 1, 1992	(a) The payment of fees in response to an invitation under Rule 16bis.1(a) or (b) may be subjected by the receiving Office to the payment to it of a late payment fee. The amount of that fee shall be:	(ii) to the extent that the applicant has not given the indications under item (i), the amount or the balance thereof shall be applied to the designations in the order in which they appear in the international application;
	(i) 50% of the amount of unpaid fees which is specified in the invitation, or,	(iii) where the designation of a State is for the purposes of a regional patent and provided that the required designation fee is, under the preceding provisions, available for that designation, the designation of any further States for which the same regional patent is sought shall be considered as covered by that fee.
	(ii) if the amount calculated under item (i) is less than the transmittal fee, an amount equal to the transmittal fee.	The receiving Office shall declare any designation not covered by the amount paid withdrawn under Article 14(3)(b) and the receiving Office and the International Bureau shall proceed as provided in Rule 29.
From October 1, 1980 to June 30, 1992	(b) If the applicant fails to pay, within the said time limit, to the International Bureau the amount claimed, or pays less than what is needed to cover the transmittal fee, the basic fee, the search fee, one designation fee and the surcharge, the International Bureau shall notify the receiving Office accordingly and the receiving Office shall declare the international application withdrawn under Article 14(3)(a) and the receiving Office and the International Bureau shall proceed as provided in Rule 29.	Since July 1, 1992 (c) [Deleted]
Since July 1, 1992	(b) The amount of the late payment fee shall not, however, exceed the amount of the basic fee.	From October 1, 1980 to December 31, 1984 (d) The receiving Office shall not return to the International Bureau any amount that it has charged to that Bureau for covering the transmittal fee.
From October 1, 1980 to June 30, 1992	(c) If the applicant pays, within the said time limit, to the International Bureau an amount which is more than what is needed to cover the fees and surcharge referred to in paragraph (b) but less than what is needed to cover all the designations maintained, the International Bureau shall notify the receiving Office accordingly and the receiving Office shall apply the amount paid in excess of what is needed to cover the fees and surcharge referred to in paragraph (b) in an order which shall be established as follows:	Since January 1, 1985 (d) [Deleted]
	(i) where the applicant indicates to which designation or designations the amount is to be applied, it shall be applied accordingly but, if the amount received is insufficient to cover the	From October 1, 1980 to December 31, 1984 (e) Where the international application is considered withdrawn, any amount charged to the International Bureau, other than the amount needed to cover the transmittal fee and the search fee transferred by the receiving Office to the International Searching Authority, shall be returned by the receiving Office to the International Bureau.
		Since January 1, 1985 (e) [Deleted]
		From October 1, 1980 to December 31, 1984 (f) Where the international application is considered withdrawn, any search fee charged by the receiving Office and transferred to the International Searching Authority shall be transferred by that Authority to the International Bureau unless the said Authority has already started the International search.
		Since January 1, 1985 (f) [Deleted]
		From October 1, 1980 to December 31, 1984 (g) Where paragraph (c) applies, the amount charged by the receiving Office to the International Bureau for designations which, as a consequence of the application of the order under that paragraph, are not maintained, shall be returned to the International Bureau by the receiving Office.

Since January 1, 1985 (g) [Deleted]

From October 1, 1980 to December 31, 1984 16bis.3 Notifications

(a) Any receiving Office may exclude the application of Rules 16bis.1 and 16bis.2 by a written notification to that effect given to the International Bureau by September 1, 1980. Such notification may be withdrawn at any time. The International Bureau shall publish all such notifications and withdrawals in the Gazette.

(b) Former Rule 15.5 remains applicable in respect of any receiving Office giving a notification under paragraph (a).

Since January 1, 1985 16bis.3 [Deleted]

**Rule 17
The Priority Document**

Since June 19, 1970 17.1 *Obligation to Submit Copy of Earlier National Application*

From June 19, 1970 to September 30, 1980 (a) Where the priority of an earlier national application is claimed under Article 8 in the international application, a copy of the said national application, certified by the authority with which it was filed ("the priority document"), shall, unless already filed with the receiving Office, together with the international application, be submitted by the applicant to the International Bureau not later than 16 months after the priority date or, in the case referred to in Article 23(2), not later than at the time the processing or examination is requested.

From October 1, 1980 to December 31, 1984 (a) Where the priority of an earlier national application is claimed under Article 8 in the international application, a copy of the said national application, certified by the authority with which it was filed ("the priority document"), shall, unless already filed with the receiving Office together with the international application, be submitted by the applicant to the International Bureau or to the receiving Office not later than 16 months after the priority date or, in the case referred to in Article 23(2), not later than at the time the processing or examination is requested. Where submitted to the receiving Office, the priority document shall be transmitted by that Office to the International Bureau together with the record copy or promptly after having been received by that Office. In the latter case, the receiving Office shall indicate to the International Bureau the date on which it received the priority document.

Since January 1, 1985 (a) Where the priority of an earlier national application is claimed under Article 8 in the international application, a copy of the said national application, certified by the authority with which it was filed ("the priority document"), shall, unless already filed with the receiving Office together with the international application, be submitted by the applicant to the International Bureau or to the receiving Office not later than 16 months after the priority date or, in the case referred to in Article 23(2), not later than at the time the processing or examination is requested.

From June 19, 1970 to September 30, 1980

(b) If the applicant fails to comply with the requirement under paragraph (a), any designated State may disregard the priority claim.

From October 1, 1980 to December 31, 1984

(b) Where the priority document is issued by the receiving Office, the applicant may, instead of submitting the priority document, request the receiving Office to transmit the priority document to the International Bureau. Such request shall be made not later than the expiration of the applicable time limit referred to under paragraph (a) and may be subjected by the receiving Office to the payment of a fee. The receiving Office shall, promptly after receipt of such request, and, where applicable, the payment of such fee, transmit the priority document to the International Bureau with an indication of the date of receipt of such request.

Since January 1, 1985

(b) Where the priority document is issued by the receiving Office, the applicant may, instead of submitting the priority document, request the receiving Office to transmit the priority document to the International Bureau. Such request shall be made not later than the expiration of the applicable time limit referred to under paragraph (a) and may be subjected by the receiving Office to the payment of a fee.

From June 19, 1970 to September 30, 1980

(c) The International Bureau shall record the date on which it received the priority document and shall notify the applicant and the designated Offices accordingly.

Since October 1, 1980

(c) If the requirements of neither of the two preceding paragraphs are complied with, any designated State may disregard the priority claim.

From October 1, 1980 to December 31, 1984

(d) The International Bureau shall record the date on which the priority document has been received by it or by the receiving Office. Where applicable, the date of receipt by the receiving Office of a request referred to under paragraph (b) shall be recorded as the date of receipt of the priority document. The International Bureau shall notify the applicant and the designated Offices accordingly.

Since January 1, 1985

(d) [Deleted]

Since June 19, 1970

17.2 *Availability of Copies*

(a) The International Bureau shall, at the specific request of the designated Office, promptly but not before the expiration of the time limit fixed in Rule 17.1(a), furnish a copy of the priority document to that Office. No such Office shall ask the applicant himself to furnish it with a copy, except where it requires the furnishing of a copy of the priority document together with a certified translation thereof. The applicant shall not be required to furnish a certified translation to the designated Office before the expiration of the applicable time limit under Article 22.

(b) The International Bureau shall not make copies of the priority document available to the public prior to the international publication of the international application.

From June 19,
1970 to June 30,
1992

(c) Paragraphs (a) and (b) shall apply also to any earlier international application whose priority is claimed in the subsequent international application.

Since July 1, 1992

(c) Where the international application has been published under Article 21, the International Bureau shall furnish a copy of the priority document to any person upon request and subject to reimbursement of the cost unless, prior to that publication:

(i) the international application was withdrawn,

(ii) the relevant priority claim was withdrawn or was considered, under Rule 4.10(b), not to have been made, or

(iii) the relevant declaration under Article 8(1) was cancelled under Rule 4.10(d).

Since July 1, 1992

(d) Paragraphs (a) to (c) shall apply also to any earlier international application whose priority is claimed in the subsequent international application.

Since June 19,
1970

Rule 18 The Applicant

From June 19,
1970 to
December 31,
1993

18.1 *Residence*

(a) Subject to the provisions of paragraph (b), the question whether an applicant is a resident of the Contracting State of which he claims to be a resident shall depend on the national law of that State and shall be decided by the receiving Office.

Since January 1,
1994

18.1 *Residence and Nationality*

(a) Subject to the provisions of paragraphs (b) and (c), the question whether an applicant is a resident or national of the Contracting State of which he claims to be a resident or national shall depend on the national law of that State and shall be decided by the receiving Office.

From June 19,
1970 to
December 31,
1993

(b) In any case, possession of a real and effective industrial or commercial establishment in a Contracting State shall be considered residence in that State.

Since January 1,
1994

(b) In any case,

(i) possession of a real and effective industrial or commercial establishment in a Contracting State shall be considered residence in that State, and

(ii) a legal entity constituted according to the national law of a Contracting State shall be considered a national of that State.

Since January 1,
1994

(c) Where the international application is filed with the International Bureau as receiving Office, the International Bureau shall, in the circumstances specified in the Administrative Instructions, request the national Office of, or acting for, the Contracting State concerned to decide the question referred to in paragraph (a). The International Bureau shall inform the applicant of any such request. The applicant shall have an opportunity to submit arguments directly to the national Office. The national Office shall decide the said question promptly.

From June 19,
1970 to
December 31,
1993

18.2 *Nationality*

(a) Subject to the provisions of paragraph (b), the question whether an applicant is a national of the Contracting State of which he claims to be a national shall depend on the national law of that State and shall be decided by the receiving Office.

(b) In any case, a legal entity constituted according to the national law of a Contracting State shall be considered a national of that State.

Since January 1,
1994

18.2 *[Deleted]*

From June 19,
1970 to June 30,
1992

18.3 *Several Applicants: Same for All Designated States*

If all the applicants are applicants for the purposes of all designated States, the right to file an international application shall exist if at least one of them is entitled to file an international application according to Article 9.

Since July 1, 1992

18.3 *Two or More Applicants*

If there are two or more applicants, the right to file an international application shall exist if at least one of them is entitled to file an international application according to Article 9.

From June 19,
1970 to June 30,
1992

18.4 *Several Applicants: Different for Different Designated States*

Since July 1, 1992

18.4 *Information on Requirements Under National Law as to Applicants*

From June 19, 1970 to June 30, 1992 (a) The international application may indicate different applicants for the purposes of different designated States, provided that, in respect of each designated State, at least one of the applicants indicated for the purposes of that State is entitled to file an international application according to Article 9.

Since July 1, 1992 (a) [Deleted]

From June 19, 1970 to June 30, 1992 (b) If the condition referred to in paragraph (a) is not fulfilled in respect of any designated State, the designation of that State shall be considered not to have been made.

Since July 1, 1992 (b) [Deleted]

Since June 19, 1970 (c) The International Bureau shall, from time to time, publish information on the various national laws in respect of the question who is qualified (inventor, successor in title of the inventor, owner of the invention, or other) to file a national application and shall accompany such information by a warning that the effect of the international application in any designated State may depend on whether the person designated in the international application as applicant for the purposes of that State is a person who, under the national law of that State, is qualified to file a national application.

From June 19, 1970 to September 30, 1980 18.5 *Change in the Person or Name of the Applicant*

Any change in the person or name of the applicant shall, on the request of the applicant or the receiving Office, be recorded by the International Bureau, which shall notify the interested International Searching Authority and the designated Offices accordingly.

Since October 1, 1980 18.5 [Deleted]

Rule 19 The Competent Receiving Office

Since June 19, 1970 19.1 *Where to File*

From June 19, 1970 to December 31, 1993 (a) Subject to the provisions of paragraph (b), the international application shall be filed, at the option of the applicant, with the national Office of or acting for the Contracting State of which the applicant is a resident or with the national Office of or acting for the Contracting State of which the applicant is a national.

Since January 1, 1994 (a) Subject to the provisions of paragraph (b), the international application shall be filed, at the option of the applicant,

(i) with the national Office of or acting for the Contracting State of which the applicant is a resident,

(ii) with the national Office of or acting for the Contracting State of which the applicant is a national, or

(iii) irrespective of the Contracting State of which the applicant is a resident or national, with the International Bureau.

Since June 19, 1970

(b) Any Contracting State may agree with another Contracting State or any intergovernmental organization that the national Office of the latter State or the intergovernmental organization shall, for all or some purposes, act instead of the national Office of the former State as receiving Office for applicants who are residents or nationals of that former State. Notwithstanding such agreement, the national Office of the former State shall be considered the competent receiving Office for the purposes of Article 15(5).

(c) In connection with any decision made under Article 9(2), the Assembly shall appoint the national Office or the intergovernmental organization which will act as receiving Office for applications of residents or nationals of States specified by the Assembly. Such appointment shall require the previous consent of the said national Office or intergovernmental organization.

From June 19, 1970 to September 30, 1980

19.2 *Several Applicants*

(a) If there are several applicants and they have no common agent, their common representative within the meaning of Rule 4.8 shall, for the purposes of the application of Rule 19.1, be considered the applicant.

(b) If there are several applicants and they have a common agent, the applicant first named in the request who is entitled to file an international application according to Article 9 shall, for the purposes of the application of Rule 19.1, be considered the applicant.

From October 1, 1980 to June 30, 1992

19.2 *Several Applicants*

If there are several applicants, the requirements of Rule 19.1 shall be considered to be met if the national Office with which the international application is filed is the national Office of or acting for a Contracting State of which at least one of the applicants is a resident or national.

From July 1, 1992 to December 31, 1993

19.2 *Two or More Applicants*

If there are two or more applicants, the requirements of Rule 19.1 shall be considered to be met if the national Office with which the international application is filed is the national Office of or acting for a Contracting State of which at least one of the applicants is a resident or national.

Since January 1, 1994 **19.2 Two or More Applicants**

If there are two or more applicants:

(i) the requirements of Rule 19.1 shall be considered to be met if the national Office with which the international application is filed is the national Office of or acting for a Contracting State of which at least one of the applicants is a resident or national;

(ii) the international application may be filed with the International Bureau under Rule 19.1(a)(iii) if at least one of the applicants is a resident or national of a Contracting State.

Since June 19, 1970 **19.3 Publication of Fact of Delegation of Duties of Receiving Office**

(a) Any agreement referred to in Rule 19.1(b) shall be promptly notified to the International Bureau by the Contracting State which delegates the duties of the receiving Office to the national Office of or acting for another Contracting State or an intergovernmental organization.

(b) The International Bureau shall, promptly upon receipt, publish the notification in the Gazette.

Since January 1, 1994 **19.4 Transmittal to the International Bureau as Receiving Office**

(a) Where an international application is filed with a national Office which acts as a receiving Office under the Treaty by an applicant who is a resident or national of a Contracting State, but that national Office is not competent under Rule 19.1 or 19.2 to receive that international application, that international application shall, subject to paragraph (b), be considered to have been received by that Office on behalf of the International Bureau as receiving Office under Rule 19.1(a)(iii).

(b) Where, pursuant to paragraph (a), an international application is received by a national Office on behalf of the International Bureau as receiving Office under Rule 19.1(a)(iii), that national Office shall, unless prescriptions concerning national security prevent the international application from being so transmitted, promptly transmit it to the International Bureau. Such transmittal may be subjected by the national Office to the payment of a fee, for its own benefit, equal to the transmittal fee charged by that Office under Rule 14. The international application so transmitted shall be considered to have been received by the International Bureau as receiving Office under Rule 19.1(a)(iii) on the date of receipt of the international application by that national Office.

Rule 20
Receipt of the International Application

Since June 19, 1970 **20.1 Date and Number**

From June 19, 1970 to June 30, 1992

(a) Upon receipt of papers purporting to be an international application, the receiving Office shall indelibly mark the date of actual receipt in the space provided for that purpose in the request form of each copy received and one of the numbers assigned by the International Bureau to that Office on each sheet of each copy received.

Since July 1, 1992

(a) Upon receipt of papers purporting to be an international application, the receiving Office shall indelibly mark the date of actual receipt on the request of each copy received and the international application number on each sheet of each copy received.

Since June 19, 1970

(b) The place on each sheet where the date or number shall be marked, and other details, shall be specified in the Administrative Instructions.

Since June 19, 1970

20.2 Receipt on Different Days

(a) In cases where all the sheets pertaining to the same purported international application are not received on the same day by the receiving Office, that Office shall correct the date marked on the request (still leaving legible, however, the earlier date or dates already marked) so that it indicates the day on which the papers completing the international application were received, provided that

(i) where no invitation under Article 11(2)(a) to correct was sent to the applicant, the said papers are received within 30 days from the date on which sheets were first received;

(ii) where an invitation under Article 11(2)(a) to correct was sent to the applicant, the said papers are received within the applicable time limit under Rule 20.6;

(iii) in the case of Article 14(2), the missing drawings are received within 30 days from the date on which the incomplete papers were filed;

(iv) the absence or later receipt of any sheet containing the abstract or part thereof shall not, in itself, require any correction of the date marked on the request.

(b) Any sheet received on a date later than the date on which sheets were first received shall be marked by the receiving Office with the date on which it was received.

Since June 19, 1970

20.3 Corrected International Application

In the case referred to in Article 11(2)(b), the receiving Office shall correct the date marked on the request (still leaving legible, however, the earlier date or dates already marked) so that it indicates the day on which the last required correction was received.

From October 1, 1980 to June 30, 1992

20.3bis Manner of Carrying Out Corrections

The Administrative Instructions prescribe the manner in which corrections required under

Article 11(2)(a) shall be presented by the applicant and the manner in which they shall be entered in the file of the international application.

Since July 1, 1992 20.3bis [Deleted]

Since June 19, 1970 20.4 *Determination under Article 11(1)*

(a) Promptly after receipt of the papers purporting to be an international application, the receiving Office shall determine whether the papers comply with the requirements of Article 11(1).

(b) For the purposes of Article 11(1)(iii)(c), it shall be sufficient to indicate the name of the applicant in a way which allows his identity to be established even if the name is misspelled, the given names are not fully indicated, or, in the case of legal entities, the indication of the name is abbreviated or incomplete.

Since July 1, 1992 (c) For the purposes of Article 11(1)(ii), it shall be sufficient that the elements referred to in Article 11(1)(iii)(d) and (e) be in a language admitted under Rule 12.1(a) or (c).

(d) If, on July 12, 1991, paragraph (c) is not compatible with the national law applied by the receiving Office, paragraph (c) shall not apply to that receiving Office for as long as it continues not to be compatible with that law, provided that the said Office informs the International Bureau accordingly by December 31, 1991. The information received shall be promptly published by the International Bureau in the Gazette.

Since June 19, 1970 20.5 *Positive Determination*

(a) If the determination under Article 11(1) is positive, the receiving Office shall stamp in the space provided for that purpose in the request form the name of the receiving Office and the words "PCT International Application," or "Demande internationale PCT." If the official language of the receiving Office is neither English nor French, the words "International Application" or "Demande internationale" may be accompanied by a translation of these words in the official language of the receiving Office.

Since July 1, 1992 (a) If the determination under Article 11(1) is positive, the receiving Office shall stamp on the request the name of the receiving Office and the words "PCT International Application," or "Demande internationale PCT." If the official language of the receiving Office is neither English nor French, the words "International Application" or "Demande internationale" may be accompanied by a translation of these words in the official language of the receiving Office.

From June 19, 1970 to June 30, 1992 (b) The copy whose request sheet has been so stamped shall be the record copy of the international application.

Since July 1, 1992 (b) The copy whose request has been so stamped shall be the record copy of the international application.

From June 19, 1970 to December 31, 1984 (c) The receiving Office shall promptly notify the applicant of the international application number and the international filing date.

Since January 1, 1985 (c) The receiving Office shall promptly notify the applicant of the international application number and the international filing date. At the same time, it shall send to the International Bureau a copy of the notification sent to the applicant, except where it has already sent, or is sending at the same time, the record copy to the International Bureau under Rule 22.1(a).

Since June 19, 1970 20.6 *Invitation to Correct*

(a) The invitation to correct under Article 11(2) shall specify the requirement provided for under Article 11(1) which, in the opinion of the receiving Office, has not been fulfilled.

(b) The receiving Office shall promptly mail the invitation to the applicant and shall fix a time limit, reasonable under the circumstances of the case, for filing the correction. The time limit shall not be less than 10 days, and shall not exceed one month, from the date of the invitation. If such time limit expires after the expiration of one year from the filing date of any application whose priority is claimed, the receiving Office may call this circumstance to the attention of the applicant.

Since June 19, 1970 20.7 *Negative Determination*

If the receiving Office does not, within the prescribed time limit, receive a reply to its invitation to correct, or if the correction offered by the applicant still does not fulfill the requirements provided for under Article 11(1), it shall:

(i) promptly notify the applicant that his application is not and will not be treated as an international application and shall indicate the reasons therefor,

(ii) notify the International Bureau that the number it has marked on the papers will not be used as an international application number,

(iii) keep the papers constituting the purported international application and any correspondence relating thereto as provided in Rule 93.1, and

(iv) send a copy of the said papers to the International Bureau where, pursuant to a request by the applicant under Article 25(1), the International Bureau needs such a copy and specially asks for it.

Since June 19, 1970 **20.8 Error by the Receiving Office**

If the receiving Office later discovers, or on the basis of the applicant's reply realizes, that it has erred in issuing an invitation to correct since the requirements provided for under Article 11(1) were fulfilled when the papers were received, it shall proceed as provided in Rule 20.5.

Since June 19, 1970 **20.9 Certified Copy for the Applicant**

Against payment of a fee, the receiving Office shall furnish to the applicant, on request, certified copies of the international application as filed and of any corrections thereto.

Rule 21
Preparation of Copies

Since June 19, 1970 **21.1 Responsibility of the Receiving Office**

(a) Where the international application is required to be filed in one copy, the receiving Office shall be responsible for preparing the home copy and the search copy required under Article 12(1).

(b) Where the international application is required to be filed in two copies, the receiving Office shall be responsible for preparing the home copy.

(c) If the international application is filed in less than the number of copies required under Rule 11.1(b), the receiving Office shall be responsible for the prompt preparation of the number of copies required, and shall have the right to fix a fee for performing that task and to collect such fee from the applicant.

Rule 22
Transmittal of the Record Copy

Since June 19, 1970 **22.1 Procedure**

(a) If the determination under Article 11(1) is positive, and unless prescriptions concerning national security prevent the international application from being treated as such, the receiving Office shall transmit the record copy to the International Bureau. Such transmittal shall be effected promptly after receipt of the international application or, if a check to preserve national security must be performed, as soon as the necessary clearance has been obtained. In any case, the receiving Office shall transmit the record copy in time for it to reach the International Bureau by the expiration of the 13th month from the priority date. If the transmittal is effected by mail, the receiving Office shall mail the record copy not later than five days prior to the expiration of the 13th month from the priority date.

From June 19, 1970 to December 31, 1984 (b) If the applicant is not in possession of the notification of receipt sent by the International Bureau under Rule 24.2(a) by the expiration of 13 months and 10 days from the priority date, he shall have the right to ask the receiving Office to give him the record copy or, should the receiving Office

allege that it has transmitted the record copy to the International Bureau, a certified copy based on the home copy.

Since January 1, 1985

(b) If the International Bureau has received a copy of the notification under Rule 20.5(c) but is not, by the expiration of 13 months from the priority date, in possession of the record copy, it shall remind the receiving Office that it should transmit the record copy to the International Bureau promptly.

From June 19, 1970 to December 31, 1984

(c) The applicant may transmit the copy he has received under paragraph (b) to the International Bureau. Unless the record copy transmitted by the receiving Office has been received by the International Bureau before the receipt by that Bureau of the copy transmitted by the applicant, the latter copy shall be considered the record copy.

Since January 1, 1985

(c) If the International Bureau has received a copy of the notification under Rule 20.5(c) but is not, by the expiration of 14 months from the priority date, in possession of the record copy, it shall notify the applicant and the receiving Office accordingly.

Since January 1, 1985

(d) After the expiration of 14 months from the priority date, the applicant may request the receiving Office to certify a copy of his international application as being identical with the international application as filed and may transmit such certified copy to the International Bureau.

(e) Any certification under paragraph (d) shall be free of charge and may be refused only on any of the following grounds:

(i) the copy which the receiving Office has been requested to certify is not identical with the international application as filed;

(ii) prescriptions concerning national security prevent the international application from being treated as such;

(iii) the receiving Office has already transmitted the record copy to the International Bureau and that Bureau has informed the receiving Office that it has received the record copy.

(f) Unless the International Bureau has received the record copy, or until it receives the record copy, the copy certified under paragraph (e) and received by the International Bureau shall be considered to be the record copy.

(g) If, by the expiration of the time limit applicable under Article 22, the applicant has performed the acts referred to in that Article but the designated Office has not been informed by the International Bureau of the receipt of the record copy, the designated Office shall inform the International Bureau. If the International Bureau is not in possession of the record copy, it shall promptly notify the applicant and the receiving Office unless it has already notified them under paragraph (c).

From June 19, 1970 to December 31, 1984

22.2 *Alternative Procedure*

Since January 1, 1985

22.2 [Deleted]

From June 19, 1970 to December 31, 1984

(a) Notwithstanding the provisions of Rule 22.1, any receiving Office may provide that the record copy of any international application filed with it shall be transmitted, at the option of the applicant, by the receiving Office or through the applicant. The receiving Office shall inform the International Bureau of the existence of any such provision.

(b) The applicant shall exercise the option through a written notice, which he shall file together with the international application. If he fails to exercise the said option, the applicant shall be considered to have opted for transmittal by the receiving Office.

(c) Where the applicant opts for transmittal by the receiving Office, the procedure shall be the same as that provided for in Rule 22.1.

(d) Where the applicant opts for transmittal through him, he shall indicate in the notice referred to in paragraph (b) whether he wishes to collect the record copy at the receiving Office or wishes the receiving Office to mail the record copy to him. If the applicant expresses the wish to collect the record copy, the receiving Office shall hold that copy at the disposal of the applicant as soon as the clearance referred to in Rule 22.1(a) has been obtained and, in any case, including the case where a check for such clearance must be performed, not later than 10 days before the expiration of 13 months from the priority date. If, by the expiration of the time limit for receipt of the record copy by the International Bureau, the applicant has not collected that copy, the receiving Office shall notify the International Bureau accordingly. If the applicant expresses the wish that the receiving Office mail the record copy to him or fails to express the wish to collect the record copy, the receiving Office shall mail that copy to the applicant as soon as the clearance referred to in Rule 22.1(a) has been obtained and, in any case, including the case where a check for such clearance must be performed, not later than 15 days before the expiration of 13 months from the priority date.

Since January 1, 1985

(a), (b), (c) and (d) [Deleted]

From June 19, 1970 to December 31, 1980

(e) Where the receiving Office does not hold the record copy at the disposal of the applicant by the date fixed in paragraph (d), or where, after having asked for the record copy to be mailed to him, the applicant has not received that copy at least 10 days before the expiration of 13 months from the priority date, the applicant may transmit a copy of his international application to the International Bureau. This copy ("provisional record copy") shall be replaced by the record copy or, if the record copy has been lost, by a substitute record copy certified by the receiving Office on the basis of the home copy, as soon as practicable and, in any case, before the expiration of 14 months from the priority date.

From January 1, 1981 to December 31, 1984

(e) Where the receiving Office does not hold the record copy at the disposal of the applicant by the date fixed in paragraph (d), or where, after having asked for the record copy to be mailed to him, the applicant has not received that copy at least 10 days before the expiration of 13 months from the priority date, the applicant may transmit a copy of his international application to the International Bureau. This copy ("provisional record copy") shall be replaced by the record copy or, if the record copy has been lost, by a substitute record copy certified by the receiving Office on the basis of the home copy, as soon as practicable and, in any case, before the expiration of 15 months from the priority date.

Since January 1, 1985

(e) [Deleted]

From June 19, 1970 to December 31, 1980

22.3 *Time Limit under Article 12(3)*

(a) The time limit referred to in Article 12(3) shall be:

(i) where the procedure under Rule 22.1 or Rule 22.2(c) applies, 14 months from the priority date;

(ii) where the procedure under Rule 22.2(d) applies, 13 months from the priority date, except that, where a provisional record copy is filed under Rule 22.2(e), it shall be 13 months from the priority date for the filing of the provisional record copy, and 14 months from the priority date for the filing of the record copy.

From January 1, 1981 to December 31, 1984

22.3 *Time Limit under Article 12(3)*

(a) The time limit referred to in Article 12(3) shall be:

(i) where the procedure under Rule 22.1 or Rule 22.2(c) applies, 15 months from the priority date;

(ii) where the procedure under Rule 22.2(d) applies, 14 months from the priority date, except that, where a provisional record copy is filed under Rule 22.2(e), it shall be 14 months from the priority date for the filing of the provisional record copy, and 15 months from the priority date for the filing of the record copy.

Since January 1, 1985

22.3 *Time Limit under Article 12(3)*

The time limit referred to in Article 12(3) shall be three months from the date of the notification sent by the International Bureau to the applicant under Rule 22.1(c) or (g).

From June 19, 1970 to December 31, 1980

(b) Article 48(1) and Rule 82 shall not apply to the transmittal of the record copy. Article 48(2) remains applicable.

Since January 1, 1981 (b) [Deleted]

From June 19, 1970 to December 31, 1984 22.4 *Statistics Concerning Non-Compliance with Rules 22.1 and 22.2*

The number of instances in which, according to the knowledge of the International Bureau, any receiving Office has not complied with the requirements of Rules 22.1 and/or 22.2 shall be indicated, once a year, in the Gazette.

Since January 1, 1985 22.4 [Deleted]

From June 19, 1970 to September 30, 1980 22.5 *Documents Filed with the International Application*

For the purposes of the present Rule, the term "record copy" shall include also any document filed with the international application referred to in Rule 3.3(a)(ii). If any document referred to in Rule 3.3(a)(ii) which is indicated in the check list as accompanying the international application is not, in fact, filed at the latest by the time the record copy leaves the receiving Office, that Office shall so note on the check list and the said indication shall be considered as if it had not been made.

From October 1, 1980 to December 31, 1984 22.5 *Documents Filed with the International Application*

Any power of attorney and any priority document filed with the international application referred to in Rule 3.3(a)(ii) shall accompany the record copy; any other document referred to in that Rule shall be sent only at the specific request of the International Bureau. If any document referred to in Rule 3.3(a)(ii) which is indicated in the check list as accompanying the international application is not, in fact, filed at the latest by the time the record copy leaves the receiving Office, that Office shall so note on the check list and the said indication shall be considered as if it had not been made.

Since January 1, 1985 22.5 [Deleted]

Rule 23 Transmittal of the Search Copy

Since June 19, 1970 23.1 *Procedure*

From June 19, 1970 to December 31, 1984 (a) The search copy shall be transmitted by the receiving Office to the International Searching Authority at the latest on the same day as the record copy is transmitted to the International Bureau or, under Rule 22.2(d), to the applicant.

From January 1, 1985 to June 30, 1992 (a) The search copy shall be transmitted by the receiving Office to the International Searching Authority at the latest on the same day as the record copy is transmitted to the International Bureau.

Since July 1, 1992 (a) The search copy shall be transmitted by the receiving Office to the International Searching Authority at the latest on the same day as the record copy is transmitted to the

International Bureau unless no search fee has been paid. In the latter case, it shall be transmitted promptly after payment of the search fee.

From June 19, 1970 to December 31, 1984

(b) If the International Bureau has not received, within 10 days from the receipt of the record copy, information from the International Searching Authority that that Authority is in possession of the search copy, the International Bureau shall promptly transmit a copy of the international application to the International Searching Authority. Unless the International Searching Authority has erred in alleging that it was not in possession of the search copy by the expiration of the 13th month from the priority date, the cost of making a copy for that Authority shall be reimbursed by the receiving Office to the International Bureau.

From January 1, 1985 to June 30, 1992

(b) If the International Bureau has not received, within 10 days from the receipt of the record copy, information from the International Searching Authority that that Authority is in possession of the search copy, the International Bureau shall promptly transmit a copy of the international application to the International Searching Authority.

Since July 1, 1992 (b) [Deleted]

From June 19, 1970 to December 31, 1984

(c) The number of instances in which, according to the knowledge of the International Bureau, any receiving Office has not complied with the requirement of Rule 23.1(a) shall be indicated, once a year, in the Gazette.

Since January 1, 1985

(c) [Deleted]

Since June 19, 1970

Rule 24 Receipt of the Record Copy by the International Bureau

From June 19, 1970 to December 31, 1984 24.1 *Recording of Date of Receipt of the Record Copy*

The International Bureau shall, upon receipt of the record copy, mark on the request sheet the date of receipt and on all sheets of the international application the stamp of the International Bureau.

Since January 1, 1985 24.1 [Deleted]

From June 19, 1970 to June 30, 1992 24.2 *Notification of Receipt of the Record Copy*

(a) Subject to the provisions of paragraph (b), the International Bureau shall promptly notify the applicant, the receiving Office, the International Searching Authority, and all designated Offices, of the fact and the date of receipt of the record copy. The notification shall identify the international application by its number, the international filing date, the name of the applicant, and the name of the receiving Office, and shall indicate the filing date of any earlier application whose priority is claimed. The notification sent to the applicant shall also contain the list of the designated Offices which have

been notified under this paragraph, and shall, in respect of each designated Office, indicate any applicable time limit under Article 22(3).

Since July 1, 1992 **24.2 Notification of Receipt of the Record Copy**

(a) The International Bureau shall promptly notify:

(i) the applicant,

(ii) the receiving Office, and

(iii) the International Searching Authority (unless it has informed the International Bureau that it wishes not to be so notified), of the fact and the date of receipt of the record copy. The notification shall identify the international application by its number, the international filing date and the name of the applicant, and shall indicate the filing date of any earlier application whose priority is claimed. The notification sent to the applicant shall also contain a list of the States designated under Rule 4.9(a) and, where applicable, of those States whose designations have been confirmed under Rule 4.9(c).

From June 19, 1970 to June 30, 1992 (b) If the record copy is received after the expiration of the time limit fixed in Rule 22.3, the International Bureau shall promptly notify the applicant, the receiving Office, and the International Searching Authority, accordingly.

Since July 1, 1992 (b) Each designated Office which has informed the International Bureau that it wishes to receive the notification under paragraph (a) prior to the communication under Rule 47.1 shall be so notified by the International Bureau:

(i) if the designation concerned was made under Rule 4.9(a), promptly after the receipt of the record copy;

(ii) if the designation concerned was made under Rule 4.9(b), promptly after the International Bureau has been informed by the receiving Office of the confirmation of that designation.

Since July 1, 1992 (c) If the record copy is received after the expiration of the time limit fixed in Rule 22.3, the International Bureau shall promptly notify the applicant, the receiving Office, and the International Searching Authority, accordingly.

Rule 25

Receipt of the Search Copy by the International Searching Authority

Since June 19, 1970 **25.1 Notification of Receipt of the Search Copy**

The International Searching Authority shall promptly notify the International Bureau, the applicant, and — unless the International Searching Authority is the same as the receiving Office — the receiving Office, of the fact and the date of receipt of the search copy.

From June 19, 1970 to December 31, 1984

Rule 26

Checking and Correcting Certain Elements of the International Application

Since January 1, 1985

Rule 26

Checking by, and Correcting before, the Receiving Office of Certain Elements of the International Application

Since June 19, 1970

26.1 Time Limit for Check

(a) The receiving Office shall issue the invitation to correct provided for in Article 14(1)(b) as soon as possible, preferably within one month from the receipt of the international application.

(b) If the receiving Office issues an invitation to correct the defect referred to in Article 14(1)(a)(iii) or (iv) (missing title or missing abstract), it shall notify the International Searching Authority accordingly.

Since June 19, 1970

26.2 Time Limit for Correction

From June 19, 1970 to December 31, 1984

The time limit referred to in Article 14(1)(b) shall be reasonable under the circumstances of the particular case and shall be fixed in each case by the receiving Office. It shall not be less than 1 month and normally not more than 2 months from the date of the invitation to correct.

Since January 1, 1985

The time limit referred to in Article 14(1)(b) shall be reasonable under the circumstances and shall be fixed in each case by the receiving Office. It shall not be less than one month from the date of the invitation to correct. It may be extended by the receiving Office at any time before a decision is taken.

From June 19, 1970 to December 31, 1984

26.3 Checking of Physical Requirements under Article 14(1)(a)(v)

The physical requirements referred to in Rule 11 shall be checked to the extent that compliance therewith is necessary for the purpose of reasonably uniform international publication.

Since January 1, 1985

26.3 Checking of Physical Requirements under Article 14(1)(a)(v)

The physical requirements referred to in Rule 11 shall be checked only to the extent that compliance therewith is necessary for the purpose of reasonably uniform international publication.

Since January 1, 1985 **26.3bis Invitation to Correct Defects under Article 14(1)(b)**

The receiving Office shall not be required to issue the invitation to correct a defect under Article 14(1)(a)(v) where the physical requirements referred to in Rule 11 are complied with to the extent necessary for the purpose of reasonably uniform international publication.

Since July 1, 1992 **26.3ter Invitation to Correct Defects under Article 3(4)(i)**

(a) Where any element of the international application, other than those referred to in Article 11(1)(iii)(d) and (e), does not comply with Rule 12.1, the receiving Office shall invite the applicant to file the required correction. Rules 26.1(a), 26.2, 26.5 and 29.1 shall apply *mutatis mutandis*.

(b) If, on July 12, 1991, paragraph (a) is not compatible with the national law applied by the receiving Office, paragraph (a) shall not apply to that receiving Office for as long as it continues not to be compatible with that law, provided that the said Office informs the International Bureau accordingly by December 31, 1991. The information received shall be promptly published by the International Bureau in the Gazette.

Since June 19, 1970 **26.4 Procedure**

(a) Any correction offered to the receiving Office may be stated in a letter addressed to that Office if the correction is of such a nature that it can be transferred from the letter to the record copy without adversely affecting the clarity and the direct reproducibility of the sheet on to which the correction is to be transferred; otherwise, the applicant shall be required to submit a replacement sheet embodying the correction and the letter accompanying the replacement sheet shall draw attention to the differences between the replaced sheet and the replacement sheet.

From June 19, 1970 to December 31, 1984

(b) The receiving Office shall mark on each replacement sheet the international application number, the date on which it was received, and the stamp identifying the Office. It shall keep in its files a copy of the letter containing the correction or, when the correction is contained in a replacement sheet, the replaced sheet, the letter accompanying the replacement sheet, and a copy of the replacement sheet.

(c) The receiving Office shall promptly transmit the letter and any replacement sheet to the International Bureau. The International Bureau shall transfer to the record copy the corrections requested in a letter, together with the indication of the date of its receipt by the receiving Office, and shall insert any replacement sheet in the record copy. The letter and any replaced sheet shall be kept in the files of the International Bureau.

(d) The receiving Office shall promptly transmit a copy of the letter and any replacement sheet to the International Searching Authority.

Since January 1, 1985 **(b), (c) and (d) [Deleted]**

From June 19, 1970 to December 31, 1984 **26.5 Correction of Certain Elements**

(a) The receiving Office shall decide whether the applicant has submitted the correction within the prescribed time limit. If the correction has been submitted within the prescribed time limit, the receiving Office shall decide whether the international application so corrected is or is not to be considered withdrawn.

Since January 1, 1985 **26.5 Decision of the Receiving Office**

(a) The receiving Office shall decide whether the applicant has submitted the correction within the time limit under Rule 26.2 and, if the correction has been submitted within that time limit, whether the international application so corrected is or is not to be considered withdrawn, provided that no international application shall be considered withdrawn for lack of compliance with the physical requirements referred to in Rule 11 if it complies with those requirements to the extent necessary for the purpose of reasonably uniform international publication.

From June 19, 1970 to December 31, 1984 **(b) The receiving Office shall mark on the papers containing the correction the date on which it received such papers.**

Since January 1, 1985 **(b) [Deleted]**

Since June 19, 1970 **26.6 Missing Drawings**

(a) If, as provided in Article 14(2), the international application refers to drawings which in fact are not included in that application, the receiving Office shall so indicate in the said application.

(b) The date on which the applicant receives the notification provided for in Article 14(2) shall have no effect on the time limit fixed under Rule 20.2(a)(iii).

Rule 27 Lack of Payment of Fees

Since June 19, 1970 **27.1 Fees**

From June 19, 1970 to June 30, 1992 **(a) For the purposes of Article 14(3)(a), "fees prescribed under Article 3(4)(iv)" means: the transmittal fee (Rule 14), the basic fee part of the international fee (Rule 15.1(i)), and the search fee (Rule 16).**

Since July 1, 1992 **(a) For the purposes of Article 14(3)(a), "fees prescribed under Article 3(4)(iv)" means: the transmittal fee (Rule 14), the basic fee part of the international fee (Rule 15.1(i)), the search fee (Rule 16), and, where required, the late payment fee (Rule 16bis.2).**

From June 19, 1970 to June 30, 1992 (b) For the purposes of Article 14(3)(a) and (b), "the fee prescribed under Article 4(2)" means the designation fee part of the international fee (Rule 15.1(ii)).

Since July 1, 1992 (b) For the purposes of Article 14(3)(a) and (b), "the fee prescribed under Article 4(2)" means the designation fee part of the international fee (Rule 15.1(ii)) and, where required, the late payment fee (Rule 16*bis*.2).

From June 19, 1970 to December 31, 1984 **Rule 28**
Defects Noted by the International Bureau or the International Searching Authority

Since January 1, 1985 **Rule 28**
Defects Noted by the International Bureau

Since June 19, 1970 **28.1 Note on Certain Defects**

From June 19, 1970 to December 31, 1984 (a) If, in the opinion of the International Bureau or of the International Searching Authority, the international application contains any of the defects referred to in Article 14(1)(a)(i), (ii), or (v), the International Bureau or the International Searching Authority, respectively, shall bring such defects to the attention of the receiving Office.

Since January 1, 1985 (a) If, in the opinion of the International Bureau, the international application contains any of the defects referred to in Article 14(1)(a)(i), (ii) or (v), the International Bureau shall bring such defects to the attention of the receiving Office.

Since June 19, 1970 (b) The receiving Office shall, unless it disagrees with the said opinion, proceed as provided in Article 14(1)(b) and Rule 26.

Rule 29
International Applications or Designations Considered Withdrawn under Article 14(1), (3) or (4)

Since June 19, 1970 **29.1 Finding by Receiving Office**

(a) If the receiving Office declares, under Article 14(1)(b) and Rule 26.5 (failure to correct certain defects), or under Article 14(3)(a) (failure to pay the prescribed fees under Rule 27.1(a)), or under Article 14(4) (later finding of non-compliance with the requirements listed in items (i) to (iii) of Article 11(1)), that the international application is considered withdrawn:

(i) the receiving Office shall transmit the record copy (unless already transmitted), and any correction offered by the applicant, to the International Bureau;

From June 19, 1970 to June 30, 1992 (ii) the receiving Office shall promptly notify both the applicant and the International Bureau of the said declaration, and the International Bureau shall in turn notify the interested designated Offices;

Since July 1, 1992 (ii) the receiving Office shall promptly notify both the applicant and the International Bureau of the said declaration, and the International Bureau shall in turn notify each designated Office which has already been notified of its designation;

Since June 19, 1970 (iii) the receiving Office shall not transmit the search copy as provided in Rule 23, or, if such copy has already been transmitted, it shall notify the International Searching Authority of the said declaration;

(iv) the International Bureau shall not be required to notify the applicant of the receipt of the record copy.

From June 19, 1970 to June 30, 1992 (b) If the receiving Office declares under Article 14(3)(b) (failure to pay the prescribed designation fee under Rule 27.1(b)) that the designation of any given State is considered withdrawn, the receiving Office shall promptly notify both the applicant and the International Bureau of the said declaration. The International Bureau shall in turn notify the interested national Office.

Since July 1, 1992 (b) If the receiving Office declares under Article 14(3)(b) (failure to pay the prescribed designation fee under Rule 27.1(b)) that the designation of any given State is considered withdrawn, the receiving Office shall promptly notify both the applicant and the International Bureau of the said declaration. The International Bureau shall in turn notify each designated Office which has already been notified of its designation.

From June 19, 1970 to December 31, 1984 **29.2 Finding by Designated Office**

Where the effect of the international application ceases in any designated State by virtue of Article 24(1)(iii), or where such effect is maintained in any designated State by virtue of Article 24(2), the competent designated Office shall promptly notify the International Bureau accordingly.

Since January 1, 1985 **29.2 [Deleted]**

Since June 19, 1970 **29.3 Calling Certain Facts to the Attention of the Receiving Office**

If the International Bureau or the International Searching Authority considers that the receiving Office should make a finding under Article 14(4), it shall call the relevant facts to the attention of the receiving Office.

Since June 19, 1970 **29.4 Notification of Intent to Make Declaration under Article 14(4)**

Before the receiving Office issues any declaration under Article 14(4), it shall notify the applicant of its intent to issue such declaration and the reasons therefor. The applicant may, if he disagrees with the tentative finding of the receiving Office, submit arguments to that effect within one month from the notification.

Rule 30
Time Limit under Article 14(4)

Since June 19, 1970 **30.1 Time Limit**

From June 19, 1970 to September 30, 1980 The time limit referred to in Article 14(4) shall be 6 months from the international filing date.

Since October 1, 1980 The time limit referred to in Article 14(4) shall be four months from the international filing date.

Rule 31
Copies Required under Article 13

Since June 19, 1970 **31.1 Request for Copies**

(a) Requests under Article 13(1) may relate to all, some kinds of, or individual international applications in which the national Office making the request is designated. Requests for all or some kinds of such international applications must be renewed for each year by means of a notification addressed by that Office before November 30 of the preceding year to the International Bureau.

(b) Requests under Article 13(2)(b) shall be subject to the payment of a fee covering the cost of preparing and mailing the copy.

Since June 19, 1970 **31.2 Preparation of Copies**

The preparation of copies required under Article 13 shall be the responsibility of the International Bureau.

From June 19, 1970 to June 30, 1992 **Rule 32**
Withdrawal of the International Application or of Designations

From July 1, 1992 to September 30, 1992 **Rule 32 [Deleted]**

Since October 1, 1992

Rule 32
Extension of Effects of International Application to Certain Successor States

From June 19, 1970 to June 30, 1992 **32.1 Withdrawals**

(a) The applicant may withdraw the international application prior to the expiration of 20 months from the priority date except as to any designated State in which national processing or examination has already started. He may withdraw the designation of any designated State prior to the date on which processing or examination may start in that State.

From July 1, 1992 to September 30, 1992 (a) [Deleted]

Since October 1, 1992 **32.1 Request for Extension of International Application to Successor State**

(a) The effects of any international application whose international filing date falls in the period defined in paragraph (b) may, subject to the performance by the applicant of the acts specified in paragraph (c), be extended to a State ("the successor State") whose territory was, before the independence of that State, part of the territory of a Contracting State which subsequently ceased to exist ("the predecessor State"), provided that the successor State has become a Contracting State through the deposit, with the Director General, of a declaration of continuation the effect of which is that the Treaty is applied by the successor State.

From June 19, 1970 to June 30, 1992 (b) Withdrawal of the designation of all designated States shall be treated as withdrawal of the international application.

From July 1, 1992 to September 30, 1992 (b) [Deleted]

Since October 1, 1992 (b) The period referred to in paragraph (a) starts on the day following the last day of the existence of the predecessor State and ends two months after the date on which the declaration referred to in paragraph (a) was notified by the Director General to the Governments of the States party to the Paris Convention for the Protection of Industrial Property. However, where the date of independence of the successor State is earlier than the date of the day following the last day of the existence of the predecessor State, the successor State may declare that the said period starts on the date of its independence; such a declaration shall be made together with the declaration referred to in paragraph (a) and shall specify the date of independence.

From June 19, 1970 to December 31, 1984 (c) Withdrawal shall be effected by a signed notice from the applicant to the International Bureau or, if the record copy has not yet been sent to the International Bureau, to the receiving Office. In the case of Rule 4.8(b), the notice shall require the signature of all the applicants.

From January 1, 1985 to June 30, 1992 (c) Withdrawal shall be effected by a signed notice from the applicant to the International Bureau or to the receiving Office. In the case of Rule 4.8(b), the notice shall require the signature of all the applicants.

From July 1, 1992 to September 30, 1992 (c) [Deleted]

Since October 1, 1992 (c) In respect of any international application whose filing date falls within the applicable period under paragraph (b), the International Bureau shall send the applicant a notification informing him that he may make a request for extension by performing, within three months from the date of that notification, the following acts:

(i) filing with the International Bureau the request for extension;

(ii) paying to the International Bureau an extension fee in Swiss francs, the amount of which shall be the same as the amount of the designation fee referred to in Rule 15.2(a).

From June 19, 1970 to December 31, 1984 (d) Where the record copy has already been sent to the International Bureau, the fact of withdrawal, together with the date of receipt of the notice effecting withdrawal, shall be recorded by the International Bureau and promptly notified by it to the receiving Office, the applicant, the designated Offices affected by the withdrawal, and, where the withdrawal concerns the international application and where the international search report or the declaration referred to in Article 17(2)(a) has not yet issued, the International Searching Authority.

From January 1, 1985 to September 30, 1992 (d) [Deleted]

Since October 1, 1992 (d) **This Rule shall not apply to the Russian Federation.**

From January 1, 1985 to June 30, 1992 (e) There shall be no international publication of the international application or of the designation, as the case may be, if the notice effecting withdrawal reaches the International Bureau before the technical preparations for publication have been completed.

Since July 1, 1992 (e) [Deleted]

Since October 1, 1992 **32.2 Effects of Extension to Successor State**

(a) Where a request for extension is made in accordance with Rule 32.1,

(i) the successor State shall be considered as having been designated in the international application, and

(ii) the applicable time limit under Article 22 or 39(1) in relation to that State shall be extended until the expiration of at least three months from the date of the request for extension.

(b) Where, in the case of a successor State which is bound by Chapter II of the Treaty, the request for extension was made after, but the demand was made before, the expiration of the 19th month from the priority date, and a later election is made of the successor State within three months from the date of the request for extension, the applicable time limit under paragraph (a)(ii) shall be at least 30 months from the priority date.

(c) The successor State may fix time limits which expire later than those provided in paragraphs (a)(ii) and (b). The International Bureau shall publish information on such time limits in the Gazette.

Rule 32bis
Withdrawal of the Priority Claim

From April 14, 1978 to June 30, 1992 32bis.1 *Withdrawals*

(a) The applicant may withdraw the priority claim made in the international application under Article 8(1) at any time before the international publication of the international application.

(b) Where the international application contains more than one priority claim, the applicant may exercise the right provided for in paragraph (a) in respect of one or more or all of them.

Since July 1, 1992 32bis title and 32bis.1(a) and (b) [Deleted]

From April 14, 1978 to December 31, 1984

(c) Where the withdrawal of the priority claim, or, in the case of more than one such claim, the withdrawal of any of them, causes a change in the priority date of the international application, any time limit which is computed from the original priority date and which has not already expired shall be computed from the priority date resulting from that change. In the case of the time limit of 18 months referred to in Article 21(2)(a), the International Bureau may nevertheless proceed with the international publication on the basis of the said time limit as computed from the original priority date if the withdrawal is effected during the period of 15 days preceding the expiration of that time limit.

From January 1, 1985 to June 30, 1992

(c) Where the withdrawal of the priority claim, or, in the case of more than one such claim, the withdrawal of any of them, causes a change in the priority date of the international application, any time limit which is computed from the original priority date and which has not already expired shall be computed from the priority date resulting from that change. In the case of the time limit of 18 months referred to in Article 21(2)(a), the International Bureau may nevertheless proceed with the international publication on the basis of the said time limit as computed from the original priority date

if the notice effecting withdrawal reaches the International Bureau during the period of 15 days preceding the expiration of that time limit.

Since July 1, 1992 (c) [Deleted]

From April 14, 1978 to December 31, 1984 (d) For any withdrawal under paragraph (a), the provisions of Rule 32.1(c) and (d) and Rule 74bis.1 shall apply *mutatis mutandis*.

From January 1, 1985 to June 30, 1992 (d) For any withdrawal under paragraph (a), the provisions of Rule 32.1(c) shall apply *mutatis mutandis*.

Since July 1, 1992 (d) [Deleted]

Rule 33

Relevant Prior Art for the International Search

Since June 19, 1970 33.1 *Relevant Prior Art for the International Search*

(a) For the purposes of Article 15(2), relevant prior art shall consist of everything which has been made available to the public anywhere in the world by means of written disclosure (including drawings and other illustrations) and which is capable of being of assistance in determining that the claimed invention is or is not new and that it does or does not involve an inventive step (i.e., that it is or is not obvious), provided that the making available to the public occurred prior to the international filing date.

From June 19, 1970 to June 30, 1992 (b) When any written disclosure refers to an oral disclosure, use, exhibition, or other means whereby the contents of the written disclosure were made available to the public, and such making available to the public occurred on a date prior to the international filing date, the international search report shall separately mention that fact and the date on which it occurred if the making available to the public of the written disclosure occurred on a date posterior to the international filing date.

Since July 1, 1992 (b) When any written disclosure refers to an oral disclosure, use, exhibition, or other means whereby the contents of the written disclosure were made available to the public, and such making available to the public occurred on a date prior to the international filing date, the international search report shall separately mention that fact and the date on which it occurred if the making available to the public of the written disclosure occurred on a date which is the same as, or later than, the international filing date.

From June 19, 1970 to June 30, 1992 (c) Any published application or any patent whose publication date is later but whose filing date, or, where applicable, claimed priority date, is earlier than the international filing date of the international application searched, and which would constitute relevant prior art for the purposes of

Article 15(2) had it been published prior to the international filing date, shall be specially mentioned in the international search report.

Since July 1, 1992 (c) Any published application or any patent whose publication date is the same as, or later than, but whose filing date, or, where applicable, claimed priority date, is earlier than the international filing date of the international application searched, and which would constitute relevant prior art for the purposes of Article 15(2) had it been published prior to the international filing date, shall be specially mentioned in the international search report.

Since June 19, 1970 33.2 *Fields to Be Covered by the International Search*

(a) The international search shall cover all those technical fields, and shall be carried out on the basis of all those search files, which may contain material pertinent to the invention.

(b) Consequently, not only shall the art in which the invention is classifiable be searched but also analogous arts regardless of where classified.

(c) The question what arts are, in any given case, to be regarded as analogous shall be considered in the light of what appears to be the necessary essential function or use of the invention and not only the specific functions expressly indicated in the international application.

(d) The international search shall embrace all subject matter that is generally recognized as equivalent to the subject matter of the claimed invention for all or certain of its features, even though, in its specifics, the invention as described in the international application is different.

Since June 19, 1970 33.3 *Orientation of the International Search*

(a) International search shall be made on the basis of the claims, with due regard to the description and the drawings (if any) and with particular emphasis on the inventive concept towards which the claims are directed.

(b) In so far as possible and reasonable, the international search shall cover the entire subject matter to which the claims are directed or to which they might reasonably be expected to be directed after they have been amended.

Rule 34

Minimum Documentation

Since June 19, 1970 34.1 *Definition*

(a) The definitions contained in Article 2(i) and (ii) shall not apply for the purposes of this Rule.

(b) The documentation referred to in Article 15(4) ("minimum documentation") shall consist of:

(i) the "national patent documents" as specified in paragraph (c),

(ii) the published international (PCT) applications, the published regional applications for patents and inventors' certificates, and the published regional patents and inventors' certificates,

(iii) such other published items of non-patent literature as the International Searching Authorities shall agree upon and which shall be published in a list by the International Bureau when agreed upon for the first time and whenever changed.

(c) Subject to paragraphs (d) and (e), the "national patent documents" shall be the following:

(i) the patents issued in and after 1920 by France, the former *Reichspatentamt* of Germany, Japan, the Soviet Union, Switzerland (in French and German languages only), the United Kingdom, and the United States of America,

(ii) the patents issued by the Federal Republic of Germany,

(iii) the patent applications, if any, published in and after 1920 in the countries referred to in items (i) and (ii),

(iv) the inventors' certificates issued by the Soviet Union,

(v) the utility certificates issued by, and the published applications for utility certificates of, France,

(vi) such patents issued by, and such patent applications published in, any other country after 1920 as are in the English, French, or German language and in which no priority is claimed, provided that the national Office of the interested country sorts out these documents and places them at the disposal of each International Searching Authority.

(vi) such patents issued by, and such patent applications published in, any other country after 1920 as are in the English, French, German or Spanish language and in which no priority is claimed, provided that the national Office of the interested country sorts out these documents and places them at the disposal of each International Searching Authority.

(d) Where an application is republished once (for example, an *Offenlegungsschrift* as an *Auslegeschrift*) or more than once, no International Searching Authority shall be obliged to keep all versions in its documentation; consequently, each such Authority shall be entitled not to keep more than one version. Furthermore, where an application is granted and is issued in the form of a patent or a utility certificate (France), no International Searching Authority shall be obliged to keep both the application and the patent or utility certificate (France) in its documentation; consequently, each such Authority shall be entitled to keep either the application only or the patent or utility certificate (France) only.

From June 19,
1970 to
December 31,
1984

(e) Any International Searching Authority whose official language, or one of whose official languages, is not Japanese or Russian is entitled not to include in its documentation those patent documents of Japan and the Soviet Union, respectively, for which no abstracts in the English language are generally available. English abstracts becoming generally available after the date of entry into force of these Regulations shall require the inclusion of the patent documents to which the abstracts refer no later than six months after such abstracts become generally available. In case of the interruption of abstracting services in English in technical fields in which English abstracts were formerly generally available, the Assembly shall take appropriate measures to provide for the prompt restoration of such services in the said fields.

Since January 1,
1985

(e) Any International Searching Authority whose official language, or one of whose official languages, is not Japanese, Russian or Spanish is entitled not to include in its documentation those patent documents of Japan and the Soviet Union as well as those patent documents in the Spanish language, respectively, for which no abstracts in the English language are generally available. English abstracts becoming generally available after the date of entry into force of these Regulations shall require the inclusion of the patent documents to which the abstracts refer no later than six months after such abstracts become generally available. In case of the interruption of abstracting services in English in technical fields in which English abstracts were formerly generally available, the Assembly shall take appropriate measures to provide for the prompt restoration of such services in the said fields.

Since June 19,
1970

(f) For the purposes of this Rule, applications which have only been laid open for public inspection are not considered published applications.

From June 19,
1970 to
December 31,
1984

Since January 1,
1985

Since June 19,
1970

Rule 35

The Competent International Searching Authority

Since June 19,
1970

35.1 *When Only One International Searching Authority Is Competent*

Each receiving Office shall, in accordance with the terms of the applicable agreement referred to in Article 16(3)(b), inform the International Bureau which International Searching Authority is competent for the searching of the international applications filed with it, and the International Bureau shall promptly publish such information.

35.2 *When Several International Searching Authorities Are Competent*

Since June 19,
1970

(a) Any receiving Office may, in accordance with the terms of the applicable agreement referred to in Article 16(3)(b), specify several International Searching Authorities:

(i) by declaring all of them competent for any international application filed with it, and leaving the choice to the applicant, or

(ii) by declaring one or more competent for certain kinds of international applications filed with it, and declaring one or more others competent for other kinds of

international applications filed with it, provided that, for those kinds of international applications for which several International Searching Authorities are declared to be competent, the choice shall be left to the applicant.

(b) Any receiving Office availing itself of the faculty provided in paragraph (a) shall promptly inform the International Bureau, and the International Bureau shall promptly publish such information.

Since January 1, 1994 **35.3 When the International Bureau Is Receiving Office under Rule 19.1(a)(iii)**

(a) Where the international application is filed with the International Bureau as receiving Office under Rule 19.1(a)(iii), an International Searching Authority shall be competent for the searching of that international application if it would have been competent had that international application been filed with a receiving Office competent under Rule 19.1(a)(i) or (ii), (h) or (c) or Rule 19.2(i).

(h) Where two or more International Searching Authorities are competent under paragraph (a), the choice shall be left to the applicant.

(c) Rules 35.1 and 35.2 shall not apply to the International Bureau as receiving Office under Rule 19.1(a)(iii).

Rule 36

Minimum Requirements for International Searching Authorities

Since June 19, 1970

36.1 Definition of Minimum Requirements

The minimum requirements referred to in Article 16(3)(c) shall be the following:

(i) the national Office or intergovernmental organization must have at least 100 full-time employees with sufficient technical qualifications to carry out searches;

(ii) that Office or organization must have in its possession at least the minimum documentation referred to in Rule 34, properly arranged for search purposes;

(ii) that Office or organization must have in its possession, or have access to, at least the minimum documentation referred to in Rule 34, properly arranged for search purposes, on paper, in microform or stored on electronic media;

(iii) that Office or organization must have a staff which is capable of searching the required technical fields and which has the language facilities to understand at least those languages in which the minimum documentation referred to in Rule 34 is written or is translated.

From June 19, 1970 to June 30, 1992

Since July 1, 1992

Since June 19, 1970

Rule 37 Missing or Defective Title

Since June 19, 1970 **37.1 Lack of Title**

If the international application does not contain a title and the receiving Office has notified the International Searching Authority that it has invited the applicant to correct such defect, the International Searching Authority shall proceed with the international search unless and until it receives notification that the said application is considered withdrawn.

Since June 19, 1970 **37.2 Establishment of Title**

From June 19, 1970 to December 31, 1992

If the international application does not contain a title and the International Searching Authority has not received a notification from the receiving Office to the effect that the applicant has been invited to furnish a title, or if the said Authority finds that the title does not comply with Rule 4.3, it shall itself establish a title.

Since January 1, 1993

If the international application does not contain a title and the International Searching Authority has not received a notification from the receiving Office to the effect that the applicant has been invited to furnish a title, or if the said Authority finds that the title does not comply with Rule 4.3, it shall itself establish a title. Such title shall be established in the language in which the international application is published or, if a translation was transmitted under Rule 12.1(c) and the International Searching Authority so wishes, in the language of that translation.

From June 19, 1970 to June 30, 1992

Rule 38 Missing Abstract

Since July 1, 1992

Rule 38 Missing or Defective Abstract

Since June 19, 1970 **38.1 Lack of Abstract**

If the international application does not contain an abstract and the receiving Office has notified the International Searching Authority that it has invited the applicant to correct such defect, the International Searching Authority shall proceed with the international search unless and until it receives notification that the said application is considered withdrawn.

Since June 19, 1970 **38.2 Establishment of Abstract**

From June 19, 1970 to June 30, 1992

(a) If the international application does not contain an abstract and the International Searching Authority has not received a notification from the receiving Office to the effect that the applicant has

been invited to furnish an abstract, or if the said Authority finds that the abstract does not comply with Rule 8, it shall itself establish an abstract (in the language in which the international application is published). In the latter case, it shall invite the applicant to comment on the abstract established by it within 1 month from the date of the invitation.

From July 1, 1992
to December 31,
1992

(a) If the international application does not contain an abstract and the International Searching Authority has not received a notification from the receiving Office to the effect that the applicant has been invited to furnish an abstract, or if the said Authority finds that the abstract does not comply with Rule 8, it shall itself establish an abstract (in the language in which the international application is published).

Since January 1,
1993

(a) If the international application does not contain an abstract and the International Searching Authority has not received a notification from the receiving Office to the effect that the applicant has been invited to furnish an abstract, or if the said Authority finds that the abstract does not comply with Rule 8, it shall itself establish an abstract. Such abstract shall be established in the language in which the international application is published or, if a translation was transmitted under Rule 12.1(c) and the International Searching Authority so wishes, in the language of that translation.

From June 19,
1970 to June 30,
1992

(b) The definitive contents of the abstract shall be determined by the International Searching Authority.

Since July 1, 1992

(b) The applicant may, within one month from the date of mailing of the international search report, submit comments on the abstract established by the International Searching Authority. Where that Authority amends the abstract established by it, it shall notify the amendment to the International Bureau.

Rule 39

Subject Matter under Article 17(2)(a)(i)

Since June 19,
1970

39.1 *Definition*

No International Searching Authority shall be required to search an international application if, and to the extent to which, its subject matter is any of the following:

- (i) scientific and mathematical theories,
- (ii) plant or animal varieties or essentially biological processes for the production of plants and animals, other than microbiological processes and the products of such processes,
- (iii) schemes, rules or methods of doing business, performing purely mental acts or playing games,
- (iv) methods for treatment of the human or animal body by surgery or therapy, as well as diagnostic methods,

(v) mere presentations of information,

(vi) computer programs to the extent that the International Searching Authority is not equipped to search prior art concerning such programs.

Rule 40

Lack of Unity of Invention (International Search)

Since June 19,
1970

40.1 *Invitation to Pay*

The invitation to pay additional fees provided for in Article 17(3)(a) shall specify the reasons for which the international application is not considered as complying with the requirement of unity of invention and shall indicate the amount to be paid.

Since June 19,
1970

40.2 *Additional Fees*

(a) The amount of the additional fee due for searching under Article 17(3)(a) shall be determined by the competent International Searching Authority.

(b) The additional fee due for searching under Article 17(3)(a) shall be payable direct to the International Searching Authority.

(c) Any applicant may pay the additional fee under protest, that is, accompanied by a reasoned statement to the effect that the international application complies with the requirement of unity of invention or that the amount of the required additional fee is excessive. Such protest shall be examined by a three-member board or other special instance of the International Searching Authority or any competent higher authority, which, to the extent that it finds the protest justified, shall order the total or partial reimbursement to the applicant of the additional fee. On the request of the applicant, the text of both the protest and the decision thereon shall be notified to the designated Offices together with the international search report. The applicant shall submit any translation thereof with the furnishing of the translation of the international application required under Article 22.

(d) The three-member board, special instance or competent higher authority, referred to in paragraph (c), shall not comprise any person who made the decision which is the subject of the protest.

Since July 1, 1992

(e) Where the applicant has, under paragraph (c), paid an additional fee under protest, the International Searching Authority may, after a prior review of the justification for the invitation to pay an additional fee, require that the applicant pay a fee for the examination of the protest ("protest fee"). The protest fee shall be paid within one month from the date of the notification to the applicant of the result of the review. If the protest fee is not so paid, the protest shall be considered withdrawn. The protest fee shall be refunded to the applicant where the three-member board, special instance or higher authority referred to in paragraph (c) finds that the protest was entirely justified.

Since June 19,
1970 **40.3 Time Limit**

The time limit provided for in Article 17(3)(a) shall be fixed, in each case, according to the circumstances of the case, by the International Searching Authority; it shall not be shorter than 15 or 30 days, respectively, depending on whether the applicant's address is in the same country as or in a different country from that in which the International Searching Authority is located, and it shall not be longer than 45 days, from the date of the invitation.

From June 19,
1970 to
September 30,
1980

Rule 41
The International-Type Search

Since October 1,
1980

Rule 41
Earlier Search Other Than International Search

From June 19,
1970 to
September 30,
1980 **41.1 Obligation to Use Results; Refund of Fee**

If reference has been made in the request, in the form provided for in Rule 4.11, to an international-type search carried out under the conditions set out in Article 15(5), the International Searching Authority shall, to the extent possible, use the results of the said search in establishing the international search report on the international application. The International Searching Authority shall refund the search fee, to the extent and under the conditions provided for in the agreement under Article 16(3)(b), if the international search report could wholly or partly be based on the results of the international-type search.

Since October 1,
1980 **41.1 Obligation to Use Results; Refund of Fee**

If reference has been made in the request, in the form provided for in Rule 4.11, to an international-type search carried out under the conditions set out in Article 15(5) or to a search other than an international or international-type search, the International Searching Authority shall, to the extent possible, use the results of the said search in establishing the international search report on the international application. The International Searching Authority shall refund the search fee, to the extent and under the conditions provided for in the agreement under Article 16(3)(b) or in a communication addressed to and published in the Gazette by the International Bureau, if the international search report could wholly or partly be based on the results of the said search.

Rule 42
Time Limit for International Search

Since June 19,
1970 **42.1 Time Limit for International Search**

From June 19,
1970 to
December 31,
1984

All agreements concluded with International Searching Authorities shall provide for the same time limit for establishing the international search report or the declaration referred to in Article 17(2)(a). This time limit shall not exceed three months from the receipt of the search copy by the International Searching Authority, or nine months from the priority date, whichever time limit expires later. For a transitional period of three years from the entry into force of the Treaty, time limits for the agreement with any International Searching Authority may be individually negotiated, provided that such time limits shall not extend by more than two months the time limits referred to in the preceding sentence and in any case shall not go beyond the expiration of the 18th month after the priority date.

Since January 1,
1985

The time limit for establishing the international search report or the declaration referred to in Article 17(2)(a) shall be three months from the receipt of the search copy by the International Searching Authority, or nine months from the priority date, whichever time limit expires later.

Rule 43
The International Search Report

Since June 19,
1970 **43.1 Identifications**

From June 19,
1970 to June 30,
1992

The international search report shall identify the International Searching Authority which established it by indicating the name of such Authority, and the international application by indicating the international application number, the name of the applicant, the name of the receiving Office, and the international filing date.

Since July 1, 1992

The international search report shall identify the International Searching Authority which established it by indicating the name of such Authority, and the international application by indicating the international application number, the name of the applicant, and the international filing date.

From June 19,
1970 to June 30,
1992

43.2 Dates

The international search report shall be dated and shall indicate the date on which the international search was actually completed. It shall also indicate the filing date of any earlier application whose priority is claimed.

Since July 1, 1992 **43.2 Dates**

The international search report shall be dated and shall indicate the date on which the international search was actually completed. It shall also indicate the filing date of any earlier application whose priority is claimed or, if the priority of more than one earlier application is claimed, the filing date of the earliest among them.

Since June 19,
1970 **43.3 Classification**

(a) The international search report shall contain the classification of the subject matter at least according to the International Patent Classification.

(b) Such classification shall be effected by the International Searching Authority.

Since June 19,
1970 **43.4 Language**

Every international search report and any declaration made under Article 17(2)(a) shall be in the language in which the international application to which it relates is published.

From June 19,
1970 to
December 31,
1992

Every international search report and any declaration made under Article 17(2)(a) shall be in the language in which the international application to which it relates is published or, if a translation was transmitted under Rule 12.1(c) and the International Searching Authority so wishes, in the language of that translation.

Since January 1,
1993

Since June 19,
1970 **43.5 Citations**

(a) The international search report shall contain the citations of the documents considered to be relevant.

(b) The method of identifying any cited document shall be regulated by the Administrative Instructions.

(c) Citations of particular relevance shall be specially indicated.

(d) Citations which are not relevant to all the claims shall be cited in relation to the claim or claims to which they are relevant.

From June 19,
1970 to June 30,
1992

(e) If only certain passages of the cited document are relevant or particularly relevant, they shall be identified, for example, by indicating the page, the column, or the lines, where the passage appears.

Since July 1, 1992

(e) If only certain passages of the cited document are relevant or particularly relevant, they shall be identified, for example, by indicating the page, the column, or the lines, where the passage appears. If the entire document is relevant but some passages are of particular relevance, such passages shall be identified unless such identification is not practicable.

Since June 19,
1970 **43.6 Fields Searched**

(a) The international search report shall list the classification identification of the fields searched. If that identification is effected on the basis of a classification other than the International Patent Classification, the International Searching Authority shall publish the classification used.

(b) If the international search extended to patents, inventors' certificates, utility certificates, utility models, patents or certificates of addition, inventors' certificates of addition, utility certificates of addition, or published applications for any of those kinds of protection, of States, periods, or languages, not included in the minimum documentation as defined in Rule 34, the international search report shall, when practicable, identify the kinds of documents, the States, the periods, and the languages to which it extended. For the purposes of this paragraph, Article 2(ii) shall not apply.

Since July 1, 1992

(c) If the international search was based on, or was extended to, any electronic data base, the international search report may indicate the name of the data base and, where considered useful to others and practicable, the search terms used.

From June 19,
1970 to June 30,
1992 **43.7 Remarks Concerning Unity of Invention**

If the applicant paid additional fees for the international search, the international search report shall so indicate. Furthermore, where the international search was made on the main invention only (Article 17(3)(a)), the international search report shall indicate what parts of the international application were and what parts were not searched.

Since July 1, 1992 **43.7 Remarks Concerning Unity of Invention**

If the applicant paid additional fees for the international search, the international search report shall so indicate. Furthermore, where the international search was made on the main invention only or on less than all the inventions (Article 17(3)(a)), the international search report shall indicate what parts of the international application were and what parts were not searched.

From June 19,
1970 to June 30,
1992 **43.8 Signature**

The international search report shall be signed by an authorized officer of the International Searching Authority.

Since July 1, 1992 **43.8 Authorized Officer**

The international search report shall indicate the name of the officer of the International Searching Authority responsible for that report.

From June 19,
1970 to June 30,
1992

43.9 No Other Matter

The international search report shall contain no matter other than that enumerated in Rules 33.1(b) and (c), 43.1, 2, 3, 5, 6, 7 and 8, and 44.2(a) and (b), and the indication referred to in Article 17(2)(b). In particular, it shall contain no expressions of opinion, reasoning, arguments, or explanations.

Since July 1, 1992

43.9 Additional Matter

The international search report shall contain no matter other than that specified in Rules 33.1(b) and (c), 43.1 to 43.3, 43.5 to 43.8, and 44.2(a), and the indication referred to in Article 17(2)(b), provided that the Administrative Instructions may permit the inclusion in the international search report of any additional matter specified in the Administrative Instructions. The international search report shall not contain, and the Administrative Instructions shall not permit the inclusion of, any expressions of opinion, reasoning, arguments, or explanations.

Since June 19,
1970

43.10 Form

The physical requirements as to the form of the international search report shall be prescribed by the Administrative Instructions.

Rule 44

Transmittal of the International Search Report, Etc.

Since June 19,
1970

44.1 Copies of Report or Declaration

The International Searching Authority shall, on the same day, transmit one copy of the international search report or the declaration referred to in Article 17(2)(a) to the International Bureau and one copy to the applicant.

Since June 19,
1970

44.2 Title or Abstract

(a) Subject to paragraphs (b) and (c), the international search report shall either state that the International Searching Authority approves the title and the abstract as submitted by the applicant or be accompanied by the text of the title and/or abstract as established by the International Searching Authority under Rules 37 and 38.

Since July 1, 1992

(a) The international search report shall either state that the International Searching Authority approves the title and the abstract as submitted by the applicant or be accompanied by the text of the title and/or abstract as established by the International Searching Authority under Rules 37 and 38.

From June 19,
1970 to June 30,
1992

(b) If, at the time the international search is completed, the time limit allowed for the applicant to comment on any suggestion of the International Searching Authority in respect of the abstract has not expired, the international search report shall indicate that it is incomplete as far as the abstract is concerned.

Since July 1, 1992

(b) [Deleted]

From June 19,
1970 to June 30,
1992

(c) As soon as the time limit referred to in paragraph (b) has expired, the International Searching Authority shall notify the abstract approved or established by it to the International Bureau and to the applicant.

Since July 1, 1992

(c) [Deleted]

Since June 19,
1970

44.3 Copies of Cited Documents

(a) The request referred to in Article 20(3) may be presented any time during 7 years from the international filing date of the international application to which the international search report relates.

(b) The International Searching Authority may require that the party (applicant or designated Office) presenting the request pay to it the cost of preparing and mailing the copies. The level of the cost of preparing copies shall be provided for in the agreements referred to in Article 16(3)(b) between the International Searching Authorities and the International Bureau.

From June 19,
1970 to June 30,
1992

(c) Any International Searching Authority not wishing to send copies direct to any designated Office shall send a copy to the International Bureau and the International Bureau shall then proceed as provided in paragraphs (a) and (b).

Since July 1, 1992

(c) [Deleted]

From June 19,
1970 to June 30,
1992

(d) Any International Searching Authority may perform the obligations referred to in (a) to (c) through another agency responsible to it.

Since July 1, 1992

(d) Any International Searching Authority may perform the obligations referred to in paragraphs (a) and (b) through another agency responsible to it.

Rule 45
Translation of the International Search Report

Since June 19, 1970 **45.1 Languages**

International search reports and declarations referred to in Article 17(2)(a) shall, when not in English, be translated into English.

Rule 46
Amendment of Claims before the International Bureau

Since June 19, 1970 **46.1 Time Limit**

From June 19, 1970 to December 31, 1984 The time limit referred to in Article 19 shall be 2 months from the date of transmittal of the international search report to the International Bureau and to the applicant by the International Searching Authority or, when such transmittal takes place before the expiration of 14 months from the priority date, 3 months from the date of such transmittal.

Since January 1, 1985 The time limit referred to in Article 19 shall be two months from the date of transmittal of the international search report to the International Bureau and to the applicant by the International Searching Authority or 16 months from the priority date, whichever time limit expires later, provided that any amendment made under Article 19 which is received by the International Bureau after the expiration of the applicable time limit shall be considered to have been received by that Bureau on the last day of that time limit if it reaches it before the technical preparations for international publication have been completed.

From June 19, 1970 to September 30, 1980 **46.2 Dating of Amendments**

The date of receipt of any amendment shall be recorded by the International Bureau and shall be indicated by it in any publication or copy issued by it.

From October 1, 1980 to December 31, 1984 **46.2 Dating of Amendments**

The date of filing of any amendment shall be recorded by the International Bureau, which shall also notify the applicant of the date and indicate the date in any publication or copy issued by it.

From January 1, 1985 to June 30, 1992 **46.2 [Deleted]**

Since July 1, 1992 **46.2 Where to File**

Amendments made under Article 19 shall be filed directly with the International Bureau.

From June 19, 1970 to December 31, 1984 **46.3 Language of Amendments**

If the international application has been filed in a language other than the language in which it is published by the International Bureau, any amendment made under Article 19 shall be both in the language in which the international application has been filed and in that in which it is published.

Since January 1, 1985 **46.3 Language of Amendments**

If the international application has been filed in a language other than the language in which it is published, any amendment made under Article 19 shall be in the language of publication.

Since June 19, 1970 **46.4 Statement**

From June 19, 1970 to December 31, 1984 (a) The statement referred to in Article 19(1) shall be in the language in which the international application is published and shall not exceed 500 words if in the English language or if translated into that language.

Since January 1, 1985 (a) The statement referred to in Article 19(1) shall be in the language in which the international application is published and shall not exceed 500 words if in the English language or if translated into that language. The statement shall be identified as such by a heading, preferably by using the words "Statement under Article 19(1)" or their equivalent in the language of the statement.

From June 19, 1970 to December 31, 1984 (b) The statement shall contain no comments on the international search report or the relevance of the citations contained in that report. The statement may refer to a citation contained in the international search report only in order to indicate that a specific amendment of the claims is intended to avoid the document cited.

Since January 1, 1985 (b) The statement shall contain no disparaging comments on the international search report or the relevance of citations contained in that report. Reference to citations, relevant to a given claim, contained in the international search report may be made only in connection with an amendment of that claim.

Since June 19, 1970 **46.5 Form of Amendments**

(a) The applicant shall be required to submit a replacement sheet for every sheet of the claims which, on account of an amendment or amendments under Article 19, differs from the sheet originally filed. The letter accompanying the replacement sheets shall draw attention to the differences between the replaced sheets and the replacement sheets. To the extent that any amendment results in the cancellation of an entire sheet, that amendment shall be communicated in a letter.

From June 19, 1970 to December 31, 1984

(b) The International Bureau shall mark on each replacement sheet the international application number, the date on which it was received, and the stamp identifying the International Bureau. It shall keep in its files any replaced sheet, the letter accompanying the replacement sheet or sheets, and any letter referred to in the last sentence of paragraph (a).

Since January 1, 1985

(b) [Deleted]

From June 19, 1970 to December 31, 1984

(c) The International Bureau shall insert any replacement sheet in the record copy and, in the case referred to in the last sentence of paragraph (a), shall indicate the cancellations in the record copy.

Since January 1, 1985

(c) [Deleted]

Rule 47 Communication to Designated Offices

Since June 19, 1970

47.1 Procedure

(a) The communication provided for in Article 20 shall be effected by the International Bureau.

Since July 1, 1992

(*abis*) The International Bureau shall notify each designated Office, at the time of the communication provided for in Article 20, of the fact and date of receipt of the record copy and of the fact and date of receipt of any priority document. Such notification shall also be sent to any designated Office which has waived the communication provided for in Article 20, unless such Office has also waived the notification of its designation.

From June 19, 1970 to April 30, 1979

(b) Such communication shall be effected promptly after the International Bureau has received amendments from the applicant, or a declaration that the applicant does not wish to make amendments before the International Bureau, or, in any case, when the time limit provided for in Rule 46.1 has expired. Where, under Article 17(2)(a), the International Searching Authority has made a declaration that no international search report will be established, the communication provided for in Article 20 shall be effected, unless the international application is withdrawn, within 1 month from the date on which the International Bureau has been notified of the said declaration by the International Searching Authority; such communication shall be accompanied by an indication of the date of the notification sent to the applicant under Article 17(2)(a).

From May 1, 1979 to December 31, 1984

(b) Such communication shall be effected promptly after the international publication of the international application and, in any event, by the end of the 19th month after the priority date. Where the time limit under Rule 46.1 has not expired when the communication is effected and the International Bureau has neither received amendments from the applicant nor a declaration that the applicant does not wish to make amendments before the International Bureau, the International Bureau shall, at the time of the communication, notify the applicant and the designated Offices accordingly; it shall, immediately after receipt, communicate any amendment received subsequently to

the designated Offices and notify the applicant accordingly. Where, under Article 17(2)(a), the International Searching Authority has made a declaration that no international search report will be established, the communication shall be effected, unless the international application is withdrawn, within 1 month from the date on which the International Bureau has been notified of the said declaration by the International Searching Authority; such communication shall be accompanied by an indication of the date of the notification sent to the applicant under Article 17(2)(a).

Since January 1, 1985

(b) Such communication shall be effected promptly after the international publication of the international application and, in any event, by the end of the 19th month after the priority date. Any amendment received by the International Bureau within the time limit under Rule 46.1 which was not included in the communication shall be communicated promptly to the designated Offices by the International Bureau, and the latter shall notify the applicant accordingly.

From June 19, 1970 to September 30, 1980

(c) The International Bureau shall send a notice to the applicant indicating the designated Offices to which the communication has been effected and the date of such communication. Such notice shall be sent on the same day as the communication.

Since October 1, 1980

(c) The International Bureau shall send a notice to the applicant indicating the designated Offices to which the communication has been effected and the date of such communication. Such notice shall be sent on the same day as the communication. Each designated Office shall be informed, separately from the communication, about the sending and the date of mailing of the notice. The notice shall be accepted by all designated Offices as conclusive evidence that the communication has duly taken place on the date specified in the notice.

Since June 19, 1970

(d) Each designated Office shall, when it so requires, receive the international search reports and the declarations referred to in Article 17(2)(a) also in the translation referred to in Rule 45.1.

(e) Where any designated Office has waived the requirement provided under Article 20, the copies of the documents which otherwise would have been sent to that Office shall, at the request of that Office or the applicant, be sent to the applicant at the time of the notice referred to in paragraph (c).

Since June 19, 1970

47.2 Copies

(a) The copies required for communication shall be prepared by the International Bureau.

(b) They shall be on sheets of A4 size.

Since May 1, 1979

(c) Except to the extent that any designated Office notifies the International Bureau otherwise, copies of the pamphlet under Rule 48 may be used for the purposes of the communication of the international application under Article 20.

Since June 19, 1970 **47.3 Languages**

The international application communicated under Article 20 shall be in the language in which it is published provided that if that language is different from the language in which it was filed it shall, on the request of the designated Office, be communicated in either or both of these languages.

Since July 1, 1992 **47.4 Express Request under Article 23(2)**

Where the applicant makes an express request to a designated Office under Article 23(2) before the communication provided for in Article 20 has taken place, the International Bureau shall, upon request of the applicant or the designated Office, promptly effect that communication to that Office.

**Rule 48
International Publication**

Since June 19, 1970 **48.1 Form**

(a) The international application shall be published in the form of a pamphlet.

(b) The particulars regarding the form of the pamphlet and the method of reproduction shall be governed by the Administrative Instructions.

Since June 19, 1970 **48.2 Contents**

(a) The pamphlet shall contain:

- (i) a standardized front page,
- (ii) the description,
- (iii) the claims,
- (iv) the drawings, if any,

From June 19, 1970 to April 13, 1978 (v) subject to paragraph (g), the international search report or the declaration under Article 17(2)(a),

Since April 14, 1978 (v) subject to paragraph (g), the international search report or the declaration under Article 17(2)(a); the publication of the international search report in the pamphlet shall, however, not be required to include the part of the international search report which contains only matter referred to in Rule 43 already appearing on the front page of the pamphlet,

From June 19, 1970 to December 31, 1984 (vi) any statement filed under Article 19(1), unless the International Bureau finds that the statement does not comply with the provisions of Rule 46.4.

Since January 1, 1985 (vi) any statement filed under Article 19(1), unless the International Bureau finds that the statement does not comply with the provisions of Rule 46.4,

From January 1, 1985 to June 30, 1992 (vii) any request for rectification referred to in the third sentence of Rule 91.1(f).

Since July 1, 1992 (vii) any request for rectification referred to in the third sentence of Rule 91.1(f),

Since July 1, 1992 (viii) any indications in relation to a deposited microorganism furnished under Rule 13*bis* separately from the description, together with an indication of the date on which the International Bureau received such indications.

Since June 19, 1970 (b) Subject to paragraph (c), the front page shall include:

(i) data taken from the request sheet and such other data as are prescribed by the Administrative Instructions,

From June 19, 1970 to December 31, 1984 (ii) a figure or figures where the international application contains drawings,

Since January 1, 1985 (ii) a figure or figures where the international application contains drawings, unless Rule 8.2(b) applies,

Since June 19, 1970 (iii) the abstract; if the abstract is both in English and in another language, the English text shall appear first.

(c) Where a declaration under Article 17(2)(a) has issued, the front page shall conspicuously refer to that fact and need include neither a drawing nor an abstract.

(d) The figure or figures referred to in paragraph (b)(ii) shall be selected as provided in Rule 8.2. Reproduction of such figure or figures on the front page may be in a reduced form.

(e) If there is not enough room on the front page for the totality of the abstract referred to in paragraph (b)(iii), the said abstract shall appear on the back of the front page. The same shall apply to the translation of the abstract when such translation is required to be published under Rule 48.3(c).

(f) If the claims have been amended under Article 19, the publication shall contain either the full text of the claims both as filed and as amended or the full text of the claims as filed and specify the amendments. Any statement referred to in Article 19(1) shall be included

as well, unless the International Bureau finds that the statement does not comply with the provisions of Rule 46.4. The date of receipt of the amended claims by the International Bureau shall be indicated.

From June 19,
1970 to
December 31,
1984

(g) If, at the time when publication is due, the international search report is not yet available (for example, because of publication on the request of the applicant as provided in Articles 21(2)(b) and 64(3)(c)(i)), the pamphlet shall contain, in place of the international search report, an indication to the effect that that report was not available and that either the pamphlet (then also including the international search report) will be republished or the international search report (when it becomes available) will be separately published.

Since January 1,
1985

(g) If, at the time of the completion of the technical preparations for international publication, the international search report is not yet available (for example, because of publication on the request of the applicant as provided in Articles 21(2)(b) and 64(3)(c)(i)), the pamphlet shall contain, in place of the international search report, an indication to the effect that that report was not available and that either the pamphlet (then also including the international search report) will be republished or the international search report (when it becomes available) will be separately published.

From June 19,
1970 to
December 31,
1984

(h) If, at the time when publication is due, the time limit for amending the claims under Article 19 has not expired, the pamphlet shall refer to that fact and indicate that, should the claims be amended under Article 19, then, promptly after such amendments, either the pamphlet (containing the claims as amended) will be republished or a statement reflecting all the amendments will be published. In the latter case, at least the front page and the claims shall be republished and, if a statement under Article 19(1) has been filed, that statement shall be published as well, unless the International Bureau finds that the statement does not comply with the provisions of Rule 46.4.

Since January 1,
1985

(h) If, at the time of the completion of the technical preparations for international publication, the time limit for amending the claims under Article 19 has not expired, the pamphlet shall refer to that fact and indicate that, should the claims be amended under Article 19, then, promptly after such amendments, either the pamphlet (containing the claims as amended) will be republished or a statement reflecting all the amendments will be published. In the latter case, at least the front page and the claims shall be republished and, if a statement under Article 19(1) has been filed, that statement shall be published as well, unless the International Bureau finds that the statement does not comply with the provisions of Rule 46.4.

Since June 19,
1970

(i) The Administrative Instructions shall determine the cases in which the various alternatives referred to in paragraphs (g) and (h) shall apply. Such determination shall depend on the volume and complexity of the amendments and/or the volume of the international application and the cost factors.

From June 19,
1970 to
December 31,
1984

48.3 Language

(a) If the international application is filed in English, French, German, Japanese, or Russian, that application shall be published in the language in which it was filed.

From January 1,
1985 to
December 31,
1993

48.3 Languages

(a) If the international application is filed in English, French, German, Japanese, Russian or Spanish, that application shall be published in the language in which it was filed.

Since January 1,
1994

48.3 Languages

(a) If the international application is filed in Chinese, English, French, German, Japanese, Russian or Spanish, that application shall be published in the language in which it was filed.

From June 19,
1970 to
December 31,
1984

(b) If the international application is filed in a language other than English, French, German, Japanese, or Russian, that application shall be published in English translation. The translation shall be prepared under the responsibility of the International Searching Authority, which shall be obliged to have it ready in time to permit the communication under Article 20 by the prescribed date, or, if the international publication is due at an earlier date than the said communication, to permit international publication by the prescribed date. Notwithstanding Rule 16.1(a), the International Searching Authority may charge a fee for the translation to the applicant. The International Searching Authority shall give the applicant an opportunity to comment on the draft translation. The International Searching Authority shall fix a time limit reasonable under the circumstances of the case for such comments. If there is no time to take the comments of the applicant into account before the translation is communicated or if there is a difference of opinion between the applicant and the said Authority as to the correct translation, the applicant may send a copy of his comments, or what remains of them, to the International Bureau and each designated Office to which the translation was communicated. The International Bureau shall publish the essence of the comments together with the translation of the International Searching Authority or subsequently to the publication of such translation.

From January 1,
1985 to
December 31,
1993

(b) If the international application is filed in a language other than English, French, German, Japanese, Russian or Spanish, that application shall be published in English translation. The translation shall be prepared under the responsibility of the International Searching Authority, which shall be obliged to have it ready in time to permit international publication by the prescribed date, or, where Article 64(3)(b) applies, to permit the communication under Article 20 by the end of the 19th month after the priority date. Notwithstanding Rule 16.1(a), the International Searching Authority may charge a fee for the translation to the applicant. The International Searching Authority shall give the applicant an opportunity to comment on the draft translation. The International Searching Authority shall fix a time limit reasonable under the circumstances of the case for such comments. If there is no time to take the comments of the applicant into account before the translation is communicated or if there is a difference of opinion between the applicant and the said Authority as to the correct translation, the applicant may send a copy of his comments, or what remains of them, to the International Bureau and each designated Office to which the translation was communicated. The International Bureau shall publish the essence of the comments together with the translation of the International Searching Authority or subsequently to the publication of such translation.

Since January 1,
1994

(b) If the international application is filed in a language other than Chinese, English, French, German, Japanese, Russian or Spanish, that application shall be published in English translation. The translation shall be prepared under the responsibility of the International Searching Authority, which shall be obliged to have it ready in time to permit international publication by the prescribed date, or, where Article 64(3)(b) applies, to permit the communication under Article 20 by the end of the 19th month after the priority date. Notwithstanding Rule 16.1(a), the International Searching Authority may charge a fee for the translation to the applicant. The International Searching Authority shall give the applicant an opportunity to comment on the draft translation. The International Searching Authority shall fix a time limit reasonable under the circumstances of the case for such comments. If there is no time to take the comments of the applicant into account before the translation is communicated or if there is a difference of opinion between the applicant and the said Authority as to the correct translation, the applicant may send a copy of his comments, or what remains of them, to the International Bureau and each designated Office to which the translation was communicated. The International Bureau shall publish the essence of the comments together with the translation of the International Searching Authority or subsequently to the publication of such translation.

From June 19,
1970 to April 13,
1978

(c) If the international application is published in a language other than English, the international search report, or the declaration referred to in Article 17(2)(a), and the abstract shall be published both in that language and in English. The translations shall be prepared under the responsibility of the International Bureau.

From April 14,
1978 to
December 31,
1984

(c) If the international application is published in a language other than English, the international search report to the extent that it is published under Rule 48.2(a)(v), or the declaration referred to in Article 17(2)(a), and the abstract shall be published both in that language and in English. The translations shall be prepared under the responsibility of the International Bureau.

Since January 1,
1985

(c) If the international application is published in a language other than English, the international search report to the extent that it is published under Rule 48.2(a)(v), or the declaration referred to in Article 17(2)(a), the title of the invention, the abstract and any text matter pertaining to the figure or figures accompanying the abstract shall be published both in that language and in English. The translations shall be prepared under the responsibility of the International Bureau.

Since June 19,
1970

48.4 *Earlier Publication on the Applicant's Request*

(a) Where the applicant asks for publication under Articles 21(2)(b) and 64(3)(c)(i) and the international search report, or the declaration referred to in Article 17(2)(a), is not yet available for publication together with the international application, the International Bureau shall collect a special publication fee whose amount shall be fixed in the Administrative Instructions.

(b) Publication under Articles 21(2)(b) and 64(3)(c)(i) shall be effected by the International Bureau promptly after the applicant has asked for it and, where a special fee is due under paragraph (a), after receipt of such fee.

48.5 *Notification of National Publication*

Since June 19,
1970

Where the publication of the international application by the International Bureau is governed by Article 64(3)(c)(ii), the national Office concerned shall, promptly after effecting the national publication referred to in the said provision, notify the International Bureau of the fact of such national publication.

48.6 *Announcing of Certain Facts*

Since June 19,
1970

(a) If any notification under Rule 29.1(a)(ii) reaches the International Bureau at a time later than that at which it was able to prevent the international publication of the international application, the International Bureau shall promptly publish a notice in the Gazette reproducing the essence of such notification.

From June 19,
1970 to
December 31,
1984

(b) The essence of any notification under Rule 29.2 or 51.4 shall be published in the Gazette and, if the notification reaches the International Bureau before preparations for the publication of the pamphlet have been completed, also in the pamphlet.

Since January 1,
1985

(b) [Deleted]

From June 19,
1970 to
December 31,
1984

(c) If the international application is withdrawn after its international publication, this fact shall be published in the Gazette.

From January 1,
1985 to June 30,
1992

(c) If the international application or the designation of any designated State is withdrawn under Rule 32.1, or if the priority claim is withdrawn under Rule 32*bis*.1, after the technical preparations for international publication have been completed, this fact shall be published in the Gazette.

Since July 1, 1992

(c) If the international application, the designation of any designated State or the priority claim is withdrawn under Rule 90*bis* after the technical preparations for international publication have been completed, notice of the withdrawal shall be published in the Gazette.

From June 19,
1970 to
December 31,
1984

Rule 49
Languages of Translations and Amounts of Fees under
Article 22(1) and (2)

Since January 1,
1985

Rule 49
Copy, Translation and Fee under Article 22

Since June 19,
1970

49.1 *Notification*

(a) Any Contracting State requiring the furnishing of a translation or the payment of a national fee, or both, under Article 22, shall notify the International Bureau of:

(i) the languages from which and the language into which it requires translation,

(ii) the amount of the national fee.

Since January 1, 1985

(*abis*) Any Contracting State not requiring the furnishing, under Article 22, by the applicant of a copy of the international application (even though the communication of the copy of the international application by the International Bureau under Rule 47 has not taken place by the expiration of the time limit applicable under Article 22) shall notify the International Bureau accordingly.

(*ater*) Any Contracting State which, pursuant to Article 24(2), maintains, if it is a designated State, the effect provided for in Article 11(3) even though a copy of the international application is not furnished by the applicant by the expiration of the time limit applicable under Article 22 shall notify the International Bureau accordingly.

From June 19, 1970 to December 31, 1984

(b) Any notification received by the International Bureau under paragraph (a) shall be promptly published by the International Bureau in the Gazette.

Since January 1, 1985

(b) Any notification received by the International Bureau under paragraphs (a), (*abis*) or (*ater*) shall be promptly published by the International Bureau in the Gazette.

Since June 19, 1970

(c) If the requirements under paragraph (a) change later, such changes shall be notified by the Contracting State to the International Bureau and that Bureau shall promptly publish the notification in the Gazette. If the change means that translation is required into a language which, before the change, was not required, such change shall be effective only with respect to international applications filed later than two months after the publication of the notification in the Gazette. Otherwise, the effective date of any change shall be determined by the Contracting State.

Since June 19, 1970

49.2 Languages

The language into which translation may be required must be an official language of the designated Office. If there are several of such languages, no translation may be required if the international application is in one of them. If there are several official languages and a translation must be furnished, the applicant may choose any of those languages. Notwithstanding the foregoing provisions of this paragraph, if there are several official languages but the national law prescribes the use of one such language for foreigners, a translation into that language may be required.

From June 19, 1970 to December 31, 1980

49.3 Statements under Article 19

For the purposes of Article 22 and the present Rule, any statement made under Article 19(1) shall be considered part of the international application.

From January 1, 1981 to December 31, 1984

49.3 Statements under Article 19; Indications under Rule 13bis.4

For the purposes of Article 22 and the present Rule, any statement made under Article 19(1) and any indication furnished under Rule 13bis.4 shall be considered part of the international application.

Since January 1, 1985

49.3 Statements under Article 19; Indications under Rule 13bis.4

For the purposes of Article 22 and the present Rule, any statement made under Article 19(1) and any indication furnished under Rule 13bis.4 shall, subject to Rule 49.5(c) and (h), be considered part of the international application.

Since January 1, 1985

49.4 Use of National Form

No applicant shall be required to use a national form when performing the acts referred to in Article 22.

Since January 1, 1985

49.5 Contents of and Physical Requirements for the Translation

From January 1, 1985 to June 30, 1992

(a) For the purposes of Article 22, the translation of the international application shall contain the description, the claims, any text matter of the drawings and the abstract. If required by the designated Office, the translation shall also, subject to paragraphs (b) and (e),

(i) contain the request,

(ii) if the claims have been amended under Article 19, contain both the claims as filed and the claims as amended, and

(iii) be accompanied by a copy of the drawings.

Since July 1, 1992

(a) For the purposes of Article 22, the translation of the international application shall contain the description, the claims, any text matter of the drawings and the abstract. If required by the designated Office, the translation shall also, subject to paragraphs (b), (*cbis*) and (e),

(i) contain the request,

(ii) if the claims have been amended under Article 19, contain both the claims as filed and the claims as amended, and

(iii) be accompanied by a copy of the drawings.

Since January 1, 1985

(b) Any designated Office requiring the furnishing of a translation of the request shall furnish copies of the request form in the language of the translation free of charge to the

applicants. The form and contents of the request form in the language of the translation shall not be different from those of the request under Rules 3 and 4; in particular, the request form in the language of the translation shall not ask for any information that is not in the request as filed. The use of the request form in the language of the translation shall be optional.

(c) Where the applicant did not furnish a translation of any statement made under Article 19(1), the designated Office may disregard such statement.

Since July 1, 1992

(*cbis*) Where the applicant furnishes, to a designated Office which requires under paragraph (a)(ii) a translation of both the claims as filed and the claims as amended, only one of the required two translations, the designated Office may disregard the claims of which a translation has not been furnished or invite the applicant to furnish the missing translation within a time limit which shall be reasonable under the circumstances and shall be fixed in the invitation. Where the designated Office chooses to invite the applicant to furnish the missing translation and the latter is not furnished within the time limit fixed in the invitation, the designated Office may disregard those claims of which a translation has not been furnished or consider the international application withdrawn.

Since January 1, 1985

(d) If any drawing contains text matter, the translation of that text matter shall be furnished either in the form of a copy of the original drawing with the translation pasted on the original text matter or in the form of a drawing executed anew.

From January 1, 1985 to June 30, 1992

(e) Any designated Office requiring under paragraph (a) the furnishing of a copy of the drawings shall, where the applicant failed to furnish such copy within the time limit applicable under Article 22,

(i) invite the applicant to furnish such copy within a time limit which shall be reasonable under the circumstances and shall be fixed in the invitation, or

(ii) disregard the said drawing if such invitation, on February 3, 1984, is not compatible with the national law applied by that Office and as long as it continues to be not compatible with that law.

Since July 1, 1992

(e) Any designated Office requiring under paragraph (a) the furnishing of a copy of the drawings shall, where the applicant failed to furnish such copy within the time limit applicable under Article 22, invite the applicant to furnish such copy within a time limit which shall be reasonable under the circumstances and shall be fixed in the invitation.

Since January 1, 1985

(f) The expression "Fig." does not require translation into any language.

(g) Where any copy of the drawings or any drawing executed anew which has been furnished under paragraph (d) or (e) does not comply with the physical requirements referred to in Rule 11, the designated Office may invite the applicant to correct the defect within a time limit which shall be reasonable under the circumstances and shall be fixed in the invitation.

From January 1, 1985 to June 30, 1992

(h) Where the applicant did not furnish a translation of any indication furnished under Rule 13^{ter}.4, the designated Office shall invite the applicant to furnish such translation, if it deems it to be necessary, within a time limit which shall be reasonable under the circumstances and shall be fixed in the invitation.

Since July 1, 1992

(h) Where the applicant did not furnish a translation of the abstract or of any indication furnished under Rule 13^{ter}.4, the designated Office shall invite the applicant to furnish such translation, if it deems it to be necessary, within a time limit which shall be reasonable under the circumstances and shall be fixed in the invitation.

Since January 1, 1985

(i) Information on any requirement and practice of designated Offices under the second sentence of paragraph (a) shall be published by the International Bureau in the Gazette.

(j) No designated Office shall require that the translation of the international application comply with physical requirements other than those prescribed for the international application as filed.

Since July 1, 1992

(k) Where a title has been established by the International Searching Authority pursuant to Rule 37.2, the translation shall contain the title as established by that Authority.

(l) If, on July 12, 1991, paragraph (*cbis*) or paragraph (k) is not compatible with the national law applied by the designated Office, the paragraph concerned shall not apply to that designated Office for as long as it continues not to be compatible with that law, provided that the said Office informs the International Bureau accordingly by December 31, 1991. The information received shall be promptly published by the International Bureau in the Gazette.

Rule 50 Faculty under Article 22(3)

Since June 19, 1970

50.1 Exercise of Faculty

(a) Any Contracting State allowing a time limit expiring later than the time limits provided for in Article 22(1) or (2) shall notify the International Bureau of the time limits so fixed.

(b) Any notification received by the International Bureau under paragraph (a) shall be promptly published by the International Bureau in the Gazette.

(c) Notifications concerning the shortening of the previously fixed time limit shall be effective in relation to international applications filed after the expiration of three months computed from the date on which the notification was published by the International Bureau.

(d) Notifications concerning the lengthening of the previously fixed time limit shall become effective upon publication by the International Bureau in the Gazette in respect of international applications pending at the time or filed after the date of such publication, or, if the Contracting State effecting the notification fixes some later date, as from the latter date.

Rule 51
Review by Designated Offices

Since June 19, 1970	51.1 <i>Time Limit for Presenting the Request to Send Copies</i>	The time limit referred to in Article 25(1)(c) shall be 2 months computed from the date of the notification sent to the applicant under Rules 20.7(i), 24.2(b), 29.1(a)(ii), or 29.1(b).
From June 19, 1970 to June 30, 1992		The time limit referred to in Article 25(1)(c) shall be two months computed from the date of the notification sent to the applicant under Rules 20.7(i), 24.2(c), 29.1(a)(ii), or 29.1(b).
Since July 1, 1992		The time limit referred to in Article 25(1)(c) shall be two months computed from the date of the notification sent to the applicant under Rules 20.7(i), 24.2(c), 29.1(a)(ii), or 29.1(b).
Since June 19, 1970	51.2 <i>Copy of the Notice</i>	Where the applicant, after having received a negative determination under Article 11(1), requests the International Bureau, under Article 25(1), to send copies of the file of the purported international application to any of the named Offices he has attempted to designate, he shall attach to his request a copy of the notice referred to in Rule 20.7(i).
Since June 19, 1970	51.3 <i>Time Limit for Paying National Fee and Furnishing Translation</i>	The time limit referred to in Article 25(2)(a) shall expire at same time as the time limit prescribed in Rule 51.1.
From June 19, 1970 to December 31, 1984	51.4 <i>Notification to the International Bureau</i>	Where, under Article 25(2), the competent designated Office decides that the refusal, declaration or finding referred to in Article 25(1) was not justified, it shall promptly notify the International Bureau that it will treat the international application as if the error or omission referred to in Article 25(2) had not occurred.
Since January 1, 1985	51.4 [Deleted]	

Rule 51bis

**Certain National Requirements Allowed
under Article 27(1), (2), (6) and (7)**

Since January 1, 1985	51bis.1 <i>Certain National Requirements Allowed</i>	<p>(a) The documents referred to in Article 27(2)(ii), or the evidence referred to in Article 27(6), which the applicant may be required to furnish under the national law applicable by the designated Office include, in particular:</p> <p style="margin-left: 40px;">(i) any document relating to the identity of the inventor,</p>
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(ii) any document relating to any transfer or assignment of the right to the application,

(iii) any document containing an oath or declaration by the inventor alleging his inventorship,

(iv) any document containing a declaration by the applicant designating the inventor or alleging the right to the application,

(v) any document containing any proof of the right of the applicant to claim priority where he is different from the applicant having filed the earlier application the priority of which is claimed,

(vi) any evidence concerning non-prejudicial disclosures or exceptions to lack of novelty, such as disclosures resulting from abuse, disclosures at certain exhibitions and disclosures by the applicant during a certain period of time.

(b) The national law applicable by the designated Office may, in accordance with Article 27(7), require that

(i) the applicant be represented by an agent having the right to represent applicants before that Office and/or have an address in the designated State for the purpose of receiving notifications,

(ii) the agent, if any, representing the applicant be duly appointed by the applicant.

(c) The national law applicable by the designated Office may, in accordance with Article 27(1), require that the international application, the translation thereof or any document relating thereto be furnished in more than one copy.

(d) The national law applicable by the designated Office may, in accordance with Article 27(2)(ii), require that the translation of the international application furnished by the applicant under Article 22 be verified by the applicant or the person having translated the international application in a statement to the effect that, to the best of his knowledge, the translation is complete and faithful.

Since January 1, 1985	51bis.2 <i>Opportunity to Comply with National Requirements</i>
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(a) Where any of the requirements referred to in Rule 51bis.1, or any other requirement of the national law applicable by the designated Office which that Office may apply under Article 27(1), (2), (6) or (7), is not already fulfilled during the same period within which the requirements under Article 22 must be complied with, the applicant shall have an opportunity to comply with the requirement after the expiration of that period.

(b) The national law applicable by the designated Office may, in accordance with Article 27(2)(ii), require that the applicant, upon invitation by the designated Office, furnish a certification of the translation of the international application by a public authority or a sworn

translator, if the designated Office deems such certification to be necessary under the circumstances, within a time limit which shall be reasonable under the circumstances and shall be fixed in the invitation.

From January 1,
1985 to June 30,
1992

(c) If, on February 3, 1984, paragraph (a) is, with respect to the requirements referred to in Rule 51*bis*.1(a)(iii) and (vi), (b)(i) and (d), not compatible with the national law applied by the designated Office and as long as it continues to be not compatible with that law, the applicant shall have no opportunity to comply with any of the requirements after the expiration of the time limit applicable under Article 22. Information on such national laws shall be published by the International Bureau in the Gazette.

Since July 1, 1992

(c) [Deleted]

Rule 52

Amendment of the Claims, the Description, and the Drawings, before Designated Offices

Since June 19,
1970

52.1 Time Limit

(a) In any designated State in which processing or examination starts without special request, the applicant shall, if he so wishes, exercise the right under Article 28 within one month from the fulfillment of the requirements under Article 22, provided that, if the communication under Rule 47.1 has not been effected by the expiration of the time limit applicable under Article 22, he shall exercise the said right not later than four months after such expiration date. In either case, the applicant may exercise the said right at any other time if so permitted by the national law of the said State.

(b) In any designated State in which the national law provides that examination starts only on special request, the time limit within or the time at which the applicant may exercise the right under Article 28 shall be the same as that provided by the national law for the filing of amendments in the case of the examination, on special request, of national applications, provided that such time limit shall not expire prior to, or such time shall not come before, the expiration of the time limit applicable under paragraph (a).

PART C

Rules Concerning Chapter II of the Treaty

Rule 53 The Demand

Since June 19,
1970

53.1 Form

From June 19,
1970 to June 30,
1992

(a) The demand shall be made on a printed form.

Since July 1, 1992

(a) The demand shall be made on a printed form or be presented as a computer print-out. The particulars of the printed form and of a demand presented as a computer print-out shall be prescribed by the Administrative Instructions.

From June 19,
1970 to June 30,
1992

(b) Copies of printed forms shall be furnished free of charge by the receiving Offices to the applicants.

Since July 1, 1992

(h) Copies of printed demand forms shall be furnished free of charge by the receiving Office or by the International Preliminary Examining Authority.

From June 19,
1970 to June 30,
1992

(c) The particulars of the forms shall be prescribed by the Administrative Instructions.

Since July 1, 1992

(c) [Deleted]

From June 19,
1970 to
December 31,
1984

(d) The demand shall be submitted in two identical copies.

Since January 1,
1985

(d) [Deleted]

Since June 19,
1970

53.2 Contents

(a) The demand shall contain:

- (i) a petition,
- (ii) indications concerning the applicant and the agent if there is an agent,
- (iii) indications concerning the international application to which it relates,

From June 19,
1970 to June 30,
1992

(iv) election of States.

Since July 1, 1992

(iv) election of States,

Since July 1, 1992 (v) where applicable, a statement concerning amendments.

Since June 19, 1970 (b) The demand shall be signed.

53.3 The Petition

The petition shall be to the following effect and shall preferably be worded as follows: "Demand under Article 31 of the Patent Cooperation Treaty: The undersigned requests that the international application specified below be the subject of international preliminary examination according to the Patent Cooperation Treaty."

Since June 19, 1970 53.4 The Applicant

From June 19, 1970 to June 30, 1992 As to the indications concerning the applicant, Rules 4.4 and 4.16 shall apply, and Rule 4.5 shall apply *mutatis mutandis*.

Since July 1, 1992 As to the indications concerning the applicant, Rules 4.4 and 4.16 shall apply, and Rule 4.5 shall apply *mutatis mutandis*. Only applicants for the elected States are required to be indicated in the demand.

From June 19, 1970 to June 30, 1992 53.5 The Agent

If an agent is designated, Rules 4.4, 4.7, and 4.16 shall apply, and Rule 4.8 shall apply *mutatis mutandis*.

Since July 1, 1992 53.5 Agent or Common Representative

If an agent or common representative is designated, the demand shall so indicate. Rules 4.4 and 4.16 shall apply, and Rule 4.7 shall apply *mutatis mutandis*.

From June 19, 1970 to June 30, 1992 53.6 Identification of the International Application

The international application shall be identified by the name of the receiving Office with which the international application was filed, the name and address of the applicant, the title of the invention, and, where the international filing date and the international application number are known to the applicant, that date and that number.

Since July 1, 1992 53.6 Identification of the International Application

The international application shall be identified by the name and address of the applicant, the title of the invention, the international filing date (if known to the applicant) and the international application number or, where such number is not known to the applicant, the name of the receiving Office with which the international application was filed.

From June 19, 1970 to June 30, 1992 53.7 Election of States

The demand shall name, among the designated States, at least one Contracting State bound by Chapter II of the Treaty as elected State.

Since July 1, 1992 53.7 Election of States

(a) The demand shall indicate at least one Contracting State, from among those States which are designated and are bound by Chapter II of the Treaty ("eligible States"), as an elected State.

(b) Election of Contracting States in the demand shall be made:

(i) by an indication that all eligible States are elected, or,

(ii) in the case of States which have been designated for the purpose of obtaining national patents, by an indication of those eligible States that are elected, and, in the case of States which have been designated for the purpose of obtaining a regional patent, by an indication of the regional patent concerned together with either an indication that all eligible States party to the regional patent treaty concerned are elected or an indication of those among the said States that are elected.

From June 19, 1970 to June 30, 1992 53.8 Signature

The demand shall be signed by the applicant.

Since July 1, 1992 53.8 Signature

(a) Subject to paragraph (b), the demand shall be signed by the applicant or, if there is more than one applicant, by all applicants making the demand.

(b) Where two or more applicants file a demand which elects a State whose national law requires that national applications be filed by the inventor and where an applicant for that elected State who is an inventor refused to sign the demand or could not be found or reached after diligent effort, the demand need not be signed by that applicant ("the applicant concerned") if it is signed by at least one applicant and

(i) a statement is furnished explaining, to the satisfaction of the International Preliminary Examining Authority, the lack of signature of the applicant concerned, or

(ii) the applicant concerned did not sign the request but the requirements of Rule 4.15(b) were complied with.

Since July 1, 1992 **53.9 Statement Concerning Amendments**

(a) If amendments under Article 19 have been made, the statement concerning amendments shall indicate whether, for the purposes of the international preliminary examination, the applicant wishes those amendments

(i) to be taken into account, in which case a copy of the amendments shall preferably be submitted with the demand, or

(ii) to be considered as reversed by an amendment under Article 34.

(b) If no amendments under Article 19 have been made and the time limit for filing such amendments has not expired, the statement may indicate that the applicant wishes the start of the international preliminary examination to be postponed in accordance with Rule 69.1(d).

(c) If any amendments under Article 34 are submitted with the demand, the statement shall so indicate.

Rule 54
The Applicant Entitled to Make a Demand

Since June 19, 1970 **54.1 Residence and Nationality**

The residence or nationality of the applicant shall, for the purposes of Article 31(2), be determined according to Rules 18.1 and 18.2.

From June 19, 1970 to December 31, 1993

(a) Subject to the provisions of paragraph (b), the residence or nationality of the applicant shall, for the purposes of Article 31(2), be determined according to Rule 18.1(a) and (b).

Since January 1, 1994

(b) The International Preliminary Examining Authority shall, in the circumstances specified in the Administrative Instructions, request the receiving Office or, where the international application was filed with the International Bureau as receiving Office, the national Office of, or acting for, the Contracting State concerned to decide the question whether the applicant is a resident or national of the Contracting State of which he claims to be a resident or national. The International Preliminary Examining Authority shall inform the applicant of any such request. The applicant shall have an opportunity to submit arguments directly to the Office concerned. The Office concerned shall decide the said question promptly.

From June 19, 1970 to June 30, 1992 **54.2 Several Applicants: Same for All Elected States**

If all the applicants are applicants for the purposes of all elected States, the right to make a demand under Article 31(2) shall exist if at least one of them is

(i) a resident or national of a Contracting State bound by Chapter II and the international application has been filed as provided in Article 31(2)(a), or

Since July 1, 1992 **54.2 Two or More Applicants**

If there are two or more applicants, the right to make a demand under Article 31(2) shall exist if at least one of the applicants making the demand is

(i) a resident or national of a Contracting State bound by Chapter II and the international application has been filed with a receiving Office of or acting for a Contracting State bound by Chapter II, or

Since June 19, 1970

(ii) a person entitled to make a demand under Article 31(2)(b) and the international application has been filed as provided in the decision of the Assembly.

From June 19, 1970 to June 30, 1992

54.3 Several Applicants: Different for Different Elected States

(a) For the purposes of different elected States, different applicants may be indicated, provided that, in respect of each elected State, at least one of the applicants indicated for the purposes of that State is

(i) a resident or national of a Contracting State bound by Chapter II and the international application has been filed as provided in Article 31(2)(a), or

(ii) a person entitled to make a demand under Article 31(2)(b) and the international application has been filed as provided in the decision of the Assembly.

From July 1, 1992 to December 31, 1993

(a) [Deleted]

Since January 1, 1994

54.3 International Applications Filed with the International Bureau as Receiving Office

Where the international application is filed with the International Bureau as receiving Office under Rule 19.1(a)(iii), the International Bureau shall, for the purposes of Article 31(2)(a), be considered to be acting for the Contracting State of which the applicant is a resident or national.

From June 19, 1970 to December 31, 1984

(b) If the requirement under paragraph (a) is not fulfilled in respect of any elected State, the election of that State shall be considered not to have been made.

Since January 1, 1985

(b) [Deleted]

From June 19, 1970 to September 30, 1980

54.4 *Change in the Person or Name of the Applicant*

Any change in the person or name of the applicant shall, on the request of the applicant or the receiving Office, be recorded by the International Bureau, which shall notify the interested International Preliminary Examining Authority and the elected Offices accordingly.

From October 1, 1980 to December 31, 1984

54.4 [Deleted]

From January 1, 1985 to June 30, 1992

54.4 *Applicant Not Entitled to Make a Demand or an Election*

(a) If the applicant does not have the right or, in the case of several applicants, if none of them has the right to make a demand under Article 31(2), the demand shall be considered not to have been submitted.

Since July 1, 1992

54.4 *Applicant Not Entitled to Make a Demand*

(a) **If the applicant does not have the right to make a demand or, in the case of two or more applicants, if none of them has the right to make a demand under Rule 54.2, the demand shall be considered not to have been submitted.**

From January 1, 1985 to June 30, 1992

(b) If the requirement under Rule 54.3(a) is not fulfilled in respect of any elected State, the election of that State shall be considered not to have been made.

Since July 1, 1992

(b) [Deleted]

Since June 19, 1970

Rule 55
Languages (International Preliminary Examination)

From June 19, 1970 to September 30, 1980

55.1 *The Demand*

The demand shall be in the language of the international application or, when a translation is required under Rule 55.2, in the language of that translation.

From October 1, 1980 to December 31, 1984

55.1 *The Demand*

The demand shall be in the language of the international application or, when a translation is required under Rule 55.2, in the language of that translation, provided that the International Preliminary Examining Authority may permit the demand to be in any language specified in the agreement concluded between the International Bureau and that Authority.

From January 1, 1985 to December 31, 1992

55.1 *The Demand*

The demand shall be in the language of the international application or, if the international application has been filed in a language other than the language in which it is published, in the language of publication.

Since January 1, 1993

55.1 *Language of Demand*

The demand shall be in the language of the international application or, if the international application has been filed in a language other than the language in which it is published, in the language of publication. However, if a translation of the international application is required under Rule 55.2, the demand shall be in the language of that translation.

From June 19, 1970 to December 31, 1984

55.2 *The International Application*

(a) If the competent International Preliminary Examining Authority is not part of the same national Office or intergovernmental organization as the competent International Searching Authority, and if the international application is in a language other than the language, or one of the languages, specified in the agreement concluded between the International Bureau and the International Preliminary Examining Authority competent for the international preliminary examination, the latter may require that the applicant submit a translation of that application.

(b) The translation shall be submitted not later than the later of the following two dates:

- (i) the date on which the time limit under Rule 46.I expires,
- (ii) the date on which the demand is submitted.

(c) The translation shall contain a statement that, to the best of the applicant's knowledge, it is complete and faithful. This statement shall be signed by the applicant.

(d) If the provisions of paragraphs (b) and (c) are not complied with, the International Preliminary Examining Authority shall invite the applicant to comply with them within 1 month from the date of the invitation. If the applicant fails to do so, the demand shall be considered as if it had not been submitted and the International Preliminary Examining Authority shall notify the applicant and the International Bureau accordingly.

From January 1, 1985 to December 31, 1992

55.2 [Deleted]

Since January 1, 1993

55.2 *Translation of International Application*

(a) **Where the international application is neither filed nor published in the language, or one of the languages, specified in the agreement concluded between the International Bureau**

and the International Preliminary Examining Authority competent for the international preliminary examination of that application, that Authority may require that, subject to paragraph (b), the applicant furnish with the demand a translation of the international application into the language, or one of the languages, specified in the said agreement.

(b) Where a translation of the international application into a language referred to in paragraph (a) was transmitted to the International Searching Authority under Rule 12.1(c) and the International Preliminary Examining Authority is part of the same national Office or intergovernmental organization as the International Searching Authority, the applicant need not furnish a translation under paragraph (a). In such a case, unless the applicant furnishes a translation under paragraph (a), the international preliminary examination shall be carried out on the basis of the translation transmitted under Rule 12.1(c).

(c) If the requirement of paragraph (a) is not complied with and paragraph (b) does not apply, the International Preliminary Examining Authority shall invite the applicant to furnish the required translation within a time limit which shall be reasonable under the circumstances. That time limit shall not be less than one month from the date of the invitation. It may be extended by the International Preliminary Examining Authority at any time before a decision is taken.

(d) If the applicant complies with the invitation within the time limit under paragraph (c), the said requirement shall be considered to have been complied with. If the applicant fails to do so, the demand shall be considered not to have been submitted.

(e) Paragraphs (a) to (d) shall apply only where the International Preliminary Examining Authority has declared, in a notification addressed to the International Bureau, that it accepts to carry out international preliminary examination on the basis of the translation referred to in those paragraphs.

Since January 1, 1993 **55.3 Translation of Amendments**

(a) Where a translation of the international application is required under Rule 55.2, any amendments which are referred to in the statement concerning amendments under Rule 53.9 and which the applicant wishes to be taken into account for the purposes of the international preliminary examination, and any amendments under Article 19 which are to be taken into account under Rule 66.1(c), shall be in the language of that translation. Where such amendments have been or are filed in another language, a translation shall also be furnished.

(b) Where the required translation of an amendment referred to in paragraph (a) is not furnished, the International Preliminary Examining Authority shall invite the applicant to furnish the missing translation within a time limit which shall be reasonable under the circumstances. That time limit shall not be less than one month from the date of the invitation. It may be extended by the International Preliminary Examining Authority at any time before a decision is taken.

(c) If the applicant fails to comply with the invitation within the time limit under paragraph (b), the amendment shall not be taken into account for the purposes of the international preliminary examination.

**Rule 56
Later Elections**

Since June 19, 1970 **56.1 Elections Submitted Later Than the Demand**

From June 19, 1970 to June 30, 1992 The election of States not named in the demand shall be effected by a notice signed and submitted by the applicant, and shall identify the international application and the demand.

Since July 1, 1992 (a) The election of States subsequent to the submission of the demand ("later election") shall be effected by a notice submitted to the International Bureau. The notice shall identify the international application and the demand, and shall include an indication as referred to in Rule 53.7(b)(ii).

(b) Subject to paragraph (c), the notice referred to in paragraph (a) shall be signed by the applicant for the elected States concerned or, if there is more than one applicant for those States, by all of them.

(c) Where two or more applicants file a notice effecting a later election of a State whose national law requires that national applications be filed by the inventor and where an applicant for that elected State who is an inventor refused to sign the notice or could not be found or reached after diligent effort, the notice need not be signed by that applicant ("the applicant concerned") if it is signed by at least one applicant and

(i) a statement is furnished explaining, to the satisfaction of the International Bureau, the lack of signature of the applicant concerned, or

(ii) the applicant concerned did not sign the request but the requirements of Rule 4.15(b) were complied with, or did not sign the demand but the requirements of Rule 53.8(b) were complied with.

(d) An applicant for a State elected by a later election need not have been indicated as an applicant in the demand.

(e) If a notice effecting a later election is submitted after the expiration of 19 months from the priority date, the International Bureau shall notify the applicant that the election does not have the effect provided for under Article 39(1)(a) and that the acts referred to in Article 22 must be performed in respect of the elected Office concerned within the time limit applicable under Article 22.

(f) If, notwithstanding paragraph (a), a notice effecting a later election is submitted by the applicant to the International Preliminary Examining Authority rather than the International Bureau, that Authority shall mark the date of receipt on the notice and transmit it promptly to the International Bureau. The notice shall be considered to have been submitted to the International Bureau on the date marked.

Since June 19, 1970	56.2 Identification of the International Application
	The international application shall be identified as provided in Rule 53.6.
Since June 19, 1970	56.3 Identification of the Demand
	The demand shall be identified by the date on which it was submitted and by the name of the International Preliminary Examining Authority to which it was submitted.
Since June 19, 1970	56.4 Form of Later Elections

From June 19, 1970 to June 30, 1992

The later election shall preferably be made on a printed form furnished free of charge to applicants. If it is not made on such a form, it shall preferably be worded as follows: "In relation to the international application filed with ... on ... under No. ... by ... (applicant) (and the demand for international preliminary examination submitted on ... to ...), the undersigned elects the following additional State(s) under Article 31 of the Patent Cooperation Treaty:"

Since July 1, 1992

The notice effecting the later election shall preferably be worded as follows: "In relation to the international application filed with ... on ... under No. ... by ... (applicant) (and the demand for international preliminary examination submitted on ... to ...), the undersigned elects the following additional State(s) under Article 31 of the Patent Cooperation Treaty: . . ."

Since June 19, 1970	56.5 Language of Later Elections
	The later election shall be in the language of the demand.
Rule 57 The Handling Fee	

Since June 19, 1970	57.1 Requirement to Pay
	Each demand for international preliminary examination shall be subject to the payment of a fee for the benefit of the International Bureau ("handling fee").
From June 19, 1970 to July 31, 1979	(a) Each demand for international preliminary examination shall be subject to the payment of a fee for the benefit of the International Bureau ("handling fee") to be collected by the International Preliminary Examining Authority to which the demand is submitted.
Since August 1, 1979	(b) Where, because of a later election or elections, the international preliminary examination report must, in application of Article 36(2), be translated by the International Bureau into one or more additional languages, a "supplement to the handling fee" shall be collected by the International Bureau.

From August 1, 1979 to June 30, 1992

(b) Where, because of a later election or elections, the international preliminary examination report must, in application of Article 36(2), be translated by the International Bureau into one or more additional languages, a "supplement to the handling fee" shall be collected by the International Bureau.

Since July 1, 1992	(b) [Deleted]
From June 19, 1970 to April 13, 1978	57.2 Amount
	(a) The amount of the handling fee shall be US \$14.00 or 60 Swiss francs augmented by as many times the same amount as the number of languages into which the international preliminary examination report must, in application of Article 36(2), be translated by the International Bureau.
From April 14, 1978 to October 2, 1978	57.2 Amount
	(a) The amount of the handling fee shall be US \$50.00 or 96 Swiss francs augmented by as many times the same amount as the number of languages into which the international preliminary examination report must, in application of Article 36(2), be translated by the International Bureau.
From October 3, 1978 to July 31, 1979	57.2 Amount
	(a) The amount of the handling fee shall be US \$50.00 or 75 Swiss francs augmented by as many times the same amount as the number of languages into which the international preliminary examination report must, in application of Article 36(2), be translated by the International Bureau.
From August 1, 1979 to June 30, 1992	57.2 Amounts of the Handling Fee and the Supplement to the Handling Fee
	(a) The amount of the handling fee is as set out in the Schedule of Fees. The amount payable in any particular case shall be the amount as so set out, increased by as many times the same amount as the number of languages into which the international preliminary examination report must, in application of Article 36(2), be translated by the International Bureau.
Since July 1, 1992	57.2 Amount
	(a) The amount of the handling fee is as set out in the Schedule of Fees.
From June 19, 1970 to April 13, 1978	(b) Where, because of a later election or elections, the international preliminary examination report must, in application of Article 36(2), be translated by the International Bureau into one or more additional languages, a supplement to the handling fee shall be payable and shall amount to US \$14.00 or 60 Swiss francs for each additional language.
From April 14, 1978 to October 2, 1978	(b) Where, because of a later election or elections, the international preliminary examination report must, in application of Article 36(2), be translated by the International Bureau into one or more additional languages, a supplement to the handling fee shall be payable and shall amount to US \$50.00 or 96 Swiss francs for each additional language.
From October 3, 1978 to July 31, 1979	(b) Where, because of a later election or elections, the international preliminary examination report must, in application of Article 36(2), be translated by the International Bureau into one or more additional languages, a supplement to the handling fee shall be payable and shall amount to US \$50.00 or 75 Swiss francs for each additional language.

From August 1, 1979 to June 30, 1992 (b) The amount of the supplement to the handling fee is as set out in the Schedule of Fees. The amount payable in any particular case shall be the amount as so set out, multiplied by the number of additional languages referred to in Rule 57.1(b).

Since July 1, 1992 (b) [Deleted]

Since August 1, 1979 (c) The amount of the handling fee shall be established, for each International Preliminary Examining Authority which, under Rule 57.3(c), prescribes the payment of the handling fee in a currency or currencies other than Swiss currency, by the Director General after consultation with that Authority and in the currency or currencies prescribed by that Authority ("prescribed currency"). The amount in each prescribed currency shall be the equivalent, in round figures, of the amount of the handling fee in Swiss currency set out in the Schedule of Fees. The amounts in the prescribed currencies shall be published in the Gazette.

(d) Where the amount of the handling fee set out in the Schedule of Fees is changed, the corresponding amounts in the prescribed currencies shall be applied from the same date as the amount set out in the amended Schedule of Fees.

(e) Where the exchange rate between Swiss currency and any prescribed currency becomes different from the exchange rate last applied, the Director General shall establish the new amount in the prescribed currency according to directives given by the Assembly. The newly established amount shall become applicable two months after its publication in the Gazette, provided that the interested International Preliminary Examining Authority and the Director General may agree on a date falling during the said two-month period in which case the said amount shall become applicable for that Authority from that date.

From June 19, 1970 to July 31, 1979 57.3 *Mode and Time of Payment*

(a) Subject to paragraph (b), the handling fee shall be collected by the International Preliminary Examining Authority to which the demand is submitted and shall be due at the time the demand is submitted.

Since August 1, 1979 57.3 *Time and Mode of Payment*

(a) The handling fee shall be due at the time the demand is submitted.

From June 19, 1970 to July 31, 1979 (b) Any supplement to the handling fee under Rule 57.2(b) shall be collected by the International Bureau and shall be due at the time the later election is submitted.

From August 1, 1979 to June 30, 1992 (b) Any supplement to the handling fee shall be due at the time the later election is submitted.

Since July 1, 1992 (b) [Deleted]

From June 19, 1970 to July 31, 1979 (c) The handling fee shall be payable in the currency prescribed by the International Preliminary Examining Authority to which the demand is submitted, it being understood that, when transferred by that Authority to the International Bureau, it shall be freely convertible into Swiss currency.

Since August 1, 1979 (c) The handling fee shall be payable in the currency or currencies prescribed by the International Preliminary Examining Authority to which the demand is submitted, it being understood that, when transferred by that Authority to the International Bureau, it shall be freely convertible into Swiss currency.

From June 19, 1970 to June 30, 1992 (d) Any supplement to the handling fee shall be payable in Swiss currency.

Since July 1, 1992 (d) [Deleted]

From June 19, 1970 to June 30, 1992 57.4 *Failure to Pay (Handling Fee)*

Since July 1, 1992 57.4 *Failure to Pay*

From June 19, 1970 to July 31, 1979 (a) Where the handling fee is not paid as required by Rules 57.2(a) and 57.3(a) and (c), the International Preliminary Examining Authority shall invite the applicant to pay the fee within 1 month from the date of the invitation.

Since August 1, 1979 (a) Where the handling fee is not paid as required, the International Preliminary Examining Authority shall invite the applicant to pay the fee within one month from the date of the invitation.

From June 19, 1970 to July 31, 1979 (b) If the applicant complies with the invitation within the prescribed time limit, the demand shall be considered as if it had been received on the date on which the International Preliminary Examining Authority receives the fee, unless, under Rule 60.1(b), a later date is applicable.

From August 1, 1979 to September 30, 1980 (b) If the applicant complies with the invitation within the prescribed time limit, the demand shall be considered as if it had been received on the date on which the International Preliminary Examining Authority receives the fee, unless, under Rule 60.1(b), a later date is applicable.

Since October 1, 1980 (b) If the applicant complies with the invitation within the one-month time limit, the handling fee shall be considered as if it had been paid on the due date.

From June 19, 1970 to July 31, 1979 (c) If the applicant does not comply with the invitation within the prescribed time limit, the demand shall be considered as if it had not been submitted.

Since August 1, 1979 (c) If the applicant does not comply with the invitation within the prescribed time limit, the demand shall be considered as if it had not been submitted.

From June 19, 1970 to June 30, 1992 57.5 *Failure to Pay (Supplement to the Handling Fee)*

Since July 1, 1992 57.5 [Deleted]

From June 19, 1970 to July 31, 1979 (a) Where the supplement to the handling fee is not paid as required by Rules 57.2(b) and 57.3(b) and (d), the International Bureau shall invite the applicant to pay the supplement within 1 month from the invitation.

From August 1, 1979 to June 30, 1992 (a) Where the supplement to the handling fee is not paid as required, the International Bureau shall invite the applicant to pay the supplement within one month from the date of the invitation.

Since July 1, 1992 (a) [Deleted]

From June 19, 1970 to July 31, 1979 (b) If the applicant complies with the invitation within the prescribed time limit, the later election shall be considered as if it had been received on the date on which the International Bureau receives the supplement, unless, under Rule 60.2(b), a later date is applicable.

From August 1, 1979 to September 30, 1980 (b) If the applicant complies with the invitation within the prescribed time limit, the later election shall be considered as if it had been received on the date on which the International Bureau receives the supplement, unless, under Rule 60.2(b), a later date is applicable.

From October 1, 1980 to June 30, 1992 (b) If the applicant complies with the invitation within the one-month time limit, the supplement to the handling fee shall be considered as if it had been paid on the due date.

Since July 1, 1992 (b) [Deleted]

From June 19, 1970 to July 31, 1979 (c) If the applicant does not comply with the invitation within the prescribed time limit, the later election shall be considered as if it had not been submitted.

From August 1, 1979 to June 30, 1992 (c) If the applicant does not comply with the invitation within the prescribed time limit, the later election shall be considered as if it had not been submitted.

Since July 1, 1992 (c) [Deleted]

From June 19, 1970 to July 31, 1979 57.6 *Refund*

In no case shall the handling fee, including any supplement thereto, be refunded.

From August 1, 1979 to June 30, 1992

In no case shall the handling fee, or the supplement to the handling fee, be refunded.

Since July 1, 1992 57.6 *Refund*

The International Preliminary Examining Authority shall refund the handling fee to the applicant:

(i) if the demand is withdrawn before the demand has been sent by that Authority to the International Bureau, or

(ii) if the demand is considered, under Rule 54.4(a), not to have been submitted.

Rule 58 The Preliminary Examination Fee

Since June 19, 1970 58.1 *Right to Ask for a Fee*

(a) Each International Preliminary Examining Authority may require that the applicant pay a fee ("preliminary examination fee") for its own benefit for carrying out the international preliminary examination and for performing all other tasks entrusted to International Preliminary Examining Authorities under the Treaty and these Regulations.

(b) The amount and the due date of the preliminary examination fee, if any, shall be fixed by the International Preliminary Examining Authority, provided that the said due date shall not be earlier than the due date of the handling fee.

(c) The preliminary examination fee shall be payable directly to the International Preliminary Examining Authority. Where that Authority is a national Office, it shall be payable in the currency prescribed by that Office, and where the Authority is an intergovernmental organization, it shall be payable in the currency of the State in which the intergovernmental organization is located or in any other currency which is freely convertible into the currency of the said State.

Since April 14, 1978 58.2 *Failure to Pay*

(a) Where the preliminary examination fee fixed by the International Preliminary Examining Authority under Rule 58.1(b) is not paid as required under that Rule, the International Preliminary Examining Authority shall invite the applicant to pay the fee or the missing part thereof within one month from the date of the invitation.

(b) If the applicant complies with the invitation within the prescribed time limit, the preliminary examination fee will be considered as if it had been paid on the due date.

(c) If the applicant does not comply with the invitation within the prescribed time limit, the demand shall be considered as if it had not been submitted.

Since April 14, 1978 **58.3 Refund**

From April 14, 1978 to December 31, 1984 The International Preliminary Examining Authorities shall inform the International Bureau of the extent, if any, to which, and the conditions, if any, under which, they will refund any amount paid as a preliminary examination fee where the demand is considered as if it had not been submitted under Rule 57.4(c), Rule 58.2(c) or Rule 60.1(c), and the International Bureau shall promptly publish such information.

Since January 1, 1985 The International Preliminary Examining Authorities shall inform the International Bureau of the extent, if any, to which, and the conditions, if any, under which, they will refund any amount paid as a preliminary examination fee where the demand is considered as if it had not been submitted, and the International Bureau shall promptly publish such information.

Since June 19, 1970 **Rule 59**
The Competent International Preliminary Examining Authority

59.1 Demands under Article 31(2)(a)

From June 19, 1970 to June 30, 1992 For demands made under Article 31(2)(a), each Contracting State bound by the provisions of Chapter II shall, in accordance with the terms of the applicable agreement referred to in Article 32(2) and (3), inform the International Bureau which International Preliminary Examining Authority is or which International Preliminary Examining Authorities are competent for the international preliminary examination of international applications filed with its national Office, or, in the case provided for in Rule 19.1(b), with the national Office of another State or an intergovernmental organization acting for the former Office, and the International Bureau shall promptly publish such information. Where several International Preliminary Examining Authorities are competent, the provisions of Rule 35.2 shall apply *mutatis mutandis*.

From July 1, 1992 to December 31, 1993 For demands made under Article 31(2)(a), each receiving Office of or acting for a Contracting State bound by the provisions of Chapter II shall, in accordance with the terms of the applicable agreement referred to in Article 32(2) and (3), inform the International Bureau which International Preliminary Examining Authority is or which International Preliminary Examining Authorities are competent for the international preliminary examination of international applications filed with it. The International Bureau shall promptly publish such information. Where several International Preliminary Examining Authorities are competent, the provisions of Rule 35.2 shall apply *mutatis mutandis*.

Since January 1, 1994 (a) For demands made under Article 31(2)(a), each receiving Office of or acting for a Contracting State bound by the provisions of Chapter II shall, in accordance with the terms of the applicable agreement referred to in Article 32(2) and (3), inform the International Bureau which International Preliminary Examining Authority is or which International Preliminary Examining Authorities are competent for the international preliminary examination of

international applications filed with it. The International Bureau shall promptly publish such information. Where several International Preliminary Examining Authorities are competent, the provisions of Rule 35.2 shall apply *mutatis mutandis*.

(b) Where the international application was filed with the International Bureau as receiving Office under Rule 19.1(a)(iii), Rule 35.3(a) and (b) shall apply *mutatis mutandis*. Paragraph (a) of this Rule shall not apply to the International Bureau as receiving Office under Rule 19.1(a)(iii).

Since June 19, 1970 **59.2 Demands under Article 31(2)(b)**

As to demands made under Article 31(2)(b), the Assembly, in specifying the International Preliminary Examining Authority competent for international applications filed with a national Office which is an International Preliminary Examining Authority, shall give preference to that Authority; if the national Office is not an International Preliminary Examining Authority, the Assembly shall give preference to the International Preliminary Examining Authority recommended by that Office.

Rule 60
Certain Defects in the Demand or Elections

Since June 19, 1970 **60.1 Defects in the Demand**

From June 19, 1970 to June 30, 1992 (a) If the demand does not comply with the requirements specified in Rules 53 and 55, the International Preliminary Examining Authority shall invite the applicant to correct the defects within 1 month from the date of the invitation.

From July 1, 1992 to December 31, 1992 (a) If the demand does not comply with the requirements specified in Rules 53.1, 53.2(a)(i) to (iv), 53.2(b), 53.3 to 53.8 and 55, the International Preliminary Examining Authority shall invite the applicant to correct the defects within a time limit which shall be reasonable under the circumstances. That time limit shall not be less than one month from the date of the invitation. It may be extended by the International Preliminary Examining Authority at any time before a decision is taken.

Since January 1, 1993 (a) If the demand does not comply with the requirements specified in Rules 53.1, 53.2(a)(i) to (iv), 53.2(b), 53.3 to 53.8 and 55.1, the International Preliminary Examining Authority shall invite the applicant to correct the defects within a time limit which shall be reasonable under the circumstances. That time limit shall not be less than one month from the date of the invitation. It may be extended by the International Preliminary Examining Authority at any time before a decision is taken.

From June 19, 1970 to September 30, 1980 (b) If the applicant complies with the invitation within the prescribed time limit, the demand shall be considered as if it had been received on the date on which the International Preliminary Examining Authority receives the correction, or, when the handling fee is received under Rule 57.4(b) at a later date, on that date.

From October 1, 1980 to June 30, 1992

(b) If the applicant complies with the invitation within the prescribed time limit, the demand shall be considered as if it had been received on the actual filing date, provided that the demand as submitted contained at least one election and permitted the international application to be identified; otherwise the demand shall be considered as if it had been received on the date on which the International Preliminary Examining Authority receives the correction.

Since July 1, 1992

(b) If the applicant complies with the invitation within the time limit under paragraph (a), the demand shall be considered as if it had been received on the actual filing date, provided that the demand as submitted contained at least one election and permitted the international application to be identified; otherwise, the demand shall be considered as if it had been received on the date on which the International Preliminary Examining Authority receives the correction.

From June 19, 1970 to June 30, 1992

(c) If the applicant does not comply with the invitation within the prescribed time limit, the demand shall be considered as if it had not been submitted.

Since July 1, 1992

(c) Subject to paragraph (d), if the applicant does not comply with the invitation within the time limit under paragraph (a), the demand shall be considered as if it had not been submitted.

From June 19, 1970 to June 30, 1992

(d) If the defect is noticed by the International Bureau, it shall bring the defect to the attention of the International Preliminary Examining Authority, which shall then proceed as provided in paragraphs (a) to (c).

Since July 1, 1992

(d) Where, after the expiration of the time limit under paragraph (a), a signature required under Rule 53.8 or a prescribed indication is lacking in respect of an applicant for a certain elected State, the election of that State shall be considered as if it had not been made.

Since July 1, 1992

(e) If the defect is noticed by the International Bureau, it shall bring the defect to the attention of the International Preliminary Examining Authority, which shall then proceed as provided in paragraphs (a) to (d).

(f) If the demand does not contain a statement concerning amendments, the International Preliminary Examining Authority shall proceed as provided for in Rules 66.1 and 69.1(a) or (b).

(g) Where the statement concerning amendments contains an indication that amendments under Article 34 are submitted with the demand (Rule 53.9(c)) but no such amendments are, in fact, submitted, the International Preliminary Examining Authority shall invite the applicant to submit the amendments within a time limit fixed in the invitation and shall proceed as provided for in Rule 69.1(e).

Since June 19, 1970

60.2 Defects in Later Elections

From June 19, 1970 to June 30, 1992

(a) If the later election does not comply with the requirements of Rule 56, the International Bureau shall invite the applicant to correct the defects within 1 month from the date of the invitation.

Since July 1, 1992

(a) If the notice effecting a later election does not comply with the requirements of Rule 56, the International Bureau shall invite the applicant to correct the defects within a time limit which shall be reasonable under the circumstances. That time limit shall not be less than one month from the date of the invitation. It may be extended by the International Bureau at any time before a decision is taken.

From June 19, 1970 to September 30, 1980

(b) If the applicant complies with the invitation within the prescribed time limit, the later election shall be considered as if it had been received on the date on which the International Bureau receives the correction, or, where the supplement to the handling fee is received under Rule 57.5(b) at a later date, on that date.

From October 1, 1980 to June 30, 1992

(b) If the applicant complies with the invitation within the prescribed time limit, the later election shall be considered as if it had been received on the actual filing date, provided that the later election as submitted contained at least one election and permitted the international application to be identified; otherwise, the later election shall be considered as if it had been received on the date on which the International Bureau receives the correction.

Since July 1, 1992

(b) If the applicant complies with the invitation within the time limit under paragraph (a), the notice shall be considered as if it had been received on the actual filing date, provided that the notice as submitted contained at least one election and permitted the international application to be identified; otherwise, the notice shall be considered as if it had been received on the date on which the International Bureau receives the correction.

From June 19, 1970 to June 30, 1992

(c) If the applicant does not comply with the invitation within the prescribed time limit, the later election shall be considered as if it had not been submitted.

Since July 1, 1992

(c) Subject to paragraph (d), if the applicant does not comply with the invitation within the time limit under paragraph (a), the notice shall be considered as if it had not been submitted.

Since July 1, 1992

(d) Where, in respect of an applicant for a certain elected State, the signature required under Rule 56.1(b) and (c) or the name or address is lacking after the expiration of the time limit under paragraph (a), the later election of that State shall be considered as if it had not been made.

From June 19, 1970 to December 31, 1984 60.3 *Attempted Elections*

If the applicant has attempted to elect a State which is not a designated State or which is not bound by Chapter II, the attempted election shall be considered not to have been made, and the International Bureau shall notify the applicant accordingly.

Since January 1, 1985 60.3 [Deleted]

Since June 19, 1970

Rule 61
Notification of the Demand and Elections

From June 19, 1970 to June 30, 1992 61.1 *Notifications to the International Bureau, the Applicant, and the International Preliminary Examining Authority*

Since July 1, 1992 61.1 *Notification to the International Bureau and the Applicant*

From June 19, 1970 to December 31, 1984

(a) The International Preliminary Examining Authority shall indicate on both copies of the demand the date of receipt or, where applicable, the date referred to in Rule 60.1(b). The International Preliminary Examining Authority shall promptly send the original copy to the International Bureau. It shall keep the other copy in its files.

Since January 1, 1985

(a) **The International Preliminary Examining Authority shall indicate on the demand the date of receipt or, where applicable, the date referred to in Rule 60.1(b). The International Preliminary Examining Authority shall promptly send the demand to the International Bureau, and shall prepare and keep a copy in its files.**

From June 19, 1970 to April 13, 1978

(b) The International Preliminary Examining Authority shall promptly inform the applicant in writing of the date of receipt of the demand. Where the demand has been considered under Rules 57.4(c) or 60.1(c) as if it had not been submitted, the International Preliminary Examining Authority shall notify the applicant accordingly.

From April 14, 1978 to December 31, 1984

(b) The International Preliminary Examining Authority shall promptly inform the applicant in writing of the date of receipt of the demand. Where the demand has been considered under Rules 57.4(c), 58.2(c) or 60.1(c) as if it had not been submitted, the International Preliminary Examining Authority shall notify the applicant accordingly.

From January 1, 1985 to June 30, 1992

(b) The International Preliminary Examining Authority shall promptly inform the applicant in writing of the date of receipt of the demand. Where the demand has been considered under Rules 54.4(a), 57.4(c), 58.2(c) or 60.1(c) as if it had not been submitted or where an election has been considered under Rule 54.4(b) as if it has not been made, the International Preliminary Examining Authority shall notify the applicant and the International Bureau accordingly.

From July 1, 1992 to December 31, 1992

(b) The International Preliminary Examining Authority shall promptly inform the applicant in writing of the date of receipt of the demand. Where the demand has been considered under Rules 54.4(a), 57.4(c), 58.2(c) or 60.1(c) as if it had not been submitted or where an election has been considered under Rule 60.1(d) as if it had not been made, the International Preliminary Examining Authority shall notify the applicant and the International Bureau accordingly.

Since January 1, 1993

(b) **The International Preliminary Examining Authority shall promptly inform the applicant in writing of the date of receipt of the demand. Where the demand has been considered under Rules 54.4(a), 55.2(d), 57.4(c), 58.2(c) or 60.1(c) as if it had not been submitted or where an election has been considered under Rule 60.1(d) as if it had not been made, the International Preliminary Examining Authority shall notify the applicant and the International Bureau accordingly.**

From June 19, 1970 to June 30, 1992

(c) The International Bureau shall promptly notify the International Preliminary Examining Authority and the applicant of the receipt, and the date of receipt, of any later election. That date shall be the actual date of receipt by the International Bureau or, where applicable, the date referred to in Rule 60.2(b). Where the later election has been considered under Rules 57.5(c) or 60.2(c) as if it had not been submitted, the International Bureau shall notify the applicant accordingly.

Since July 1, 1992

(c) **The International Bureau shall promptly notify the applicant of the receipt, and the date of receipt, of any notice effecting a later election. That date shall be the actual date of receipt by the International Bureau or, where applicable, the date referred to in Rule 56.1(f) or 60.2(b). Where the notice has been considered under Rule 60.2(c) as if it had not been submitted or where a later election has been considered under Rule 60.2(d) as if it had not been made, the International Bureau shall notify the applicant accordingly.**

From June 19, 1970 to June 30, 1992 61.2 *Notifications to the Elected Offices*

Since July 1, 1992 61.2 *Notification to the Elected Offices*

Since June 19, 1970

(a) **The notification provided for in Article 31(7) shall be effected by the International Bureau.**

From June 19, 1970 to June 30, 1992

(b) The notification shall indicate the number and filing date of the international application, the name of the applicant, the name of the receiving Office, the filing date of the application whose priority is claimed (where priority is claimed), the date of receipt by the International Preliminary Examining Authority of the demand, and — in the case of later elections — the date of receipt by the International Bureau of the later election.

Since July 1, 1992

(b) **The notification shall indicate the number and filing date of the international application, the name of the applicant, the filing date of the application whose priority is claimed (where priority is claimed), the date of receipt by the International Preliminary**

Examining Authority of the demand, and — in the case of a later election — the date of receipt of the notice effecting the later election. The latter date shall be the actual date of receipt by the International Bureau or, where applicable, the date referred to in Rule 56.1(f) or 60.2(b).

From June 19,
1970 to June 30,
1992

(c) The notification shall be sent to the elected Office promptly after the expiration of the 18th month from the priority date, or, if the international preliminary examination report is communicated earlier, then, at the same time as the communication of that report. Elections effected after such notification shall be notified promptly after they have been effected.

Since July 1, 1992

(c) The notification shall be sent to the elected Office together with the communication provided for in Article 20. Elections effected after such communication shall be notified promptly after they have been made.

Since July 1, 1992

(d) Where the applicant makes an express request to an elected Office under Article 40(2) before the communication provided for in Article 20 has taken place, the International Bureau shall, upon request of the applicant or the elected Office, promptly effect that communication to that Office.

From June 19,
1970 to June 30,
1992

61.3 *Information for the Applicant*

The International Bureau shall inform the applicant in writing that it has effected the notification referred to in Rule 61.2. At the same time, it shall indicate to him, in respect of each elected State, any applicable time limit under Article 39(1)(b).

Since July 1, 1992

61.3 *Information for the Applicant*

The International Bureau shall inform the applicant in writing of the notification referred to in Rule 61.2 and of the elected Offices notified under Article 31(7).

Since July 1, 1992

61.4 *Publication in the Gazette*

Where a demand has been filed prior to the expiration of the 19th month from the priority date, the International Bureau shall publish a notice of that fact in the Gazette promptly after the filing of the demand, but not before the international publication of the international application. The notice shall indicate all designated States bound by Chapter II which have not been elected.

From June 19,
1970 to June 30,
1992

Rule 62

Copy for the International Preliminary Examining Authority

Rule 62

Since July 1, 1992

Copy of Amendments under Article 19 for the International Preliminary Examining Authority

From June 19,
1970 to
December 31,
1984

62.1 *The International Application*

(a) Where the competent International Preliminary Examining Authority is part of the same national Office or intergovernmental organization as the competent International Searching Authority, the same file shall serve the purposes of international search and international preliminary examination.

(b) Where the competent International Searching Authority is not part of the same national Office or intergovernmental organization as the competent International Preliminary Examining Authority, the International Bureau shall, promptly upon receipt of the international search report or, if the demand was received after the international search report, promptly upon receipt of the demand, send a copy of the international application and the international search report to the said Preliminary Examining Authority. In cases where, instead of the international search report, a declaration under Article 17(2)(a) has issued, references in the preceding sentence to the international search report shall be considered references to the said declaration.

From January 1,
1985 to June 30,
1992

62.1 [Deleted]

Since July 1, 1992

62.1 *Amendments Made before the Demand is Filed*

Upon receipt of a demand from the International Preliminary Examining Authority, the International Bureau shall promptly transmit a copy of any amendments under Article 19 to that Authority, unless that Authority has indicated that it has already received such a copy.

From June 19,
1970 to June 30,
1992

62.2 *Amendments*

Since July 1, 1992

62.2 *Amendments Made after the Demand is Filed*

From June 19,
1970 to June 30,
1992

(a) Any amendment filed under Article 19 shall be promptly transmitted by the International Bureau to the International Preliminary Examining Authority. If, at the time of filing such amendments, a demand for international preliminary examination has already been submitted, the applicant shall, at the same time as he files the amendments with the International Bureau, also file a copy of such amendments with the International Preliminary Examining Authority.

Since July 1, 1992

(a) If, at the time of filing any amendments under Article 19, a demand has already been submitted, the applicant shall preferably, at the same time as he files the amendments with the International Bureau, also file a copy of such amendments with the International Preliminary Examining Authority. In any case, the International Bureau shall promptly transmit a copy of such amendments to that Authority.

From June 19, 1970 to June 30, 1992 (b) If the time limit for filing amendments under Article 19 (see Rule 46.1) has expired without the applicant's having filed amendments under that Article, or if the applicant has declared that he does not wish to make amendments under that Article, the International Bureau shall notify the International Preliminary Examining Authority accordingly.

Since July 1, 1992 (b) [Deleted]

Rule 63
Minimum Requirements for International Preliminary Examining Authorities

Since June 19, 1970 **63.1 Definition of Minimum Requirements**

The minimum requirements referred to in Article 32(3) shall be the following:

(i) the national Office or intergovernmental organization must have at least 100 full-time employees with sufficient technical qualifications to carry out examinations;

(ii) that Office or organization must have at its ready disposal at least the minimum documentation referred to in Rule 34, properly arranged for examination purposes;

(iii) that Office or organization must have a staff which is capable of examining in the required technical fields and which has the language facilities to understand at least those languages in which the minimum documentation referred to in Rule 34 is written or is translated.

Rule 64
Prior Art for International Preliminary Examination

Since June 19, 1970 **64.1 Prior Art**

(a) For the purposes of Article 33(2) and (3), everything made available to the public anywhere in the world by means of written disclosure (including drawings and other illustrations) shall be considered prior art provided that such making available occurred prior to the relevant date.

(b) For the purposes of paragraph (a), the relevant date will be:

(i) subject to item (ii), the international filing date of the international application under international preliminary examination;

(ii) where the international application under international preliminary examination validly claims the priority of an earlier application, the filing date of such earlier application.

Since June 19, 1970 **64.2 Non-Written Disclosures**

From June 19, 1970 to June 30, 1992 In cases where the making available to the public occurred by means of an oral disclosure, use, exhibition or other non-written means ("non-written disclosure") before the relevant date as defined in Rule 64.1(b) and the date of such non-written disclosure is indicated in a written disclosure which has been made available to the public after the relevant date, the non-written disclosure shall not be considered part of the prior art for the purposes of Article 33(2) and (3). Nevertheless, the international preliminary examination report shall call attention to such non-written disclosure in the manner provided for in Rule 70.9.

Since July 1, 1992 In cases where the making available to the public occurred by means of an oral disclosure, use, exhibition or other non-written means ("non-written disclosure") before the relevant date as defined in Rule 64.1(b) and the date of such non-written disclosure is indicated in a written disclosure which has been made available to the public on a date which is the same as, or later than, the relevant date, the non-written disclosure shall not be considered part of the prior art for the purposes of Article 33(2) and (3). Nevertheless, the international preliminary examination report shall call attention to such non-written disclosure in the manner provided for in Rule 70.9.

From June 19, 1970 to June 30, 1992 **64.3 Certain Published Documents**

In cases where any application or any patent which would constitute prior art for the purposes of Article 33(2) and (3) had it been published prior to the relevant date referred to in Rule 64.1 was published, as such, after the relevant date but was filed earlier than the relevant date or claimed the priority of an earlier application which had been filed prior to the relevant date, such published application or patent shall not be considered part of the prior art for the purposes of Article 33(2) and (3). Nevertheless, the international preliminary examination report shall call attention to such application or patent in the manner provided for in Rule 70.10.

Since July 1, 1992 **64.3 Certain Published Documents**

In cases where any application or any patent which would constitute prior art for the purposes of Article 33(2) and (3) had it been published prior to the relevant date referred to in Rule 64.1 was published on a date which is the same as, or later than, the relevant date but was filed earlier than the relevant date or claimed the priority of an earlier application which had been filed prior to the relevant date, such published application or patent shall not be considered part of the prior art for the purposes of Article 33(2) and (3). Nevertheless, the international preliminary examination report shall call attention to such application or patent in the manner provided for in Rule 70.10.

Rule 65
Inventive Step or Non-Obviousness

Since June 19, 1970 **65.1 Approach to Prior Art**

For the purposes of Article 33(3), the international preliminary examination shall take into consideration the relation of any particular claim to the prior art as a whole. It shall take into consideration the claim's relation not only to individual documents or parts thereof taken

separately but also its relation to combinations of such documents or parts of documents, where such combinations are obvious to a person skilled in the art.

Since June 19,
1970

65.2 *Relevant Date*

For the purposes of Article 33(3), the relevant date for the consideration of inventive step (non-obviousness) is the date prescribed in Rule 64.1.

Rule 66

Procedure before the International Preliminary Examining Authority

Since June 19,
1970

66.1 *Basis of the International Preliminary Examination*

From June 19,
1970 to June 30,
1992

Before the international preliminary examination starts, the applicant may make amendments according to Article 34(2)(b) and the international preliminary examination shall initially be directed to the claims, the description, and the drawings, as contained in the international application at the time the international preliminary examination starts.

Since July 1, 1992

(a) Subject to paragraphs (b) to (d), the international preliminary examination shall be based on the international application as filed.

(b) The applicant may submit amendments under Article 34 at the time of filing the demand or, subject to Rule 66.4*bis*, until the international preliminary examination report is established.

(c) Any amendments under Article 19 made before the demand was filed shall be taken into account for the purposes of the international preliminary examination unless superseded, or considered as reversed, by an amendment under Article 34.

(d) Any amendments under Article 19 made after the demand was filed and any amendments under Article 34 submitted to the International Preliminary Examining Authority shall, subject to Rule 66.4*bis*, be taken into account for the purposes of the international preliminary examination.

(e) Claims relating to inventions in respect of which no international search report has been established need not be the subject of international preliminary examination.

From June 19,
1970 to
December 31,
1984

66.2 *First Written Opinion of the International Preliminary Examining Authority*

(a) If the International Preliminary Examining Authority

- (i) considers that the international application has any of the defects described in Article 34(4),
- (ii) considers that the international preliminary examination report should be negative in respect of any of the claims because the invention claimed therein does not

appear to be novel, does not appear to involve an inventive step (does not appear to be non-obvious), or does not appear to be industrially applicable,

- (iii) notices that there is some defect in the form or contents of the international application under the Treaty or these Regulations,
- (iv) considers that any amendment goes beyond the disclosure in the international application as filed, or
- (v) wishes to accompany the international preliminary examination report by observations on the clarity of the claims, the description, and the drawings, or the question whether the claims are fully supported by the description,

the said Authority shall notify the applicant accordingly in writing.

From January 1,
1985 to June 30,
1992

66.2 *First Written Opinion of the International Preliminary Examining Authority*

(a) If the International Preliminary Examining Authority

- (i) considers that the international application has any of the defects described in Article 34(4),
- (ii) considers that the international preliminary examination report should be negative in respect of any of the claims because the invention claimed therein does not appear to be novel, does not appear to involve an inventive step (does not appear to be non-obvious), or does not appear to be industrially applicable,
- (iii) notices that there is some defect in the form or contents of the international application under the Treaty or these Regulations,
- (iv) considers that any amendment goes beyond the disclosure in the international application as filed, or
- (v) wishes to accompany the international preliminary examination report by observations on the clarity of the claims, the description, and the drawings, or the question whether the claims are fully supported by the description,

the said Authority shall notify the applicant accordingly in writing. Where the national law of the national Office acting as International Preliminary Examining Authority does not allow multiple dependent claims to be drafted in a manner different from that provided for in the second and third sentences of Rule 6.4(a), the International Preliminary Examining Authority may, in case of failure to use that manner of claiming, apply Article 34(4)(b). In such case, it shall notify the applicant accordingly in writing.

Since July 1, 1992 **66.2 *First Written Opinion of the International Preliminary Examining Authority***

(a) If the International Preliminary Examining Authority

- (i) considers that any of the situations referred to in Article 34(4) exists,

- (ii) considers that the international preliminary examination report should be negative in respect of any of the claims because the invention claimed therein does not appear to be novel, does not appear to involve an inventive step (does not appear to be non-obvious), or does not appear to be industrially applicable,
- (iii) notices that there is some defect in the form or contents of the international application under the Treaty or these Regulations,
- (iv) considers that any amendment goes beyond the disclosure in the international application as filed,
- (v) wishes to accompany the international preliminary examination report by observations on the clarity of the claims, the description, and the drawings, or the question whether the claims are fully supported by the description,
- (vi) considers that a claim relates to an invention in respect of which no international search report has been established and has decided not to carry out the international preliminary examination in respect of that claim, or
- (vii) considers that a nucleotide and/or amino acid sequence listing is not available to it in such a form that a meaningful international preliminary examination can be carried out,

the said Authority shall notify the applicant accordingly in writing. Where the national law of the national Office acting as International Preliminary Examining Authority does not allow multiple dependent claims to be drafted in a manner different from that provided for in the second and third sentences of Rule 6.4(a), the International Preliminary Examining Authority may, in case of failure to use that manner of claiming, apply Article 34(4)(b). In such case, it shall notify the applicant accordingly in writing.

Since June 19, 1970 (b) The notification shall fully state the reasons for the opinion of the International Preliminary Examining Authority.

From June 19, 1970 to December 31, 1984 (c) The notification shall invite the applicant to submit a written reply together, where appropriate, with amendments or corrections.

Since January 1, 1985 (c) The notification shall invite the applicant to submit a written reply together, where appropriate, with amendments.

From June 19, 1970 to June 30, 1992 (d) The notification shall fix a time limit for the reply. The time limit shall be reasonable under the circumstances. It shall normally be 2 months after the date of notification. In no case shall it be shorter than 1 month after the said date. It shall be at least 2 months after the said date where the

international search report is transmitted at the same time as the notification. In no case shall it be more than 3 months after the said date.

Since July 1, 1992 (d) The notification shall fix a time limit for the reply. The time limit shall be reasonable under the circumstances. It shall normally be two months after the date of notification. In no case shall it be shorter than one month after the said date. It shall be at least two months after the said date where the international search report is transmitted at the same time as the notification. It shall not be more than three months after the said date but may be extended if the applicant so requests before its expiration.

Since June 19, 1970 **66.3 Formal Response to the International Preliminary Examining Authority**

From June 19, 1970 to December 31, 1984 (a) The applicant may respond to the invitation referred to in Rule 66.2(c) of the International Preliminary Examining Authority by making amendments or corrections or — if he disagrees with the opinion of that Authority — by submitting arguments, as the case may be, or do both.

Since January 1, 1985 (a) The applicant may respond to the invitation referred to in Rule 66.2(c) of the International Preliminary Examining Authority by making amendments or — if he disagrees with the opinion of that Authority — by submitting arguments, as the case may be, or do both.

Since June 19, 1970 (b) Any response shall be submitted directly to the International Preliminary Examining Authority.

From June 19, 1970 to December 31, 1984 **66.4 Additional Opportunity for Amendment or Correction**

Since January 1, 1985 **66.4 Additional Opportunity for Submitting Amendments or Arguments**

Since June 19, 1970 (a) If the International Preliminary Examining Authority wishes to issue one or more additional written opinions, it may do so, and Rules 66.2 and 66.3 shall apply.

From June 19, 1970 to December 31, 1984 (b) On the request of the applicant, the International Preliminary Examining Authority may give him one or more additional opportunities to submit amendments or corrections.

Since January 1, 1985 (b) On the request of the applicant, the International Preliminary Examining Authority may give him one or more additional opportunities to submit amendments or arguments.

Since July 1, 1992 **66.4bis Consideration of Amendments and Arguments**

Amendments or arguments need not be taken into account by the International Preliminary Examining Authority for the purposes of a written opinion or the international preliminary examination report if they are received after that Authority has begun to draw up that opinion or report.

Since June 19, 1970 **66.5 Amendment**

From June 19, 1970 to December 31, 1984 Any change, other than the rectification of obvious errors of transcription, in the claims, the description, or the drawings, including cancellation of claims, omission of passages in the description, or omission of certain drawings, shall be considered an amendment.

Since January 1, 1985 Any change, other than the rectification of obvious errors, in the claims, the description, or the drawings, including cancellation of claims, omission of passages in the description, or omission of certain drawings, shall be considered an amendment.

Since June 19, 1970 **66.6 Informal Communications with the Applicant**

The International Preliminary Examining Authority may, at any time, communicate informally, over the telephone, in writing, or through personal interviews, with the applicant. The said Authority shall, at its discretion, decide whether it wishes to grant more than one personal interview if so requested by the applicant, or whether it wishes to reply to any informal written communication from the applicant.

Since June 19, 1970 **66.7 Priority Document**

From June 19, 1970 to December 31, 1984 (a) If the International Preliminary Examining Authority needs a copy of the application whose priority is claimed in the international application, the International Bureau shall, on request, promptly furnish such copy, provided that, where the request is made before the International Bureau has received the priority document under Rule 17.1(a), the applicant shall furnish such copy to the International Bureau and directly to the International Preliminary Examining Authority.

Since January 1, 1985 (a) If the International Preliminary Examining Authority needs a copy of the application whose priority is claimed in the international application, the International Bureau shall, on request, promptly furnish such copy. If that copy is not furnished to the International Preliminary Examining Authority because the applicant failed to comply with the requirements of Rule 17.1, the international preliminary examination report may be established as if the priority had not been claimed.

From June 19, 1970 to December 31, 1984 (b) If the application whose priority is claimed is in a language other than the language or one of the languages of the International Preliminary Examining Authority, the applicant shall furnish, on invitation, a translation in the said language or one of the said languages.

Since January 1, 1985

(b) If the application whose priority is claimed in the international application is in a language other than the language or one of the languages of the International Preliminary Examining Authority, that Authority may invite the applicant to furnish a translation in the said language or one of the said languages within two months from the date of the invitation. If the translation is not furnished within that time limit, the international preliminary examination report may be established as if the priority had not been claimed.

From June 19, 1970 to December 31, 1984

(c) The copy to be furnished by the applicant under paragraph (a) and the translation referred to in paragraph (b) shall be furnished not later than by the expiration of 2 months from the date of the request or invitation. If they are not furnished within that time limit, the international preliminary examination report shall be established as if the priority had not been claimed.

Since January 1, 1985

(c) [Deleted]

From June 19, 1970 to December 31, 1984

66.8 Form of Corrections and Amendments

(a) The applicant shall be required to submit a replacement sheet for every sheet of the international application which, on account of a correction or amendment, differs from the sheet originally filed. The letter accompanying the replacement sheets shall draw attention to the differences between the replaced sheets and the replacement sheets. To the extent that any amendment results in the cancellation of an entire sheet, that amendment shall be communicated in a letter.

From January 1, 1985 to June 30, 1992

66.8 Form of Amendments

(a) The applicant shall be required to submit a replacement sheet for every sheet of the international application which, on account of an amendment, differs from the sheet originally filed. The letter accompanying the replacement sheets shall draw attention to the differences between the replaced sheets and the replacement sheets. To the extent that any amendment results in the cancellation of an entire sheet, that amendment shall be communicated in a letter.

Since July 1, 1992

66.8 Form of Amendments

(a) The applicant shall be required to submit a replacement sheet for every sheet of the international application which, on account of an amendment, differs from the sheet previously filed. The letter accompanying the replacement sheets shall draw attention to the differences between the replaced sheets and the replacement sheets. Where the amendment consists in the deletion of passages or in minor alterations or additions, it may be made on a copy of the relevant sheet of the international application, provided that the clarity and direct reproducibility of that sheet are not adversely affected. To the extent that any amendment results in the cancellation of an entire sheet, that amendment shall be communicated in a letter.

From June 19, 1970 to December 31, 1984

(b) The International Preliminary Examining Authority shall mark on each replacement sheet the international application number, the date on which it was received, and the stamp identifying the

said Authority. It shall keep in its files any replaced sheet, the letter accompanying the replacement sheet or sheets, and any letter referred to in the last sentence of paragraph (a).

Since January 1,
1985 (b) [Deleted]

Since January 1,
1985 **66.9 Language of Amendments**

From January 1,
1985 to
December 31,
1992 If the international application has been filed in a language other than the language in which it is published, any amendment, as well as any letter referred to in Rule 66.8(a), shall be submitted in the language of publication.

Since January 1,
1993 (a) Subject to paragraphs (b) and (c), if the international application has been filed in a language other than the language in which it is published, any amendment, as well as any letter referred to in Rule 66.8(a), shall be submitted in the language of publication.

(b) If the international preliminary examination is carried out, pursuant to Rule 55.2, on the basis of a translation of the international application, any amendment, as well as any letter referred to in paragraph (a), shall be submitted in the language of that translation.

(c) Subject to Rule 55.3, if an amendment or letter is not submitted in a language as required under paragraph (a) or (b), the International Preliminary Examining Authority shall, if practicable having regard to the time limit for establishing the international preliminary examination report, invite the applicant to furnish the amendment or letter in the required language within a time limit which shall be reasonable under the circumstances.

(d) If the applicant fails to comply, within the time limit under paragraph (c), with the invitation to furnish an amendment in the required language, the amendment shall not be taken into account for the purposes of the international preliminary examination. If the applicant fails to comply, within the time limit under paragraph (c), with the invitation to furnish a letter referred to in paragraph (a) in the required language, the amendment concerned need not be taken into account for the purposes of the international preliminary examination.

Rule 67
Subject Matter under Article 34(4)(a)(i)

Since June 19,
1970 **67.1 Definition**

No International Preliminary Examining Authority shall be required to carry out an international preliminary examination on an international application if, and to the extent to which, its subject matter is any of the following:

(i) scientific and mathematical theories,

(ii) plant or animal varieties or essentially biological processes for the production of plants and animals, other than microbiological processes and the products of such processes,

(iii) schemes, rules or methods of doing business, performing purely mental acts or playing games,

(iv) methods for treatment of the human or animal body by surgery or therapy, as well as diagnostic methods,

(v) mere presentations of information,

(vi) computer programs to the extent that the International Preliminary Examining Authority is not equipped to carry out an international preliminary examination concerning such programs.

Rule 68
Lack of Unity of Invention
(International Preliminary Examination)

Since June 19,
1970 **68.1 No Invitation to Restrict or Pay**

From June 19,
1970 to June 30,
1992 Where the International Preliminary Examining Authority finds that the requirement of unity of invention is not complied with and chooses not to invite the applicant to restrict the claims or to pay additional fees, it shall establish the international preliminary examination report, subject to Article 34(4)(b), in respect of the entire international application, but shall indicate, in the said report, that, in its opinion, the requirement of unity of invention is not fulfilled and shall specify the reasons for which the international application is not considered as complying with the requirement of unity of invention.

Since July 1, 1992 Where the International Preliminary Examining Authority finds that the requirement of unity of invention is not complied with and chooses not to invite the applicant to restrict the claims or to pay additional fees, it shall proceed with the international preliminary examination, subject to Article 34(4)(b) and Rule 66.1(e), in respect of the entire international application, but shall indicate, in any written opinion and in the international preliminary examination report, that it considers that the requirement of unity of invention is not fulfilled and it shall specify the reasons therefor.

Since June 19,
1970 **68.2 Invitation to Restrict or Pay**

Where the International Preliminary Examining Authority finds that the requirement of unity of invention is not complied with and chooses to invite the applicant, at his option, to restrict the claims or to pay additional fees, it shall specify at least one possibility of restriction which, in the opinion of the International Preliminary Examining Authority, would be in compliance with the applicable requirement, and shall specify the amount of the additional fees and the reasons for which the international application is not considered as complying with the requirement of unity of invention. It shall, at the same time, fix a time limit, with regard to the

circumstances of the case, for complying with the invitation; such time limit shall not be shorter than one month, and it shall not be longer than two months, from the date of the invitation.

Since June 19,
1970

68.3 Additional Fees

(a) The amount of the additional fee due for international preliminary examination under Article 34(3)(a) shall be determined by the competent International Preliminary Examining Authority.

(b) The additional fee due for international preliminary examination under Article 34(3)(a) shall be payable direct to the International Preliminary Examining Authority.

(c) Any applicant may pay the additional fee under protest, that is, accompanied by a reasoned statement to the effect that the international application complies with the requirement of unity of invention or that the amount of the required additional fee is excessive. Such protest shall be examined by a three-member board or other special instance of the International Preliminary Examining Authority, or any competent higher authority, which, to the extent that it finds the protest justified, shall order the total or partial reimbursement to the applicant of the additional fee. On the request of the applicant, the text of both the protest and the decision thereon shall be notified to the elected Offices as an annex to the international preliminary examination report.

(d) The three-member board, special instance or competent higher authority, referred to in paragraph (c), shall not comprise any person who made the decision which is the subject of the protest.

Since July 1, 1992

(e) Where the applicant has, under paragraph (c), paid an additional fee under protest, the International Preliminary Examining Authority may, after a prior review of the justification for the invitation to pay an additional fee, require that the applicant pay a fee for the examination of the protest ("protest fee"). The protest fee shall be paid within one month from the date of the notification to the applicant of the result of the review. If the protest fee is not so paid, the protest shall be considered withdrawn. The protest fee shall be refunded to the applicant where the three-member board, special instance or higher authority referred to in paragraph (c) finds that the protest was entirely justified.

Since June 19,
1970

68.4 Procedure in the Case of Insufficient Restriction of the Claims

If the applicant restricts the claims but not sufficiently to comply with the requirement of unity of invention, the International Preliminary Examining Authority shall proceed as provided in Article 34(3)(c).

Since June 19,
1970

68.5 Main Invention

In case of doubt which invention is the main invention for the purposes of Article 34(3)(c), the invention first mentioned in the claims shall be considered the main invention.

From June 19,
1970 to June 30,
1992

Rule 69 Time Limit for International Preliminary Examination

Since July 1, 1992

Rule 69 Start of and Time Limit for International Preliminary Examination

From June 19,
1970 to June 30,
1992

69.1 Time Limit for International Preliminary Examination

Since July 1, 1992

69.1 Start of International Preliminary Examination

From June 19,
1970 to
December 31,
1984

(a) All agreements concluded with International Preliminary Examining Authorities shall provide for the same time limit for the establishment of the international preliminary examination report. This time limit shall not exceed:

(i) 6 months after the start of the international preliminary examination,

(ii) in cases where the International Preliminary Examining Authority issues an invitation to restrict the claims or pay additional fees (Article 34(3)), 8 months after the start of the international preliminary examination.

From January 1,
1985 to June 30,
1992

(a) The time limit for establishing the international preliminary examination report shall be:

(i) 28 months from the priority date if the demand was filed prior to the expiration of 19 months from the priority date,

(ii) 9 months from the start of the international preliminary examination if the demand was filed after the expiration of 19 months from the priority date.

Since July 1, 1992

(a) Subject to paragraphs (b) to (e), the International Preliminary Examining Authority shall start the international preliminary examination when it is in possession both of the demand and of either the international search report or a notice of the declaration by the International Searching Authority under Article 17(2)(a) that no international search report will be established.

From June 19,
1970 to June 30,
1992

(b) International preliminary examination shall start upon receipt, by the International Preliminary Examining Authority:

(i) under Rule 62.2(a), of the claims as amended under Article 19, or

(ii) under Rule 62.2(b), of a notice from the International Bureau that no amendments under Article 19 have been filed within the prescribed time limit or that the applicant has declared that he does not wish to make such amendments, or

(iii) of a notice, after the international search report is in the possession of the International Preliminary Examining Authority, from the applicant expressing the wish that the international preliminary examination should start and be directed to the claims as specified in such notice, or

(iv) of a notice of the declaration by the International Searching Authority that no international search report will be established (Article 17(2)(a)).

Since July 1, 1992 (b) If the competent International Preliminary Examining Authority is part of the same national Office or intergovernmental organization as the competent International Searching Authority, the international preliminary examination may, if the International Preliminary Examining Authority so wishes and subject to paragraph (d), start at the same time as the international search.

From June 19, 1970 to June 30, 1992 (c) If the competent International Preliminary Examining Authority is part of the same national Office or intergovernmental organization as the competent International Searching Authority, the international preliminary examination may, if the International Preliminary Examining Authority so wishes, start at the same time as the international search. In such a case, the international preliminary examination report shall be established, notwithstanding the provisions of paragraph (a), no later than 6 months after the expiration of the time limit allowed under Article 19 for amending the claims.

Since July 1 1992 (c) Where the statement concerning amendments contains an indication that amendments under Article 19 are to be taken into account (Rule 53.9(a)(i)), the International Preliminary Examining Authority shall not start the international preliminary examination before it has received a copy of the amendments concerned.

Since July 1, 1992 (d) Where the statement concerning amendments contains an indication that the start of the international preliminary examination is to be postponed (Rule 53.9(b)), the International Preliminary Examining Authority shall not start the international preliminary examination before

- (i) it has received a copy of any amendments made under Article 19,
- (ii) it has received a notice from the applicant that he does not wish to make amendments under Article 19, or
- (iii) the expiration of 20 months from the priority date,

whichever occurs first.

(e) Where the statement concerning amendments contains an indication that amendments under Article 34 are submitted with the demand (Rule 53.9(c)) but no such amendments are, in fact, submitted, the International Preliminary Examining Authority shall not start the international preliminary examination before it has received the amendments or before the time limit fixed in the invitation referred to in Rule 60.1(g) has expired, whichever occurs first.

Since July 1, 1992 69.2 *Time Limit for International Preliminary Examination*

The time limit for establishing the international preliminary examination report shall be:

(i) 28 months from the priority date if the demand was filed prior to the expiration of 19 months from the priority date;

(ii) nine months from the start of the international preliminary examination if the demand was filed after the expiration of 19 months from the priority date.

Rule 70

The International Preliminary Examination Report

Since June 19, 1970

70.1 *Definition*

For the purposes of this Rule, "report" shall mean international preliminary examination report.

Since June 19, 1970

70.2 *Basis of the Report*

(a) If the claims have been amended, the report shall issue on the claims as amended.

From June 19, 1970 to December 31, 1984

(b) If, pursuant to Rule 66.7(c), the report is established as if the priority had not been claimed, the report shall so indicate.

Since January 1, 1985

(b) If, pursuant to Rule 66.7(a) or (b), the report is established as if the priority had not been claimed, the report shall so indicate.

Since June 19, 1970

(c) If the International Preliminary Examining Authority considers that any amendment goes beyond the disclosure in the international application as filed, the report shall be established as if such amendment had not been made, and the report shall so indicate. It shall also indicate the reasons why it considers that the amendment goes beyond the said disclosure.

Since July 1, 1992

(d) Where claims relate to inventions in respect of which no international search report has been established and have therefore not been the subject of international preliminary examination, the international preliminary examination report shall so indicate.

Since June 19, 1970

70.3 *Identifications*

From June 19, 1970 to June 30, 1992

The report shall identify the International Preliminary Examining Authority which established it by indicating the name of such Authority, and the international application, by indicating the

international application number, the name of the applicant, the name of the receiving Office, and the international filing date.

Since July 1, 1992

The report shall identify the International Preliminary Examining Authority which established it by indicating the name of such Authority, and the international application by indicating the international application number, the name of the applicant, and the international filing date.

Since June 19, 1970

70.4 Dates

The report shall indicate:

- (i) the date on which the demand was submitted, and
- (ii) the date of the report; that date shall be the date on which the report is completed.

Since June 19, 1970

70.5 Classification

(a) The report shall repeat the classification given under Rule 43.3 if the International Preliminary Examining Authority agrees with such classification.

(h) Otherwise, the International Preliminary Examining Authority shall indicate in the report the classification, at least according to the International Patent Classification, which it considers correct.

Since June 19, 1970

70.6 Statement under Article 35(2)

(a) The statement referred to in Article 35(2) shall consist of the words "YES" or "NO," or their equivalent in the language of the report, or some appropriate sign provided for in the Administrative Instructions, and shall be accompanied by the citations, explanations and observations, if any, referred to in the last sentence of Article 35(2).

(h) If any of the three criteria referred to in Article 35(2) (that is, novelty, inventive step (non-obviousness), industrial applicability) is not satisfied, the statement shall be negative. If, in such a case, any of the criteria, taken separately, is satisfied, the report shall specify the criterion or criteria so satisfied.

Since June 19, 1970

70.7 Citations under Article 35(2)

(a) The report shall cite the documents considered to be relevant for supporting the statements made under Article 35(2).

(b) The provisions of Rule 43.5(b) and (c) shall apply also to the report.

Since June 19, 1970

70.8 Explanations under Article 35(2)

The Administrative Instructions shall contain guidelines for cases in which the explanations referred to in Article 35(2) should or should not be given and the form of such explanations. Such guidelines shall be based on the following principles:

(i) explanations shall be given whenever the statement in relation to any claim is negative;

(ii) explanations shall be given whenever the statement is positive unless the reason for citing any document is easy to imagine on the basis of consultation of the cited document;

(iii) generally, explanations shall be given if the case provided for in the last sentence of Rule 70.6(h) obtains.

Since June 19, 1970

70.9 Non-Written Disclosures

Any non-written disclosure referred to in the report by virtue of Rule 64.2 shall be mentioned by indicating its kind, the date on which the written disclosure referring to the non-written disclosure was made available to the public, and the date on which the non-written disclosure occurred in public.

Since June 19, 1970

70.10 Certain Published Documents

Any published application or any patent referred to in the report by virtue of Rule 64.3 shall be mentioned as such and shall be accompanied by an indication of its date of publication, of its filing date, and its claimed priority date (if any). In respect of the priority date of any such document, the report may indicate that, in the opinion of the International Preliminary Examining Authority, such date has not been validly claimed.

From June 19, 1970 to December 31, 1984

70.11 Mention of Amendments or Correction of Certain Defects

If, before the International Preliminary Examining Authority, amendments or corrections have been made, this fact shall be indicated in the report.

Since January 1, 1985

70.11 Mention of Amendments

If, before the International Preliminary Examining Authority, amendments have been made, this fact shall be indicated in the report. Where any amendment has resulted in the cancellation of an entire sheet, this fact shall also be specified in the report.

From June 19, 1970 to June 30, 1992

70.12 Mention of Certain Defects

If the International Preliminary Examining Authority considers that, at the time it prepares the report:

(i) the international application contains any of the defects referred to in Rule 66.2(a)(iii), it shall include this opinion and the reasons therefor in the report;

(ii) the international application calls for any of the observations referred to in Rule 66.2(a)(v), it may include this opinion in the report and, if it does, it shall also indicate in the report the reasons for such opinion.

Since July 1, 1992 **70.12 *Mention of Certain Defects and Other Matters***

If the International Preliminary Examining Authority considers that, at the time it prepares the report:

(i) the international application contains any of the defects referred to in Rule 66.2(a)(iii), it shall include this opinion and the reasons therefor in the report;

(ii) the international application calls for any of the observations referred to in Rule 66.2(a)(v), it may include this opinion in the report and, if it does, it shall also indicate in the report the reasons for such opinion;

(iii) any of the situations referred to in Article 34(4) exists, it shall state this opinion and the reasons therefor in the report;

(iv) a nucleotide and/or amino acid sequence listing is not available to it in such a form that a meaningful international preliminary examination can be carried out, it shall so state in the report.

Since June 19, 1970 **70.13 *Remarks Concerning Unity of Invention***

From June 19, 1970 to June 30, 1992 If the applicant paid additional fees for the international preliminary examination, or if the international application or the international preliminary examination was restricted under Article 34(3), the report shall so indicate. Furthermore, where the international preliminary examination was carried out on restricted claims (Article 34(3)(a)), or on the main invention only (Article 34(3)(c)), the report shall indicate what parts of the international application were and what parts were not the subject of international preliminary examination.

Since July 1, 1992 If the applicant paid additional fees for the international preliminary examination, or if the international application or the international preliminary examination was restricted under Article 34(3), the report shall so indicate. Furthermore, where the international preliminary examination was carried out on restricted claims (Article 34(3)(a)), or on the main invention only (Article 34(3)(c)), the report shall indicate what parts of the international application were and what parts were not the subject of international preliminary examination. The report shall contain the indications provided for in Rule 68.1, where the International Preliminary Examining Authority chose not to invite the applicant to restrict the claims or to pay additional fees.

From June 19, 1970 to June 30, 1992 **70.14 *Signature***

The report shall be signed by an authorized officer of the International Preliminary Examining Authority.

Since July 1, 1992 **70.14 *Authorized Officer***

The report shall indicate the name of the officer of the International Preliminary Examining Authority responsible for that report.

Since June 19, 1970 **70.15 *Form***

The physical requirements as to the form of the report shall be prescribed by the Administrative Instructions.

From June 19, 1970 to December 31, 1984 **70.16 *Attachment of Corrections and Amendments***

If the claims, the description, or the drawings, were amended or any part of the international application was corrected before the International Preliminary Examining Authority, each replacement sheet marked as provided in Rule 66.8(b) shall be attached to the report as an annex thereto. Replacement sheets superseded by later replacement sheets shall not be attached. If the amendment is communicated in a letter, a copy of such letter shall also be annexed to the report.

From January 1, 1985 to June 30, 1992 **70.16 *Annexes of the Report***

If the claims, the description, or the drawings, were amended before the International Preliminary Examining Authority, each replacement sheet under Rule 66.8(a) shall be annexed to the report. Replacement sheets superseded by later replacement sheets and letters under Rule 66.8(a) shall not be annexed.

Since July 1, 1992 **70.16 *Annexes of the Report***

Each replacement sheet under Rule 66.8(a) and each replacement sheet containing amendments under Article 19 shall, unless superseded by later replacement sheets, be annexed to the report. Amendments under Article 19 which have been considered as reversed by an amendment under Article 34 and letters under Rule 66.8(a) shall not be annexed.

Since June 19, 1970 **70.17 *Languages of the Report and the Annexes***

From June 19, 1970 to December 31, 1984 (a) The report shall be in the language in which the international application to which it relates is published.

From January 1, 1985 to December 31, 1992 (a) The report and any annex shall be in the language in which the international application to which they relate is published.

Since January 1, 1993 (a) The report and any annex shall be in the language in which the international application to which they relate is published, or, if the international preliminary examination is carried out, pursuant to Rule 55.2, on the basis of a translation of the international application, in the language of that translation.

From June 19, 1970 to December 31, 1984 (b) Any annex shall be both in the language in which the international application to which it relates was filed and also, if it is different, in the language in which the international application to which it relates is published.

Since January 1, 1985 (b) [Deleted]

Rule 71

Transmittal of the International Preliminary Examination Report

Since June 19, 1970 71.1 *Recipients*

The International Preliminary Examining Authority shall, on the same day, transmit one copy of the international preliminary examination report and its annexes, if any, to the International Bureau, and one copy to the applicant.

71.2 *Copies of Cited Documents*

Since June 19, 1970 (a) The request under Article 36(4) may be presented any time during seven years from the international filing date of the international application to which the report relates.

(b) The International Preliminary Examining Authority may require that the party (applicant or elected Office) presenting the request pay to it the cost of preparing and mailing the copies. The level of the cost of preparing copies shall be provided for in the agreements referred to in Article 32(2) between the International Preliminary Examining Authorities and the International Bureau.

From June 19, 1970 to June 30, 1992 (c) Any International Preliminary Examining Authority not wishing to send copies direct to any elected Office shall send a copy to the International Bureau and the International Bureau shall then proceed as provided in paragraphs (a) and (b).

Since July 1, 1992 (c) [Deleted]

From June 19, 1970 to June 30, 1992 (d) Any International Preliminary Examining Authority may perform the obligations referred to in (a) to (c) through another agency responsible to it.

Since July 1, 1992 (d) Any International Preliminary Examining Authority may perform the obligations referred to in paragraphs (a) and (b) through another agency responsible to it.

Rule 72

Translation of the International Preliminary Examination Report

Since June 19, 1970 72.1 *Languages*

From June 19, 1970 to June 30, 1992 (a) Any elected State may require that the international preliminary examination report, established in any language other than the official language, or one of the official languages, of its national Office, be translated into English, French, German, Japanese, Russian, or Spanish.

Since July 1, 1992 (a) Any elected State may require that the international preliminary examination report, established in any language other than the official language, or one of the official languages, of its national Office, be translated into English.

Since June 19, 1970 (b) Any such requirement shall be notified to the International Bureau, which shall promptly publish it in the Gazette.

From June 19, 1970 to June 30, 1992 72.2 *Copies of Translations for the Applicant*

The International Bureau shall transmit a copy of each translation of the international preliminary examination report to the applicant at the same time as it communicates such translation to the interested elected Office or Offices.

Since July 1, 1992 72.2 *Copy of Translation for the Applicant*

The International Bureau shall transmit a copy of the translation referred to in Rule 72.1(a) of the international preliminary examination report to the applicant at the same time as it communicates such translation to the interested elected Office or Offices.

Since June 19, 1970 72.3 *Observations on the Translation*

The applicant may make written observations on what, in his opinion, are errors of translation in the translation of the international preliminary examination report and shall send a copy of any such observations to each of the interested elected Offices and a copy to the International Bureau.

Rule 73
Communication of the International Preliminary Examination Report

Since June 19, 1970 **73.1 Preparation of Copies**

The International Bureau shall prepare the copies of the documents to be communicated under Article 36(3)(a).

Since June 19, 1970 **73.2 Time Limit for Communication**

From June 19, 1970 to June 30, 1992 The communication provided for in Article 36(3)(a) shall be effected as promptly as possible.

Since July 1, 1992 The communication provided for in Article 36(3)(a) shall be effected as promptly as possible but not earlier than the communication under Article 20.

Since June 19, 1970 **Rule 74**
Translations of Annexes of the International Preliminary Examination Report and Transmittal Thereof

From June 19, 1970 to December 31, 1984 **74.1 Time Limit**

Any replacement sheet referred to in Rule 70.16, or any amendment referred to in the last sentence of that Rule which was filed prior to the furnishing of the translation of the international application required under Article 39, or, where the furnishing of such translation is governed by Article 64(2)(a)(i), which was filed prior to the furnishing of the translation of the international application required under Article 22, shall be translated and transmitted together with the furnishing under Article 39 or, where applicable, under Article 22, or, if filed less than 1 month before such furnishing or if filed after such furnishing, 1 month after it has been filed.

From January 1, 1985 to December 31, 1992 **74.1 Contents of Translation and Time Limit for Transmittal Thereof**

Where the furnishing of a translation of the international application is required by the elected Office under Article 39(1), the applicant shall, within the time limit applicable under Article 39(1), transmit a translation of any replacement sheet referred to in Rule 70.16 which is annexed to the international preliminary examination report. The same time limit shall apply where the furnishing of a translation of the international application to the elected Office must, because of a declaration made under Article 64(2)(a)(i), be effected within the time limit applicable under Article 22.

Since January 1, 1993 **74.1 Contents of Translation and Time Limit for Transmittal Thereof**

(a) Where the furnishing of a translation of the international application is required by the elected Office under Article 39(1), the applicant shall, within the time limit applicable under Article 39(1), transmit a translation of any replacement sheet referred to in Rule 70.16

which is annexed to the international preliminary examination report, unless such sheet is in the language of the required translation of the international application. The same time limit shall apply where the furnishing of a translation of the international application to the elected Office must, because of a declaration made under Article 64(2)(a)(i), be effected within the time limit applicable under Article 22.

(b) Where the furnishing under Article 39(1) of a translation of the international application is not required by the elected Office, that Office may require the applicant to furnish, within the time limit applicable under that Article, a translation into the language in which the international application was published of any replacement sheet referred to in Rule 70.16 which is annexed to the international preliminary examination report and is not in that language.

Rule 74bis
Notification of Withdrawal under Rule 32

From April 14, 1978 to December 31, 1984 **74bis.1 Notification of the International Preliminary Examining Authority**

If, at the time of the withdrawal of the international application or of the designation of all designated States under Rule 32.1, a demand for international preliminary examination has already been submitted and the international preliminary examination report has not yet issued, the International Bureau shall promptly notify the fact of withdrawal, together with the date of receipt of the notice effecting withdrawal, to the International Preliminary Examining Authority.

Since January 1, 1985 **Rule 74bis [Deleted]**

From June 19, 1970 to June 30, 1992 **Rule 75**
Withdrawal of the Demand, or of Elections

Since July 1, 1992 **Rule 75**
[Deleted]

75.1 Withdrawals

From June 19, 1970 to December 31, 1984 (a) Withdrawal of the demand or all the elections may be effected prior to the expiration of 25 months from the priority date except as to any elected State in which national processing or examination has already started. Withdrawal of the election of any elected State may be effected prior to the date on which examination and processing may start in that State.

From January 1, 1985 to June 30, 1992 (a) Withdrawal of the demand or all the elections may be effected prior to the expiration of 30 months from the priority date except as to any elected State in which national processing or examination has already started. Withdrawal of the election of any elected State may be effected prior to the date on which examination and processing may start in that State.

Since July 1, 1992	(a) [Deleted]	
From June 19, 1970 to June 30, 1992	(b) Withdrawal shall be effected by a signed notice from the applicant to the International Bureau. In the case of Rule 4.8(b), the notice shall require the signature of all the applicants.	
Since July 1, 1992	(b) [Deleted]	
From June 19, 1970 to December 31, 1984	75.2 <i>Notification of Elected Offices</i>	
	(a) The fact that the demand or all elections have been withdrawn shall be promptly notified by the International Bureau to the national Offices of all States which, up to the time of the withdrawal, were elected States and had been informed of their election.	
	(b) The fact that any election has been withdrawn and the date of receipt of the withdrawal shall be promptly notified by the International Bureau to the elected Office concerned, except where it has not yet been informed that it had been elected.	
Since January 1, 1985	(a) and (b) [Deleted]	
From June 19, 1970 to December 31, 1984	75.3 <i>Notification of the International Preliminary Examining Authority</i>	
	The fact that the demand or all elections have been withdrawn shall be promptly notified by the International Bureau to the International Preliminary Examining Authority if, at the time of the withdrawal, the latter had been informed of the existence of the demand.	
Since January 1, 1985	75.3 [Deleted]	
From June 19, 1970 to June 30, 1992	75.4 <i>Faculty under Article 37(4)(b)</i>	
	(a) Any Contracting State wishing to take advantage of the faculty provided for in Article 37(4)(b) shall notify the International Bureau in writing.	
	(b) The notification under paragraph (a) shall be promptly published by the International Bureau in the Gazette, and shall have effect in respect of international applications filed more than 1 month after the publication date of the relevant issue of the Gazette.	
Since July 1, 1992	(a) and (b) [Deleted]	
From June 19, 1970 to December 31, 1984	Rule 76 Languages of Translations and Amounts of Fees under Article 39(1); Translation of Priority Document	

Since January 1, 1985

Rule 76
Copy, Translation and Fee under Article 39(1);
Translation of Priority Document

From June 19, 1970 to December 31, 1984

76.1 *Notification*

(a) Any Contracting State requiring the furnishing of a translation or the payment of a national fee, or both, under Article 39(1), shall notify the International Bureau of:

- (i) the languages from which and the language into which it requires translation,
- (ii) the amount of the national fee.

(b) Any notification received by the International Bureau under paragraph (a) shall be published by the International Bureau in the Gazette.

(c) If the requirements under paragraph (a) change later, such changes shall be notified by the Contracting State to the International Bureau and that Bureau shall promptly publish the notification in the Gazette. If the change means that translation is required into a language which, before the change, was not required, such change shall be effective only with respect to a demand submitted later than 2 months after the publication of the notification in the Gazette. Otherwise, the effective date of any change shall be determined by the Contracting State.

Since January 1, 1985

76.1 [Deleted]

From June 19, 1970 to December 31, 1984

76.2 *Languages*

The language into which translation may be required must be an official language of the elected Office. If there are several of such languages, no translation may be required if the international application is in one of them. If there are several official languages and a translation must be furnished, the applicant may choose any of those languages. Notwithstanding the foregoing provisions of this paragraph, if there are several official languages but the national law prescribes the use of one such language for foreigners, a translation into that language may be required.

Since January 1, 1985

76.2 [Deleted]

From June 19, 1970 to December 31, 1980

76.3 *Statements under Article 19*

For the purposes of Article 39 and the present Rule, any statement made under Article 19(1) shall be considered as part of the international application.

From January 1, 1981 to December 31, 1984

76.3 *Statements under Article 19; Indications under Rule 13bis.4*

For the purposes of Article 39 and the present Rule, any statement made under Article 19(1)

and any indication furnished under Rule 13*bis*.4 shall be considered part of the international application.

Since January 1, 1985 **76.3 [Deleted]**

Since June 19, 1970 **76.4 *Time Limit for Translation of Priority Document***

The applicant shall not be required to furnish to any elected Office a certified translation of the priority document before the expiration of the applicable time limit under Article 39.

From January 1, 1985 to June 30, 1992 **76.5 *Application of Rules 22.1(g), 49 and 51bis***

Rules 22.1(g), 49 and 51*bis* shall apply, provided that:

(i) any reference in the said Rules to the designated Office or to the designated State shall be construed as a reference to the elected Office or to the elected State, respectively;

(ii) any reference in the said Rules to Article 22 shall be construed as a reference to Article 39(1);

(iii) the words "international applications filed" in Rule 49.1(c) shall be replaced by the words "a demand submitted."

Since July 1, 1992 **76.5 *Application of Rules 22.1(g), 49 and 51bis***

Rules 22.1(g), 49 and 51*bis* shall apply, provided that:

(i) any reference in the said Rules to the designated Office or to the designated State shall be construed as a reference to the elected Office or to the elected State, respectively;

(ii) any reference in the said Rules to Article 22 or Article 24(2) shall be construed as a reference to Article 39(1) or Article 39(3), respectively;

(iii) the words "international applications filed" in Rule 49.1(c) shall be replaced by the words "a demand submitted;"

(iv) for the purposes of Article 39(1), where an international preliminary examination report has been established, a translation of any amendment under Article 19 shall only be required if that amendment is annexed to that report.

Since July 1, 1992 **76.6 *Transitional Provision***

If, on July 12, 1991, Rule 76.5(iv) is not compatible with the national law applied by the elected Office in respect of claims amended under Article 19, Rule 76.5(iv) shall not apply in

that respect to that elected Office for as long as it continues not to be compatible with that law, provided that the said Office informs the International Bureau accordingly by December 31, 1991. The information received shall be promptly published by the International Bureau in the Gazette.

Rule 77 Faculty under Article 39(1)(b)

Since June 19, 1970 **77.1 *Exercise of Faculty***

(a) Any Contracting State allowing a time limit expiring later than the time limit provided for in Article 39(1)(a) shall notify the International Bureau of the time limit so fixed.

(b) Any notification received by the International Bureau under paragraph (a) shall be promptly published by the International Bureau in the Gazette.

(c) Notifications concerning the shortening of the previously fixed time limit shall be effective in relation to demands submitted after the expiration of three months computed from the date on which the notification was published by the International Bureau.

(d) Notifications concerning the lengthening of the previously fixed time limit shall become effective upon publication by the International Bureau in the Gazette in respect of demands pending at the time or submitted after the date of such publication, or, if the Contracting State effecting the notification fixes some later date, as from the latter date.

Rule 78 Amendment of the Claims, the Description, and the Drawings, before Elected Offices

Since June 19, 1970 **78.1 *Time Limit Where Election Is Effected prior to Expiration of 19 Months from Priority Date***

From June 19, 1970 to June 30, 1992

(a) Where the election of any Contracting State is effected prior to the expiration of the 19th month from the priority date, the applicant shall, if he so wishes, exercise the right under Article 41 after the transmittal of the international preliminary examination report under Article 36(1) has been effected and before the time limit applicable under Article 39 expires, provided that, if the said transmittal has not taken place by the expiration of the time limit applicable under Article 39, he shall exercise the said right not later than on such expiration date. In either case, the applicant may exercise the said right at any other time if so permitted by the national law of the said State.

Since July 1, 1992

(a) Where the election of any Contracting State is effected prior to the expiration of the 19th month from the priority date, the applicant shall, if he so wishes, exercise the right under Article 41 to amend the claims, the description and the drawings, before the elected Office concerned within one month from the fulfillment of the requirements under Article 39(1)(a), provided that, if the transmittal of the international preliminary examination report under Article 36(1) has not taken place by the expiration of the time limit applicable under Article 39,

he shall exercise the said right not later than four months after such expiration date. In either case, the applicant may exercise the said right at any other time if so permitted by the national law of the said State.

From June 19,
1970 to June 30,
1992

(b) In any elected State in which the national law provides that examination starts only on special request, the national law may provide that the time limit within or the time at which the applicant may exercise the right under Article 41 shall, where the election of any Contracting State is effected prior to the expiration of the 19th month from the priority date, be the same as that provided by the national law for the filing of amendments in the case of the examination, on special request, of national applications, provided that such time limit shall not expire prior to, or such time shall not come before, the expiration of the time limit applicable under Article 39.

Since July 1, 1992

(h) In any elected State in which the national law provides that examination starts only on special request, the national law may provide that the time limit within or the time at which the applicant may exercise the right under Article 41 shall, where the election of any Contracting State is effected prior to the expiration of the 19th month from the priority date, be the same as that provided by the national law for the filing of amendments in the case of the examination, on special request, of national applications, provided that such time limit shall not expire prior to, or such time shall not come before, the expiration of the time limit applicable under paragraph (a).

Since June 19,
1970

78.2 Time Limit Where Election Is Effected after Expiration of 19 Months from Priority Date

Where the election of any Contracting State has been effected after the expiration of the 19th month from the priority date and the applicant wishes to make amendments under Article 41, the time limit for making amendments under Article 28 shall apply.

Since June 19,
1970

78.3 Utility Models

The provisions of Rules 6.5 and 13.5 shall apply, *mutatis mutandis*, before elected Offices. If the election was made before the expiration of the 19th month from the priority date, the reference to the time limit applicable under Article 22 is replaced by a reference to the time limit applicable under Article 39.

PART D

Rules Concerning Chapter III of the Treaty

Rule 79 Calendar

Since June 19,
1970

79.1 Expressing Dates

Applicants, national Offices, receiving Offices, International Searching and Preliminary Examining Authorities, and the International Bureau, shall, for the purposes of the Treaty and

the Regulations, express any date in terms of the Christian era and the Gregorian calendar, or, if they use other eras and calendars, they shall also express any date in terms of the Christian era and the Gregorian calendar.

Rule 80 Computation of Time Limits

Since June 19,
1970

80.1 Periods Expressed in Years

When a period is expressed as one year or a certain number of years, computation shall start on the day following the day on which the relevant event occurred, and the period shall expire in the relevant subsequent year in the month having the same name and on the day having the same number as the month and the day on which the said event occurred, provided that if the relevant subsequent month has no day with the same number the period shall expire on the last day of that month.

Since June 19,
1970

80.2 Periods Expressed in Months

When a period is expressed as one month or a certain number of months, computation shall start on the day following the day on which the relevant event occurred, and the period shall expire in the relevant subsequent month on the day which has the same number as the day on which the said event occurred, provided that if the relevant subsequent month has no day with the same number the period shall expire on the last day of that month.

Since June 19,
1970

80.3 Periods Expressed in Days

When a period is expressed as a certain number of days, computation shall start on the day following the day on which the relevant event occurred, and the period shall expire on the day on which the last day of the count has been reached.

Since June 19,
1970

80.4 Local Dates

(a) The date which is taken into consideration as the starting date of the computation of any period shall be the date which prevails in the locality at the time when the relevant event occurred.

(b) The date on which any period expires shall be the date which prevails in the locality in which the required document must be filed or the required fee must be paid.

Since June 19,
1970

80.5 Expiration on a Non-Working Day

If the expiration of any period during which any document or fee must reach a national Office or intergovernmental organization falls on a day on which such Office or organization is not open to the public for the purposes of the transaction of official business, or on which ordinary mail is not delivered in the locality in which such Office or organization is situated, the period shall expire on the next subsequent day on which neither of the said two circumstances exists.

Since June 19, 1970 **80.6 Date of Documents**

From June 19, 1970 to September 30, 1980
Where a period starts on the day of the date of a document or letter emanating from a national Office or intergovernmental organization, any interested party may prove that the said document or letter was mailed on a day later than the date it bears, in which case the date of actual mailing shall, for the purposes of computing the period, be considered to be the date on which the period starts.

Since October 1, 1980
(a) Where a period starts on the day of the date of a document or letter emanating from a national Office or intergovernmental organization, any interested party may prove that the said document or letter was mailed on a day later than the date it bears, in which case the date of actual mailing shall, for the purposes of computing the period, be considered to be the date on which the period starts. Irrespective of the date on which such a document or letter was mailed, if the applicant offers to the national Office or intergovernmental organization evidence which satisfies the national Office or intergovernmental organization that the document or letter was received more than seven days after the date it bears, the national Office or intergovernmental organization shall treat the period starting from the date of the document or letter as expiring later by an additional number of days which is equal to the number of days which the document or letter was received later than seven days after the date it bears.

From October 1, 1980 to December 31, 1984
(b) Any receiving Office may exclude the application of the second sentence of paragraph (a) by a written notification to that effect given to the International Bureau by September 1, 1980. Such notification may be withdrawn at any time. The International Bureau shall publish all such notifications and withdrawals in the Gazette.

Since January 1, 1986
(b) [Deleted]

Since June 19, 1970 **80.7 End of Working Day**

(a) A period expiring on a given day shall expire at the moment the national Office or intergovernmental organization with which the document must be filed or to which the fee must be paid closes for business on that day.

(b) Any Office or organization may depart from the provisions of paragraph (a) up to midnight on the relevant day.

From June 19, 1970 to June 30, 1992
(c) The International Bureau shall be open for business until 6 p.m.

Since July 1, 1992
(c) [Deleted]

Rule 81
Modification of Time Limits Fixed in the Treaty

Since June 19, 1970 **81.1 Proposal**

(a) Any Contracting State or the Director General may propose a modification under Article 47(2).

(b) Proposals made by a Contracting State shall be presented to the Director General.

Since June 19, 1970 **81.2 Decision by the Assembly**

(a) When the proposal is made to the Assembly, its text shall be sent by the Director General to all Contracting States at least two months in advance of that session of the Assembly whose agenda includes the proposal.

(b) During the discussion of the proposal in the Assembly, the proposal may be amended or consequential amendments proposed.

(c) The proposal shall be considered adopted if none of the Contracting States present at the time of voting votes against the proposal.

Since June 19, 1970 **81.3 Voting by Correspondence**

(a) When voting by correspondence is chosen, the proposal shall be included in a written communication from the Director General to the Contracting States, inviting them to express their vote in writing.

(b) The invitation shall fix the time limit within which the reply containing the vote expressed in writing must reach the International Bureau. That time limit shall not be less than three months from the date of the invitation.

(c) Replies must be either positive or negative. Proposals for amendments or mere observations shall not be regarded as votes.

(d) The proposal shall be considered adopted if none of the Contracting States opposes the amendment and if at least one-half of the Contracting States express either approval or indifference or abstention.

Rule 82
Irregularities in the Mail Service

Since June 19, 1970 **82.1 Delay or Loss in Mail**

(a) Subject to the provisions of Rule 22.3, any interested party may offer evidence that he has mailed the document or letter 5 days prior to the expiration of the time limit. Except in cases where surface mail normally arrives at its destination within 2 days of mailing, or where no airmail service is available, such evidence may be offered only if the mailing was by airmail. In any case, evidence may be offered only if the mailing was by mail registered by the postal authorities.

Since January 1,
1981

(a) Any interested party may offer evidence that he has mailed the document or letter five days prior to the expiration of the time limit. Except in cases where surface mail normally arrives at its destination within two days of mailing, or where no airmail service is available, such evidence may be offered only if the mailing was by airmail. In any case, evidence may be offered only if the mailing was by mail registered by the postal authorities.

From June 19,
1970 to June 30,
1992

(b) If such mailing is proven to the satisfaction of the national Office or intergovernmental organization which is the addressee, delay in arrival shall be excused, or, if the document or letter is lost in the mail, substitution for it of a new copy shall be permitted, provided that the interested party proves to the satisfaction of the said Office or organization that the document or letter offered in substitution is identical with the document or letter lost.

Since July 1, 1992

(b) If the mailing, in accordance with paragraph (a), of a document or letter is proven to the satisfaction of the national Office or intergovernmental organization which is the addressee, delay in arrival shall be excused, or, if the document or letter is lost in the mail, substitution for it of a new copy shall be permitted, provided that the interested party proves to the satisfaction of the said Office or organization that the document or letter offered in substitution is identical with the document or letter lost.

From June 19,
1970 to
December 31,
1984

(c) In the cases provided for in paragraph (b), evidence of mailing within the prescribed time limit, and, where the document or letter was lost, the substitute document or letter as well, shall be submitted within 1 month after the date on which the interested party noticed — or with due diligence should have noticed — the delay or the loss, and in no case later than 6 months after the expiration of the time limit applicable in the given case.

Since January 1,
1985

(c) In the cases provided for in paragraph (b), evidence of mailing within the prescribed time limit, and, where the document or letter was lost, the substitute document or letter as well as the evidence concerning its identity with the document or letter lost shall be submitted within one month after the date on which the interested party noticed — or with due diligence should have noticed — the delay or the loss, and in no case later than six months after the expiration of the time limit applicable in the given case.

Since July 1, 1992

(d) Any national Office or intergovernmental organization which has notified the International Bureau that it will do so shall, where a delivery service other than the postal authorities is used to mail a document or letter, apply the provisions of paragraphs (a) to (c) as if the delivery service was a postal authority. In such a case, the last sentence of paragraph (a) shall not apply but evidence may be offered only if details of the mailing were recorded by the delivery service at the time of mailing. The notification may contain an indication that it applies only to mailings using specified delivery services or delivery services which satisfy specified criteria. The International Bureau shall publish the information so notified in the Gazette.

(e) Any national Office or intergovernmental organization may proceed under paragraph (d):

(i) even if, where applicable, the delivery service used was not one of those specified, or did not satisfy the criteria specified, in the relevant notification under paragraph (d), or

(ii) even if that Office or organization has not sent to the International Bureau a notification under paragraph (d).

Since June 19,
1970

82.2 Interruption in the Mail Service

From June 19,
1970 to
December 31,
1980

(a) Subject to the provisions of Rule 22.3, any interested party may offer evidence that on any of the 10 days preceding the day of expiration of the time limit the postal service was interrupted on account of war, revolution, civil disorder, strike, natural calamity, or other like reason, in the locality where the interested party resides or has his place of business or is staying.

Since January 1,
1981

(a) Any interested party may offer evidence that on any of the 10 days preceding the day of expiration of the time limit the postal service was interrupted on account of war, revolution, civil disorder, strike, natural calamity, or other like reason, in the locality where the interested party resides or has his place of business or is staying.

Since June 19,
1970

(b) If such circumstances are proven to the satisfaction of the national Office or intergovernmental organization which is the addressee, delay in arrival shall be excused, provided that the interested party proves to the satisfaction of the said Office or organization that he effected the mailing within five days after the mail service was resumed. The provisions of Rule 82.1(c) shall apply *mutatis mutandis*.

Rule 82bis

Excuse by the Designated or Elected State of Delays in Meeting Certain Time Limits

Since January 1,
1985

82bis.1 Meaning of "Time Limit" in Article 48(2)

The reference to "any time limit" in Article 48(2) shall be construed as comprising a reference:

(i) to any time limit fixed in the Treaty or these Regulations;

(ii) to any time limit fixed by the receiving Office, the International Searching Authority, the International Preliminary Examining Authority or the International Bureau or applicable by the receiving Office under its national law;

(iii) to any time limit fixed by, or in the national law applicable by, the designated or elected Office, for the performance of any act by the applicant before that Office.

Since January 1, 1985 **82bis.2 Reinstatement of Rights and Other Provisions to Which Article 48(2) Applies**

The provisions of the national law which is referred to in Article 48(2) concerning the excusing, by the designated or elected State, of any delay in meeting any time limit are those provisions which provide for reinstatement of rights, restoration, *restitutio in integrum* or further processing in spite of non-compliance with a time limit, and any other provision providing for the extension of time limits or for excusing delays in meeting time limits.

Rule 82ter

Rectification of Errors Made by the Receiving Office or by the International Bureau

Since January 1, 1985 **82ter.1 Errors Concerning the International Filing Date and the Priority Claim**

If the applicant proves to the satisfaction of any designated or elected Office that the international filing date is incorrect due to an error made by the receiving Office or that the declaration made under Article 8(1) has been erroneously cancelled or corrected by the receiving Office or the International Bureau, and if the error is an error such that, had it been made by the designated or elected Office itself, that Office would rectify it under the national law or national practice, the said Office shall rectify the error and shall treat the international application as if it had been accorded the rectified international filing date or as if the declaration under Article 8(1) had not been cancelled or corrected, as the case may be.

Rule 83

Right to Practice before International Authorities

Since June 19, 1970 **83.1 Proof of Right**

The International Bureau, the competent International Searching Authority, and the competent International Preliminary Examining Authority, may require the production of proof of the right to practice referred to in Article 49.

Since January 1, 1994 **83.1bis Where the International Bureau Is the Receiving Office**

(a) Any person who has the right to practice before the national Office of, or acting for, a Contracting State of which the applicant or, if there are two or more applicants, any of the applicants is a resident or national shall be entitled to practice in respect of the international application before the International Bureau in its capacity as receiving Office under Rule 19.1(a)(iii).

(b) Any person having the right to practice before the International Bureau in its capacity as receiving Office in respect of an international application shall be entitled to practice in respect of that application before the International Bureau in any other capacity and before the competent International Searching Authority and competent International Preliminary Examining Authority.

Since June 19, 1970 **83.2 Information**

(a) The national Office or the intergovernmental organization which the interested person is alleged to have a right to practice before shall, upon request, inform the International

Bureau, the competent International Searching Authority, or the competent International Preliminary Examining Authority, whether such person has the right to practice before it.

(b) Such information shall be binding upon the International Bureau, the International Searching Authority, or the International Preliminary Examining Authority, as the case may be.

PART E

Rules Concerning Chapter V of the Treaty

**Rule 84
Expenses of Delegations**

Since June 19, 1970 **84.1 Expenses Borne by Governments**

The expenses of each Delegation participating in any organ established by or under the Treaty shall be borne by the Government which has appointed it.

**Rule 85
Absence of Quorum in the Assembly**

Since June 19, 1970 **85.1 Voting by Correspondence**

In the case provided for in Article 53(5)(b), the International Bureau shall communicate the decisions of the Assembly (other than those concerning the Assembly's own procedure) to the Contracting States which were not represented and shall invite them to express in writing their vote or abstention within a period of three months from the date of the communication. If, at the expiration of that period, the number of Contracting States having thus expressed their vote or abstention attains the number of Contracting States which was lacking for attaining the quorum in the session itself, such decisions shall take effect provided that at the same time the required majority still obtains.

**Rule 86
The Gazette**

Since June 19, 1970 **86.1 Contents**

The Gazette referred to in Article 55(4) shall contain:

(i) for each published international application, data specified by the Administrative Instructions taken from the front page of the pamphlet published under Rule 48, the drawing (if any) appearing on the said front page, and the abstract,

(ii) the schedule of all fees payable to the receiving Offices, the International Bureau, and the International Searching and Preliminary Examining Authorities,

(iii) notices the publication of which is required under the Treaty or these Regulations,

(iv) information, if and to the extent furnished to the International Bureau by the designated or elected Offices, on the question whether the requirements provided for in Articles 22 or 39 have been complied with in respect of the international applications designating or electing the Office concerned,

(v) any other useful information prescribed by the Administrative Instructions, provided access to such information is not prohibited under the Treaty or these Regulations.

Since June 19, 1970

86.2 Languages

(a) The Gazette shall be published in an English-language edition and a French-language edition. It shall also be published in editions in any other language, provided the cost of publication is assured through sales or subventions.

(b) The Assembly may order the publication of the Gazette in languages other than those referred to in paragraph (a).

Since June 19, 1970

86.3 Frequency

From June 19, 1970 to April 13, 1978

The Gazette shall be published once a week.

From April 14, 1978 to June 30, 1992

(a) Subject to paragraph (b), the Gazette shall be published once a week.

(b) For a transitional period after the entry into force of the Treaty terminating upon a date fixed by the Assembly, the Gazette may be published at such times as the Director General considers appropriate having regard to the number of international applications and the amount of other material required to be published.

Since July 1, 1992

The frequency of publication of the Gazette shall be determined by the Director General.

Since June 19, 1970

86.4 Sale

From June 19, 1970 to April 13, 1978

The subscription and other sale prices of the Gazette shall be fixed in the Administrative Instructions.

From April 14, 1978 to June 30, 1992

(a) Subject to paragraph (b), the subscription and other sale prices of the Gazette shall be fixed in the Administrative Instructions.

(b) For a transitional period after the entry into force of the Treaty terminating upon a date fixed by the Assembly, the Gazette may be distributed on such terms as the Director General considers appropriate having regard to the number of international applications and the amount of other material published therein.

Since July 1, 1992

The subscription and other sale prices of the Gazette shall be determined by the Director General.

Since June 19, 1970

86.5 Title

From June 19, 1970 to June 30, 1992

The title of the Gazette shall be "Gazette of International Patent Applications," and "Gazette des Demandes internationales de brevets," respectively.

Since July 1, 1992

The title of the Gazette shall be determined by the Director General.

Since June 19, 1970

86.6 Further Details

Further details concerning the Gazette may be provided for in the Administrative Instructions.

Rule 87 Copies of Publications

Since June 19, 1970

87.1 International Searching and Preliminary Examining Authorities

Any International Searching or Preliminary Examining Authority shall have the right to receive, free of charge, two copies of every published international application, of the Gazette, and of any other publication of general interest published by the International Bureau in connection with the Treaty or these Regulations.

Since June 19, 1970

87.2 National Offices

(a) Any national Office shall have the right to receive, free of charge, one copy of every published international application, of the Gazette, and of any other publication of general interest published by the International Bureau in connection with the Treaty or these Regulations.

From June 19, 1970 to June 30, 1992

(b) The publications referred to in paragraph (a) shall be sent on special request, which shall be made, in respect of each year, by November 30 of the preceding year. If any publication is available in more than one language, the request shall specify the language in which it is desired.

Since July 1, 1992

(b) The publications referred to in paragraph (a) shall be sent on special request. If any publication is available in more than one language, the request shall specify the language or languages in which it is desired.

Rule 88
Amendment of the Regulations

Since June 19, 1970 **88.1 Requirement of Unanimity**

Amendment of the following provisions of these Regulations shall require that no State having the right to vote in the Assembly vote against the proposed amendment:

(i) Rule 14.1 (Transmittal Fee),

(ii) Rule 22.2 (Transmittal of the Record Copy; Alternative Procedure),

(ii) [Deleted]

(iii) Rule 22.3 (Time Limit under Article 12(3)),

(iv) Rule 33 (Relevant Prior Art for International Search),

(v) Rule 64 (Prior Art for International Preliminary Examination),

(vi) Rule 81 (Modification of Time Limits Fixed in the Treaty),

(vii) the present paragraph (i.e., Rule 88.1).

From June 19, 1970 to December 31, 1984 **88.2 Requirement of Unanimity During a Transitional Period**

During the first 5 years after the entry into force of the Treaty, amendment of the following provisions of these Regulations shall require that no State having the right to vote in the Assembly vote against the proposed amendment:

(i) Rule 5 (The Description),

(ii) Rule 6 (The Claims),

(iii) the present paragraph (i.e., Rule 88.2).

Since January 1, 1985 **88.2 [Deleted]**

Since June 19, 1970 **88.3 Requirement of Absence of Opposition by Certain States**

Amendment of the following provisions of these Regulations shall require that no State

referred to in Article 58(3)(a)(ii) and having the right to vote in the Assembly vote against the proposed amendment:

(i) Rule 34 (Minimum Documentation),

(ii) Rule 39 (Subject Matter under Article 17(2)(a)(i)),

(iii) Rule 67 (Subject Matter under Article 34(4)(a)(i)),

(iv) the present paragraph (i.e., Rule 88.3).

Since June 19, 1970 **88.4 Procedure**

From June 19, 1970 to December 31, 1984

Any proposal for amending a provision referred to in Rules 88.1, 88.2 or 88.3, shall, if the proposal is to be decided upon in the Assembly, be communicated to all Contracting States at least 2 months prior to the opening of that session of the Assembly which is called upon to make a decision on the proposal.

Since January 1, 1985

Any proposal for amending a provision referred to in Rules 88.1 or 88.3 shall, if the proposal is to be decided upon in the Assembly, be communicated to all Contracting States at least two months prior to the opening of that session of the Assembly which is called upon to make a decision on the proposal.

Rule 89
Administrative Instructions

Since June 19, 1970 **89.1 Scope**

(a) The Administrative Instructions shall contain provisions:

(i) concerning matters in respect of which these Regulations expressly refer to such Instructions,

(ii) concerning any details in respect of the application of these Regulations.

(b) The Administrative Instructions shall not be in conflict with the provisions of the Treaty, these Regulations, or any agreement concluded by the International Bureau with an International Searching Authority, or an International Preliminary Examining Authority.

Since June 19, 1970 **89.2 Source**

(a) The Administrative Instructions shall be drawn up and promulgated by the Director General after consultation with the receiving Offices and the International Searching and Preliminary Examining Authorities.

(b) They may be modified by the Director General after consultation with the Offices or Authorities which have a direct interest in the proposed modification.

(c) The Assembly may invite the Director General to modify the Administrative Instructions, and the Director General shall proceed accordingly.

Since June 19,
1970

89.3 *Publication and Entry into Force*

(a) The Administrative Instructions and any modification thereof shall be published in the Gazette.

(b) Each publication shall specify the date on which the published provisions come into effect. The dates may be different for different provisions, provided that no provision may be declared effective prior to its publication in the Gazette.

PART F

Rules Concerning Several Chapters of the Treaty

From June 19,
1970 to June 30,
1992

Rule 90 Representation

Since July 1, 1992

Rule 90 Agents and Common Representatives

From June 19,
1970 to June 30,
1992

90.1 *Definitions*

For the purposes of Rule 90.2 and Rule 90.3:

- (i) "agent" means any of the persons referred to in Article 49,
- (ii) "common representative" means the applicant referred to in Rule 4.8.

From July 1, 1992
to December 31,
1993

90.1 *Appointment as Agent*

(a) A person having the right to practice before the national Office with which the international application is filed may be appointed by the applicant as his agent to represent him before that Office acting as the receiving Office, and before the International Bureau, the International Searching Authority and the International Preliminary Examining Authority.

Since January 1,
1994

90.1 *Appointment as Agent*

(a) A person having the right to practice before the national Office with which the international application is filed or, where the international application is filed with the International Bureau, having the right to practice in respect of the international application before the International Bureau as receiving Office may be appointed by the applicant as his agent to represent him before the receiving Office, the International Bureau, the International Searching Authority and the International Preliminary Examining Authority.

Since July 1, 1992

(b) A person having the right to practice before the national Office or intergovernmental organization which acts as the International Searching Authority may be appointed by the applicant as his agent to represent him specifically before that Authority.

(c) A person having the right to practice before the national Office or intergovernmental organization which acts as the International Preliminary Examining Authority may be appointed by the applicant as his agent to represent him specifically before that Authority.

(d) An agent appointed under paragraph (a) may, unless otherwise indicated in the document appointing him, appoint one or more sub-agents to represent the applicant as the applicant's agent:

From July 1, 1992
to December 31,
1993

(i) before the receiving Office, the International Bureau, the International Searching Authority and the International Preliminary Examining Authority, provided that any person so appointed as sub-agent has the right to practice before the national Office with which the international application was filed;

Since January 1,
1994

(i) before the receiving Office, the International Bureau, the International Searching Authority and the International Preliminary Examining Authority, provided that any person so appointed as sub-agent has the right to practice before the national Office with which the international application was filed or to practice in respect of the international application before the International Bureau as receiving Office as the case may be;

Since July 1, 1992

(ii) specifically before the International Searching Authority or the International Preliminary Examining Authority, provided that any person so appointed as sub-agent has the right to practice before the national Office or intergovernmental organization which acts as the International Searching Authority or International Preliminary Examining Authority, as the case may be.

From June 19,
1970 to June 30,
1992

90.2 *Effects*

(a) Any act by or in relation to an agent shall have the effect of an act by or in relation to the applicant or applicants having appointed the agent.

Since July 1, 1992 **90.2 Common Representative**

(a) Where there are two or more applicants and the applicants have not appointed an agent representing all of them (a "common agent") under Rule 90.1(a), one of the applicants who is entitled to file an international application according to Article 9 may be appointed by the other applicants as their common representative.

From June 19, 1970 to June 30, 1992 (b) Any act by or in relation to a common representative or his agent shall have the effect of an act by or in relation to all the applicants.

Since July 1, 1992 (b) Where there are two or more applicants and all the applicants have not appointed a common agent under Rule 90.1(a) or a common representative under paragraph (a), the applicant first named in the request who is entitled according to Rule 19.1 to file an international application with the receiving Office shall be considered to be the common representative of all the applicants.

From June 19, 1970 to June 30, 1992 (c) If there are several agents appointed by the same applicant or applicants, any act by or in relation to any of the several agents shall have the effect of an act by or in relation to the said applicant or applicants.

Since July 1, 1992 (c) [Deleted]

From June 19, 1970 to June 30, 1992 (d) The effects described in paragraphs (a), (b), and (c), shall apply to the processing of the international application before the receiving Office, the International Bureau, the International Searching Authority, and the International Preliminary Examining Authority.

Since July 1, 1992 (d) [Deleted]

From June 19, 1970 to September 30, 1980 **90.3 Appointment**

(a) Appointment of any agent or of any common representative within the meaning of Rule 4.8(a), if the said agent or common representative is not designated in the request signed by all applicants, shall be effected in a separate signed power of attorney (i.e., a document appointing an agent or a common representative).

From October 1, 1980 to June 30, 1992 **90.3 Appointment**

(a) Appointment of any agent, or of any common representative within the meaning of Rule 4.8(a), shall be effected by each applicant, at his choice, either by signing the request in which the agent or common representative is designated or by a separate power of attorney (i.e., a document appointing an agent or common representative).

Since July 1, 1992 **90.3 Effects of Acts by or in Relation to Agents and Common Representatives**

(a) Any act by or in relation to an agent shall have the effect of an act by or in relation to the applicant or applicants concerned.

From June 19, 1970 to June 30, 1992 (b) The power of attorney may be submitted to the receiving Office or the International Bureau. Whichever of the two is the recipient of the power of attorney submitted shall immediately notify the other and the interested International Searching Authority and the interested International Preliminary Examining Authority.

Since July 1, 1992 (b) If there are two or more agents representing the same applicant or applicants, any act by or in relation to any of those agents shall have the effect of an act by or in relation to the said applicant or applicants.

From June 19, 1970 to December 31, 1984 (c) If the separate power of attorney is not signed as provided in paragraph (a), or if the required separate power of attorney is missing, or if the indication of the name or address of the appointed person does not comply with Rule 4.4, the power of attorney shall be considered nonexistent unless the defect is corrected.

From January 1, 1985 to June 30, 1992 (c) If the separate power of attorney is not signed, or if the required separate power of attorney is missing, or if the indication of the name or address of the appointed person does not comply with Rule 4.4, the power of attorney shall be considered non-existent unless the defect is corrected.

Since July 1, 1992 (c) Subject to Rule 90bis.5(a), second sentence, any act by or in relation to a common representative or his agent shall have the effect of an act by or in relation to all the applicants.

From October 1, 1980 to June 30, 1992 (d) A general power of attorney may be deposited with the receiving Office for purposes of the processing of the international application as defined in Rule 90.2(d). Reference may be made in the request to such general power of attorney, provided that a copy thereof is attached to the request by the applicant.

Since July 1, 1992 (d) [Deleted]

From June 19, 1970 to June 30, 1992 **90.4 Revocation**

(a) Any appointment may be revoked by the persons who have made the appointment or their successors in title.

Since July 1, 1992 **90.4 Manner of Appointment of Agent or Common Representative**

(a) The appointment of an agent shall be effected by the applicant signing the request, the demand or a separate power of attorney. Where there are two or more applicants, the

appointment of a common agent or common representative shall be effected by each applicant signing, at his choice, the request, the demand or a separate power of attorney.

From June 19,
1970 to June 30,
1992

(b) Rule 90.3 shall apply, *mutatis mutandis*, to the document containing the revocation.

Since July 1, 1992

(b) Subject to Rule 90.5, a separate power of attorney shall be submitted to either the receiving Office or the International Bureau, provided that, where a power of attorney appoints an agent under Rule 90.1(b), (c) or (d)(ii), it shall be submitted to the International Searching Authority or the International Preliminary Examining Authority, as the case may be.

Since July 1, 1992

(c) If the separate power of attorney is not signed, or if the required separate power of attorney is missing, or if the indication of the name or address of the appointed person does not comply with Rule 4.4, the power of attorney shall be considered non-existent unless the defect is corrected.

Since July 1, 1992 **90.5 General Power of Attorney**

(a) Appointment of an agent in relation to a particular international application may be effected by referring in the request, the demand or a separate notice to an existing separate power of attorney appointing that agent to represent the applicant in relation to any international application which may be filed by that applicant (i.e., a "general power of attorney"), provided that:

(i) the general power of attorney has been deposited in accordance with paragraph (b), and

(ii) a copy of it is attached to the request, the demand or the separate notice, as the case may be; that copy need not be signed.

(b) The general power of attorney shall be deposited with the receiving Office, provided that, where it appoints an agent under Rule 90.1(b), (c) or (d)(ii), it shall be deposited with the International Searching Authority or the International Preliminary Examining Authority, as the case may be.

Since July 1, 1992 **90.6 Revocation and Renunciation**

(a) Any appointment of an agent or common representative may be revoked by the persons who made the appointment or by their successors in title, in which case any appointment of a sub-agent under Rule 90.1(d) by that agent shall also be considered as revoked. Any appointment of a sub-agent under Rule 90.1(d) may also be revoked by the applicant concerned.

(b) The appointment of an agent under Rule 90.1(a) shall, unless otherwise indicated, have the effect of revoking any earlier appointment of an agent made under that Rule.

(c) The appointment of a common representative shall, unless otherwise indicated, have the effect of revoking any earlier appointment of a common representative.

(d) An agent or a common representative may renounce his appointment by a notification signed by him.

(e) Rule 90.4(b) and (c) shall apply, *mutatis mutandis*, to a document containing a revocation or renunciation under this Rule.

Rule 90bis Withdrawals

Since July 1, 1992 **90bis.1 Withdrawal of the International Application**

(a) The applicant may withdraw the international application at any time prior to the expiration of 20 months from the priority date or, where Article 39(1) applies, prior to the expiration of 30 months from the priority date.

(b) Withdrawal shall be effective on receipt of a notice addressed by the applicant, at his option, to the International Bureau, to the receiving Office or, where Article 39(1) applies, to the International Preliminary Examining Authority.

(c) No international publication of the international application shall be effected if the notice of withdrawal sent by the applicant or transmitted by the receiving Office or the International Preliminary Examining Authority reaches the International Bureau before the technical preparations for international publication have been completed.

Since July 1, 1992 **90bis.2 Withdrawal of Designations**

(a) The applicant may withdraw the designation of any designated State at any time prior to the expiration of 20 months from the priority date or, where Article 39(1) applies in respect of that State, prior to the expiration of 30 months from the priority date. Withdrawal of the designation of a State which has been elected shall entail withdrawal of the corresponding election under Rule 90bis.4.

(b) Where a State has been designated for the purpose of obtaining both a national patent and a regional patent, withdrawal of the designation of that State shall be taken to mean withdrawal of only the designation for the purpose of obtaining a national patent, except where otherwise indicated.

(c) Withdrawal of the designations of all designated States shall be treated as withdrawal of the international application under Rule 90bis.1.

(d) Withdrawal shall be effective on receipt of a notice addressed by the applicant, at his option, to the International Bureau, to the receiving Office or, where Article 39(1) applies, to the International Preliminary Examining Authority.

(e) No international publication of the designation shall be effected if the notice of withdrawal sent by the applicant or transmitted by the receiving Office or the International

Preliminary Examining Authority reaches the International Bureau before the technical preparations for international publication have been completed.

Since July 1, 1992 **90bis.3** *Withdrawal of Priority Claims*

(a) The applicant may withdraw a priority claim, made in the international application under Article 8(1), at any time prior to the expiration of 20 months from the priority date or, where Article 39(1) applies, 30 months from the priority date.

(h) Where the international application contains more than one priority claim, the applicant may exercise the right provided for in paragraph (a) in respect of one or more or all of the priority claims.

(c) Withdrawal shall be effective on receipt of a notice addressed by the applicant, at his option, to the International Bureau, to the receiving Office or, where Article 39(1) applies, to the International Preliminary Examining Authority.

(d) Where the withdrawal of a priority claim causes a change in the priority date, any time limit which is computed from the original priority date and which has not already expired shall, subject to paragraph (e), be computed from the priority date resulting from that change.

(e) In the case of the time limit referred to in Article 21(2)(a), the International Bureau may nevertheless proceed with the international publication on the basis of the said time limit as computed from the original priority date if the notice of withdrawal sent by the applicant or transmitted by the receiving Office or the International Preliminary Examining Authority reaches the International Bureau after the completion of the technical preparations for international publication.

Since July 1, 1992 **90bis.4** *Withdrawal of the Demand, or of Elections*

(a) The applicant may withdraw the demand or any or all elections at any time prior to the expiration of 30 months from the priority date.

(b) Withdrawal shall be effective upon receipt of a notice addressed by the applicant to the International Bureau.

(c) If the notice of withdrawal is submitted by the applicant to the International Preliminary Examining Authority, that Authority shall mark the date of receipt on the notice and transmit it promptly to the International Bureau. The notice shall be considered to have been submitted to the International Bureau on the date marked.

Since July 1, 1992 **90bis.5** *Signature*

(a) Any notice of withdrawal referred to in Rules 90bis.1 to 90bis.4 shall, subject to paragraph (b), be signed by the applicant. Where one of the applicants is considered to be the common representative under Rule 90.2(h), such notice shall, subject to paragraph (b), require the signature of all the applicants.

(b) Where two or more applicants file an international application which designates a State whose national law requires that national applications be filed by the inventor and where an applicant for that designated State who is an inventor could not be found or reached after diligent effort, a notice of withdrawal referred to in Rules 90bis.1 to 90bis.4 need not be signed by that applicant ("the applicant concerned") if it is signed by at least one applicant and

(i) a statement is furnished explaining, to the satisfaction of the receiving Office, the International Bureau or the International Preliminary Examining Authority, as the case may be, the lack of signature of the applicant concerned, or

(ii) in the case of a notice of withdrawal referred to in Rule 90bis.1(b), 90bis.2(d) or 90bis.3(c), the applicant concerned did not sign the request but the requirements of Rule 4.15(h) were complied with, or

(iii) in the case of a notice of withdrawal referred to in Rule 90bis.4(h), the applicant concerned did not sign the demand but the requirements of Rule 53.8(b) were complied with, or did not sign the later election concerned but the requirements of Rule 56.1(c) were complied with.

Since July 1, 1992 **90bis.6** *Effect of Withdrawal*

(a) Withdrawal under Rule 90bis of the international application, any designation, any priority claim, the demand or any election shall have no effect in any designated or elected Office where the processing or examination of the international application has already started under Article 23(2) or Article 40(2).

(h) Where the international application is withdrawn under Rule 90bis.1, the international processing of the international application shall be discontinued.

(c) Where the demand or all elections are withdrawn under Rule 90bis.4, the processing of the international application by the International Preliminary Examining Authority shall be discontinued.

Since July 1, 1992 **90bis.7** *Faculty under Article 37(4)(b)*

(a) Any Contracting State whose national law provides for what is described in the second part of Article 37(4)(b) shall notify the International Bureau in writing.

(b) The notification referred to in paragraph (a) shall be promptly published by the International Bureau in the Gazette, and shall have effect in respect of international applications filed more than one month after the date of such publication.

From June 19,
1970 to
December 31,
1984

Rule 91
Obvious Errors of Transcription

Since January 1,
1985

Rule 91
Obvious Errors in Documents

From June 19, 1970 to December 31, 1984

91.1 *Rectification*

(a) Subject to paragraphs (b) to (g), obvious errors of transcription in the international application or other papers submitted by the applicant may be rectified.

Since January 1, 1985

91.1 *Rectification*

(a) Subject to paragraphs (b) to (*gquater*), obvious errors in the international application or other papers submitted by the applicant may be rectified.

From June 19, 1970 to December 31, 1984

(b) Errors which are due to the fact that something other than what was obviously intended was written in the international application or other paper shall be regarded as obvious errors of transcription. The rectification itself shall be obvious in the sense that anyone would immediately realize that nothing else could have been intended than what is offered as rectification.

Since January 1, 1985

(b) Errors which are due to the fact that something other than what was obviously intended was written in the international application or other paper shall be regarded as obvious errors. The rectification itself shall be obvious in the sense that anyone would immediately realize that nothing else could have been intended than what is offered as rectification.

Since June 19, 1970

(c) Omissions of entire elements or sheets of the international application, even if clearly resulting from inattention, at the stage, for example, of copying or assembling sheets, shall not be rectifiable.

From June 19, 1970 to December 31, 1984

(d) Rectification may be made on the request of the applicant. The authority having discovered what appears to be an obvious error of transcription may invite the applicant to present a request for rectification as provided in paragraphs (e) to (g).

Since January 1, 1985

(d) Rectification may be made on the request of the applicant. The authority having discovered what appears to be an obvious error may invite the applicant to present a request for rectification as provided in paragraphs (e) to (*gquater*). Rule 26.4(a) shall apply *mutatis mutandis* to the manner in which rectifications shall be requested.

Since June 19, 1970

(e) No rectification shall be made except with the express authorization:

(i) of the receiving Office if the error is in the request,

(ii) of the International Searching Authority if the error is in any part of the international application other than the request or in any paper submitted to that Authority,

From June 19, 1970 to December 31, 1993

(iii) of the International Preliminary Examining Authority if the error is in any part of the international application other than the request or in any paper submitted to that Authority, and

Since January 1, 1994

(iii) of the International Preliminary Examining Authority if the error is in any part of the international application other than the request or in any paper submitted to that Authority,

Since June 19, 1970

(iv) of the International Bureau if the error is in any paper, other than the international application or amendments or corrections to that application, submitted to the International Bureau.

From June 19, 1970 to December 31, 1984

(f) The date of the authorization shall be recorded in the files of the international application.

Since January 1, 1985

(f) Any authority which authorizes or refuses any rectification shall promptly notify the applicant of the authorization or refusal and, in the case of refusal, of the reasons therefor. The authority which authorizes a rectification shall promptly notify the International Bureau accordingly. Where the authorization of the rectification was refused, the International Bureau shall, upon request made by the applicant prior to the time relevant under paragraph (*gbis*), (*gter*) or (*gquater*) and subject to the payment of a special fee whose amount shall be fixed in the Administrative Instructions, publish the request for rectification together with the international application. A copy of the request for rectification shall be included in the communication under Article 20 where a copy of the pamphlet is not used for that communication or where the international application is not published by virtue of Article 64(3).

From June 19, 1970 to December 31, 1984

(g) The authorization for rectification referred to in paragraph (e) may be given until the following events occur:

(i) in the case of authorization given by the receiving Office and the International Bureau, the communication of the international application under Article 20,

(ii) in the case of authorization given by the International Searching Authority, the establishment of the international search report or the making of a declaration under Article 17(2)(a);

(iii) in the case of authorization given by the International Preliminary Examining Authority, the establishment of the international preliminary examination report.

Since January 1, 1985

(g) The authorization for rectification referred to in paragraph (e) shall, subject to paragraphs (*gbis*), (*gter*) and (*gquater*), be effective:

(i) where it is given by the receiving Office or by the International Searching Authority, if its notification to the International Bureau reaches that Bureau before the expiration of 17 months from the priority date;

(ii) where it is given by the International Preliminary Examining Authority, if it is given before the establishment of the international preliminary examination report;

(iii) where it is given by the International Bureau, if it is given before the expiration of 17 months from the priority date.

Since January 1,
1985

(g^{bis}) If the notification made under paragraph (g)(i) reaches the International Bureau, or if the rectification made under paragraph (g)(iii) is authorized by the International Bureau, after the expiration of 17 months from the priority date but before the technical preparations for international publication have been completed, the authorization shall be effective and the rectification shall be incorporated in the said publication.

(g^{ter}) Where the applicant has asked the International Bureau to publish his international application before the expiration of 18 months from the priority date, any notification made under paragraph (g)(i) must reach, and any rectification made under paragraph (g)(iii) must be authorized by, the International Bureau, in order for the authorization to be effective, not later than at the time of the completion of the technical preparations for international publication.

(g^{quater}) Where the international application is not published by virtue of Article 64(3), any notification made under paragraph (g)(i) must reach, and any rectification made under paragraph (g)(iii) must be authorized by, the International Bureau, in order for the authorization to be effective, not later than at the time of the communication of the international application under Article 20.

From June 19,
1970 to
December 31,
1984

(h) Any authority, other than the International Bureau, which authorizes any rectification shall promptly inform the International Bureau of such rectification.

Since January 1,
1985

(h) [Deleted]

From October 1,
1980 to
December 31,
1984

91.2 *Manner of Carrying Out Rectifications*

The Administrative Instructions prescribe the manner in which rectifications of obvious errors of transcription shall be made and the manner in which they shall be entered in the file of the international application.

Since January 1,
1985

91.2 [Deleted]

Rule 92 Correspondence

Since June 19,
1970

92.1 *Need for Letter and for Signature*

(a) Any paper submitted by the applicant in the course of the international procedure provided for in the Treaty and these Regulations, other than the international application itself, shall, if not itself in the form of a letter, be accompanied by a letter identifying the international application to which it relates. The letter shall be signed by the applicant.

From June 19,
1970 to
September 30,
1980

(b) If the requirements provided for in paragraph (a) are not complied with, the paper shall be considered not to have been submitted.

Since October 1,
1980

(h) If the requirements provided for in paragraph (a) are not complied with, the applicant shall be informed as to the non-compliance and invited to remedy the omission within a time limit fixed in the invitation. The time limit so fixed shall be reasonable in the circumstances; even where the time limit so fixed expires later than the time limit applying to the furnishing of the paper (or even if the latter time limit has already expired), it shall not be less than 10 days and not more than one month from the mailing of the invitation. If the omission is remedied within the time limit fixed in the invitation, the omission shall be disregarded; otherwise, the applicant shall be informed that the paper has been disregarded.

Since October 1,
1980

(c) Where non-compliance with the requirements provided for in paragraph (a) has been overlooked and the paper taken into account in the international procedure, the non-compliance shall be disregarded.

Since June 19,
1970

92.2 *Languages*

From June 19,
1970 to
December 31,
1984

(a) Subject to the provisions of paragraphs (b) and (c), any letter or document submitted by the applicant to the International Searching Authority or the International Preliminary Examining Authority shall be in the same language as the international application to which it relates.

From January 1,
1985 to June 30,
1992

(a) Subject to Rules 55.1 and 66.9 and to paragraph (b) of this Rule, any letter or document submitted by the applicant to the International Searching Authority or the International Preliminary Examining Authority shall be in the same language as the international application to which it relates.

From July 1, 1992
to December 31,
1992

(a) Subject to Rules 55.1 and 66.9 and to paragraph (b) of this Rule, any letter or document submitted by the applicant to the International Searching Authority or the International Preliminary Examining Authority shall be in the same language as the international application to which it relates. Where the international application has been translated under Rule 12.1(c), the language of such translation shall be used.

Since January 1, 1993 (a) Subject to Rules 55.1 and 66.9 and to paragraph (b) of this Rule, any letter or document submitted by the applicant to the International Searching Authority or the International Preliminary Examining Authority shall be in the same language as the international application to which it relates. However, where a translation of the international application has been transmitted under Rule 12.1(c) or furnished under Rule 55.2(a) or (c), the language of such translation shall be used.

Since June 19, 1970 (b) Any letter from the applicant to the International Searching Authority or the International Preliminary Examining Authority may be in a language other than that of the international application, provided the said Authority authorizes the use of such language.

From June 19, 1970 to December 31, 1984 (c) When a translation is required under Rule 55.2, the International Preliminary Examining Authority may require that any letter from the applicant to the said Authority be in the language of that translation.

Since January 1, 1985 (c) [Deleted]

Since June 19, 1970 (d) Any letter from the applicant to the International Bureau shall be in English or French. .

(e) Any letter or notification from the International Bureau to the applicant or to any national Office shall be in English or French.

Since June 19, 1970 92.3 *Mailings by National Offices and Intergovernmental Organizations*

From June 19, 1970 to June 30, 1992 Any document or letter emanating from or transmitted by a national Office or an intergovernmental organization and constituting an event from the date of which any time limit under the Treaty or these Regulations commences to run shall be sent by registered air mail, provided that surface mail may be used instead of air mail in cases where surface mail normally arrives at its destination within 2 days from mailing or where air mail service is not available.

Since July 1, 1992 Any document or letter emanating from or transmitted by a national Office or an intergovernmental organization and constituting an event from the date of which any time limit under the Treaty or these Regulations commences to run shall be sent by air mail, provided that surface mail may be used instead of air mail in cases where surface mail normally arrives at its destination within two days from mailing or where air mail service is not available.

From October 1, 1980 to June 30, 1992 92.4 *Use of Telegraph, Teleprinter, etc.*

(a) Notwithstanding the provisions of Rules 11.14 and 92.1(a), but subject to paragraph (b), below, any document (including any drawing) subsequent to the international application may be sent

by telegraph or teleprinter or other like means of communication producing a printed or written document. Any such document so sent shall be considered to have been submitted in a form complying with the requirements of the said Rules on the day on which it was communicated by the means mentioned above, provided that, within 14 days after being so communicated, its contents are furnished in that form; otherwise, the telegraphic, teleprinter or other communication shall be considered not to have been made.

Since July 1, 1992 92.4 *Use of Telegraph, Teleprinter, Facsimile Machine, Etc.*

(a) A document making up the international application, and any later document or correspondence relating thereto, may, notwithstanding the provisions of Rules 11.14 and 92.1(a), but subject to paragraph (h), be transmitted, to the extent feasible, by telegraph, teleprinter, facsimile machine or other like means of communication producing a printed or written document.

From October 1, 1980 to June 30, 1992 (b) Each national Office or intergovernmental organization shall promptly notify the International Bureau of any means referred to in paragraph (a) by which it is prepared to receive documents referred to in that paragraph. The International Bureau shall publish the information so received in the Gazette as well as information concerning the means referred to in paragraph (a) by which the International Bureau is prepared to receive any such document. Paragraph (a) shall apply with respect to any national Office or intergovernmental organization only to the extent the said information has been so published with respect to it. The International Bureau shall publish, from time to time, in the Gazette, changes in the information previously published.

Since July 1, 1992 (b) A signature appearing on a document transmitted by facsimile machine shall be recognized for the purposes of the Treaty and these Regulations as a proper signature.

Since July 1, 1992 (c) Where the applicant has attempted to transmit a document by any of the means referred to in paragraph (a) but part or all of the received document is illegible or part of the document is not received, the document shall be treated as not having been received to the extent that the received document is illegible or that the attempted transmission failed. The national Office or intergovernmental organization shall promptly notify the applicant accordingly.

(d) Any national Office or intergovernmental organization may require that the original of any document transmitted by any of the means referred to in paragraph (a) and an accompanying letter identifying that earlier transmission be furnished within 14 days from the date of the transmission, provided that such requirement has been notified to the International Bureau and the International Bureau has published information thereon in the Gazette. The notification shall specify whether such requirement concerns all or only certain kinds of documents.

(e) Where the applicant fails to furnish the original of a document as required under paragraph (d), the national Office or intergovernmental organization concerned may, depending on the kind of document transmitted and having regard to Rules 11 and 26.3,

(i) waive the requirement under paragraph (d), or

(ii) invite the applicant to furnish, within a time limit which shall be reasonable under the circumstances and shall be fixed in the invitation, the original of the document transmitted, provided that, where the document transmitted contains defects, or shows that the original contains defects, in respect of which the national Office or intergovernmental organization may issue an invitation to correct, that Office or organization may issue such an invitation in addition to, or instead of, proceeding under item (i) or (ii).

(f) Where the furnishing of the original of a document is not required under paragraph (d) but the national Office or intergovernmental organization considers it necessary to receive the original of the said document, it may issue an invitation as provided for under paragraph (e)(ii).

(g) If the applicant fails to comply with an invitation under paragraph (e)(ii) or (f):

(i) where the document concerned is the international application, the latter shall be considered withdrawn and the receiving Office shall so declare;

(ii) where the document concerned is a document subsequent to the international application, the document shall be considered as not having been submitted.

(h) No national Office or intergovernmental organization shall be obliged to receive any document submitted by a means referred to in paragraph (a) unless it has notified the International Bureau that it is prepared to receive such a document by that means and the International Bureau has published information thereon in the Gazette.

From October 1,
1980 to
December 31,
1984

Rule 92bis
Changes in Certain Indications in the Request or the Demand

Since January 1,
1985

Rule 92bis
Recording of Changes in Certain Indications in the Request or the Demand

From October 1,
1980 to
December 31,
1984

92bis.1 *Recording of Changes by the International Bureau*

The International Bureau shall, on the request of the applicant or the receiving Office, record changes in the following indications appearing in the request or demand:

- (i) person, name, residence, nationality or address of the applicant,
- (ii) person, name or address of the agent, the common representative or the inventor.

Since January 1,
1985

92bis.1 *Recording of Changes by the International Bureau*

(a) The International Bureau shall, on the request of the applicant or the receiving Office, record changes in the following indications appearing in the request or demand:

- (i) person, name, residence, nationality or address of the applicant,
- (ii) person, name or address of the agent, the common representative or the inventor.

(b) The International Bureau shall not record the requested change if the request for recording is received by it after the expiration:

- (i) of the time limit referred to in Article 22(1), where Article 39(1) is not applicable with respect to any Contracting State;
- (ii) of the time limit referred to in Article 39(1)(a), where Article 39(1) is applicable with respect to at least one Contracting State.

From October 1,
1980 to
December 31,
1984

92bis.2 *Notifications*

(a) The International Bureau shall give notifications concerning changes recorded by it:

- (i) to the receiving Office where the change has been recorded on the request of the applicant,
- (ii) as long as the international search report or the declaration referred to in Article 17(2) has not yet issued, to the International Searching Authority,
- (iii) until the expiration of the time limit referred to in Article 22(1), to the designated Offices,
- (iv) as long as the international preliminary examination report has not yet issued, to the International Preliminary Examining Authority,
- (v) until the expiration of the time limit referred to in Article 39(1)(a), to the elected Offices.

(b) A copy of each notification sent under paragraph (a) shall be sent to the applicant by the International Bureau.

Since January 1,
1985

92bis.2 [Deleted]

Rule 93
Keeping of Records and Files

Since June 19,
1970 **93.1 The Receiving Office**

Each receiving Office shall keep the records relating to each international application or purported international application, including the home copy, for at least 10 years from the international filing date or, where no international filing date is accorded, from the date of receipt.

Since June 19,
1970 **93.2 The International Bureau**

(a) The International Bureau shall keep the file, including the record copy, of any international application for at least 30 years from the date of receipt of the record copy.

(b) The basic records of the International Bureau shall be kept indefinitely.

Since June 19,
1970 **93.3 The International Searching and Preliminary Examining Authorities**

Each International Searching Authority and each International Preliminary Examining Authority shall keep the file of each international application it receives for at least 10 years from the international filing date.

Since June 19,
1970 **93.4 Reproductions**

For the purposes of this Rule, records, copies and files shall also mean photographic reproductions of records, copies, and files, whatever may be the form of such reproductions (microfilms or other).

Rule 94
**Furnishing of Copies by the International Bureau and
the International Preliminary Examining Authority**

Since June 19,
1970 **94.1 Obligation To Furnish**

At the request of the applicant or any person authorized by the applicant, the International Bureau and the International Preliminary Examining Authority shall furnish, subject to reimbursement of the cost of the service, copies of any document contained in the file of the applicant's international application or purported international application.

Rule 95
Availability of Translations

Since June 19,
1970 **95.1 Furnishing of Copies of Translations**

(a) At the request of the International Bureau, any designated or elected Office shall provide it with a copy of the translation of the international application furnished by the applicant to that Office.

(b) The International Bureau may, upon request and subject to reimbursement of the cost, furnish to any person copies of the translations received under paragraph (a).

Rule 96
The Schedule of Fees

Since August 1,
1979 **96.1 Schedule of Fees Annexed to Regulations**

The amounts of the fees referred to in Rules 15 and 57 shall be expressed in Swiss currency. They shall be specified in the Schedule of Fees which is annexed to these Regulations and forms an integral part thereof.

PCT FEES

From April 14,
1978 to October
2, 1978

Country Currency	Basic	Supplement per sheet over 30 sheets	Designation	Handling
	Rule 15.2(a)(i)	Rule 15.2(a)(ii)	Rule 15.2(b)	Rule 57.2(a)
Brazil				
Cruzeiros	2900	50	720	900
France				
French Francs	735	14	180	225
Germany (Federal Republic of)				
Deutsche Mark	325	6	80	100
Luxembourg				
Luxembourg Franc	5060	90	1250	1560
Soviet Union				
Roubles	110	2	30	35
Sweden				
Swedish Kronor	740	14	185	230
United Kingdom				
Pounds Sterling	83	1.5	21	25

From October 3, 1978 to July 31, 1979	Basic fee:	250 Swiss francs
	Supplement per sheet over 30 sheets	4.50 Swiss francs
	Designation fee:	60 Swiss francs
	Handling fee:	75 Swiss francs

Surcharges

5.	<i>Surcharge for late payment:</i> (Rule 16bis.2(a))	Minimum: 200 Swiss francs Maximum: 500 Swiss francs
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SCHEDULE OF FEES

From August 1, 1979 to September 30, 1980	1.	Kind of Fee	Amount	
		<i>Basic Fee:</i> (Rule 15.2(a))		
		if the international application contains not more than 30 sheets	325 Swiss francs	
		if the international application contains more than 30 sheets	325 Swiss francs plus 6 Swiss francs for each sheet in excess of 30 sheets	
2.	<i>Designation Fee:</i> (Rule 15.2(a))	78 Swiss francs		
	3.	<i>Handling Fee:</i> (Rule 57.2(a))	100 Swiss francs	
		4.	<i>Supplement to the Handling Fee:</i> (Rule 57.2(b))	100 Swiss francs

From January 1,
1981 to
December 31,
1981**Fees****Amounts**

1.	<i>Basic Fee:</i> (Rule 15.2(a))			
	if the international application contains not more than 30 sheets	432 Swiss francs		
	if the international application contains more than 30 sheets	432 Swiss francs plus 8 Swiss francs for each sheet in excess of 30 sheets		
	2.	<i>Designation Fee:</i> (Rule 15.2(a))	104 Swiss francs	
3.		<i>Handling Fee:</i> (Rule 57.2(a))	133 Swiss francs	
		4.	<i>Supplement to the Handling Fee:</i> (Rule 57.2(b))	133 Swiss francs
			<i>Surcharges</i>	
	5.		<i>Surcharge for late payment:</i> (Rule 16bis.2(a))	Minimum: 200 Swiss francs Maximum: 500 Swiss francs

From October 1,
1980 to
December 31,
1980

1.	Fees	Amounts		
	<i>Basic Fee:</i> (Rule 15.2(a))			
	if the international application contains not more than 30 sheets	325 Swiss francs		
	if the international application contains more than 30 sheets	325 Swiss francs plus 6 Swiss francs for each sheet in excess of 30 sheets		
2.	<i>Designation Fee:</i> (Rule 15.2(a))	78 Swiss francs		
	3.	<i>Handling Fee:</i> (Rule 57.2(a))	100 Swiss francs	
		4.	<i>Supplement to the Handling Fee:</i> (Rule 57.2(b))	100 Swiss francs

From January 1,
1982 to
December 31,
1982**Fees****Amounts**

1.	<i>Basic Fee:</i> (Rule 15.2(a))			
	if the international application contains not more than 30 sheets	527 Swiss francs		
	if the international application contains more than 30 sheets	527 Swiss francs plus 11 Swiss francs for each sheet in excess of 30 sheets		
	2.	<i>Designation Fee:</i> (Rule 15.2(a))	127 Swiss francs	
3.		<i>Handling Fee:</i> (Rule 57.2(a))	162 Swiss francs	
		4.	<i>Supplement to the Handling Fee:</i> (Rule 57.2(b))	162 Swiss francs

From January 1, 1983 to December 31, 1983			From January 1, 1985 to December 31, 1985			From January 1, 1984 to December 31, 1984			From January 1, 1986 to December 31, 1991		
	Fees	Amounts		Fees	Amounts		Fees	Amounts		Fees	Amounts
	<i>Surcharges</i>										
5.	<i>Surcharge for late payment:</i> (Rule 16bis.2(a))	Minimum: 200 Swiss francs Maximum: 500 Swiss francs		1.	<i>Basic Fee:</i> (Rule 15.2(a))	if the international application contains not more than 30 sheets if the international application contains more than 30 sheets	654 Swiss francs 654 Swiss francs plus 13 Swiss francs for each sheet in excess of 30 sheets				
	1.	<i>Basic Fee:</i> (Rule 15.2(a))			2.	<i>Designation Fee:</i> (Rule 15.2(a))	158 Swiss francs per designation for which the fee is due with a maximum of 1,580 Swiss francs, any such designation in excess of 10 being free of charge				
	2.	<i>Designation Fees</i> (Rule 15.2(a))	136 Swiss francs		3.	<i>Handling Fee:</i> (Rule 57.2(a))	200 Swiss francs				
	3.	<i>Handling Fee:</i> (Rule 57.2(a))	174 Swiss francs		4.	<i>Supplement to the Handling Fee:</i> (Rule 57.2(b))	200 Swiss francs				
	4.	<i>Supplement to the Handling Fee:</i> (Rule 57.2(b))	174 Swiss francs		<i>Surcharges</i>						
	<i>Surcharges</i>				5.	<i>Surcharge for late payment:</i> (Rule 16bis.2(a))	Minimum: 248 Swiss francs Maximum: 624 Swiss francs				
	5.	<i>Surcharge for late payment:</i> (Rule 16bis.2(a))	Minimum: 215 Swiss francs Maximum: 540 Swiss francs		<i>Fees</i>						
	<i>Fees</i>				1.	<i>Basic Fee:</i> (Rule 15.2(a))	if the international application contains not more than 30 sheets if the international application contains more than 30 sheets	706 Swiss francs 706 Swiss francs plus 14 Swiss francs for each sheet in excess of 30 sheets			
	1.	<i>Basic Fee:</i> (Rule 15.2(a))	if the international application contains not more than 30 sheets if the international application contains more than 30 sheets		2.	<i>Designation Fee:</i> (Rule 15.2(a))	171 Swiss francs per designation for which the fee is due, with a maximum of 1,710 Swiss francs, any such designation in excess of 10 being free of charge				
	2.	<i>Designation Fee:</i> (Rule 15.2(a))	150 Swiss francs		3.	<i>Handling Fee:</i> (Rule 57.2(a))	216 Swiss francs				
	3.	<i>Handling Fee:</i> (Rule 57.2(a))	191 Swiss francs		4.	<i>Supplement to the Handling Fee:</i> (Rule 57.2(b))	216 Swiss francs				
	4.	<i>Supplement to the Handling Fee:</i> (Rule 57.2(b))	191 Swiss francs		<i>Surcharges</i>						
	<i>Surcharges</i>				5.	<i>Surcharge for late payment:</i> (Rule 16bis.2(a))	Minimum: 268 Swiss francs Maximum: 674 Swiss francs				
	5.	<i>Surcharge for late payment:</i> (Rule 16bis.2(a))	Minimum: 236 Swiss francs Maximum: 594 Swiss francs								

From January 1, 1992 to June 30, 1992	Fees	Amounts	Since July 1, 1992	Fees	Amounts
1.	<i>Basic Fee</i> (Rule 15.2(a))		1.	<i>Basic Fee:</i> (Rule 15.2(a))	
	(i) if the international application contains not more than 30 sheets	762 Swiss francs		(a) if the international application contains not more than 30 sheets	762 Swiss francs
	(ii) if the international application contains more than 30 sheets	762 Swiss francs plus 15 Swiss francs for each sheet in excess of 30 sheets		(b) if the international application contains more than 30 sheets	762 Swiss francs plus 15 Swiss francs for each sheet in excess of 30 sheets
2.	<i>Designation Fee</i> (Rule 15.2(a))	185 Swiss francs per designation for which the fee is due, with a maximum of 1,850 Swiss francs, any such designation in excess of 10 being free of charge	2.	<i>Designation Fee:</i> (Rule 15.2(a))	
3.	<i>Handling Fee</i> (Rule 57.2(a))	233 Swiss francs		(a) for designations made under Rule 4.9(a)	185 Swiss francs per designation, provided that any designation made under Rule 4.9(a) in excess of 10 shall not require the payment of a designation fee
4.	<i>Supplement to the Handling Fee:</i> (Rule 57.2(b))	233 Swiss francs		(b) for designations made under Rule 4.9(b) and confirmed under Rule 4.9(c)	185 Swiss francs per designation
	<i>Surcharges</i>		3.	<i>Confirmation Fee:</i> (Rule 15.5(a))	50% of the sum of the designation fees payable under item 2(b)
5.	<i>Surcharge for late payment</i> (Rule 16bis.2(a))	Minimum: 289 Swiss francs Maximum: 728 Swiss francs	4.	<i>Handling Fee:</i> (Rule 57.2(a))	233 Swiss francs

Chapter IV

THE ADMINISTRATION OF THE PATENT COOPERATION TREATY BY THE INTERNATIONAL BUREAU



by Daniel Bouchez,
former Director,
PCT Administration Department (WIPO)

Introduction

The Patent Cooperation Treaty (PCT), concluded in 1970, entered into force on January 24, 1978. The date from which international applications could be filed was June 1, 1978, a date which had been fixed by the Assembly of the International Patent Cooperation Union. Such international applications could be filed in respect of 18 States, including several of those in which patent activity was the most intense. In March 1995, the number had grown from 18 to 78.

The preparations for the entry into force of the PCT were carried out by the World Intellectual Property Organization (WIPO) in close cooperation with the organizations of the interested private circles, the national Patent Offices as well as with the European Patent Office (EPO) and the African Intellectual Property Office (OAPI). Such preparations allowed a smooth operation of the system,

in particular by the receiving Offices, the International Searching and Preliminary Examining Authorities, the designated or elected Offices and the International Bureau of WIPO.

The smooth functioning of the PCT requires intense activity and represents a heavy work load for the receiving Offices, the International Searching and Preliminary Examining Authorities and the designated or elected Offices. The achievements of these Offices and Authorities, which have made possible the success of the PCT, are hereby acknowledged with great appreciation.

The purpose of this paper is to present the history of the administration of the PCT by the International Bureau. But, before presenting that history (in Part II of this paper), the tasks of the International Bureau under the PCT are described (in Part I). The description of the tasks reflects the situation at the beginning of 1995.

PART I

TASKS OF THE INTERNATIONAL BUREAU

Contents

- 1.1 Relations with national Offices and PCT Authorities
- 1.2 Processing of the international applications
- 1.3 Acting as receiving Office
- 1.4 International publication of the international applications
- 1.5 Processing of demands for international preliminary examination and of international preliminary examination reports
- 1.6 Processing of later elections
- 1.7 Administration and processing of fees
- 1.8 Publication of information
- 1.9 Distribution of publications
- 1.10 Statistical analyses

1.1 Relations with national Offices and PCT Authorities

Although there are no specific provisions in the PCT concerning the role of the International Bureau in giving assistance to the national Offices of States becoming party to the PCT, the International Bureau does provide assistance to such Offices, in their capacity as receiving Office (when applicable) and designated/elected Office. Such assistance is provided with respect to the various decisions to be made by the Offices concerned with a view to implementing the PCT (e.g., selection of the competent International Searching Authority(ies), of the filing language(s), selection of the competent International Preliminary Examining Authority, etc.). Additionally, the International Bureau provides assistance to States contemplating accession to the PCT in the preparation of the part of their respective national legislation dealing with the PCT. Depending on the needs of the Offices concerned, such assistance is provided through correspondence, training of the staff of the Offices at the International Bureau and by missions of staff members of the International Bureau to the Offices concerned.

Articles¹ 16(3)(b) and 32(3) provide, *inter alia*, that the appointment of an Office or of an international organization as an International Searching and/or International Preliminary

Examining Authority (hereinafter referred to as "PCT Authority") by the Assembly of the PCT Union shall be subject to the conclusion of an agreement between the national Office or international organization concerned and the International Bureau. Consequently, the International Bureau has the responsibility of drafting such an agreement with each PCT Authority concerned, in cooperation with the Authority concerned, and of making sure that all the agreements concluded comply with the provisions of the PCT.

The International Bureau also acts as secretariat of the meetings of PCT Authorities where the Guidelines for International Search and the Guidelines for International Preliminary Examination (which had been prepared during the preparatory period preceding the entry into force of the Treaty) are amended.

1.2 Processing of the international applications

The International Bureau receives, from each receiving Office with which an international application has been filed, the true copy of the international application, called the record copy. Upon receipt of the record copy the International Bureau carries out promptly the following tasks:

Checking of the requirements listed in Article 11(1). Although such requirements (with which the international application must comply in order to be granted an international filing date) are, according to Article 11, checked by the receiving Office, the International Bureau systematically carries out a new check in order to protect the applicant, to the extent possible, against the consequences of a failure to comply with the requirements of Article 11(1). According to such requirements, the applicant must have a residence in or be a national of a PCT Contracting State, the international application must be in the prescribed language and must contain at least an indication that it is intended as an international application, the designation of at least one Contracting State, the name of the applicant, a part which on the face of it appears to be a description and a part which on the face of it appears to be a claim or claims.

Checking of the requirements of Article 14(1)(a). Such requirements are also checked by the receiving Office. According to such requirements, the international application must be signed, must contain the prescribed indications concerning the applicant, a title, an abstract, and must comply with the prescribed physical requirements. However, Rule 28.1(a) provides that the International Bureau shall bring to the attention of the receiving Office some of the defects referred to in Article 14(1).

¹ "Article" refers to Articles of the PCT and "Rule" refers to Rules of the PCT Regulations.

Checking of certain indications in the request. This checking relates mainly to the priority claim under Rule 4.10(d) and to obvious errors, which the applicant is invited to correct.

Notification of the fact and date of receipt of the record copy:

- to the applicant,
- to the receiving Office,
- to the International Searching Authority, and
- to designated Offices (however, under the amended Regulations which entered into force on January 1, 1993, the notification of designation may be sent only at the time of the communication under Article 20 (which provides that the international application, together with the international search report, shall be communicated by the International Bureau to each designated Office), at the choice of the designated Offices).

After the above-mentioned tasks have been carried out, the International Bureau performs the following tasks during the continuation of the international phase.

Receipt of the priority document(s) and providing copies thereof to designated Offices and to the public. The priority document is normally received by the International Bureau prior to the expiration of 16 months from the priority date. The International Bureau then prepares copies of the priority document which are either sent systematically to the designated Offices wishing to receive such copies for all the international applications containing the designation of the corresponding State, or sent on special request to designated Offices needing them for the purpose of national processing of the international application. Copies of the priority documents are also provided to the public, but only after international publication of the corresponding international application.

Receipt of replacement sheets or corrections and processing thereof. Such replacement sheets are usually received before the international publication of the corresponding international application. They are entered in the record copy, the replaced sheets being kept in the file of the international application. Corrections contained in a letter are transferred to the record copy.

Recording of changes in certain indications in the request. Such changes (concerning the person, the name, the residence, the nationality or the address of the applicant, or the person, the name or the address of the agent, the common representative or the inventor) are notified to the PCT

Authorities concerned and to the applicant. They may be received at any time during the international phase.

Receipt of the international search report and translation thereof into English (if applicable). The international search report is usually received before the international publication of the corresponding international application. It happens, however, that the international search report is received later.

Receipt of any amended claims and processing thereof. Amended claims are filed directly with the International Bureau, within two months from the date of transmittal of the international search report.

Communication of the international application, together with the international search report, to designated Offices. This communication is effected promptly after the international publication of the international application and, in any case, by the end of the 19th month after the priority date. The published international application (the pamphlet) is used for such communication.

Receipt from the receiving Office of confirmation of precautionary designations and processing thereof. The International Bureau notifies the applicant of the receipt of such confirmation and notifies the corresponding designated Offices.

Keeping of records and files. The International Bureau keeps the file, including the record copy, of any international application for at least 30 years from the date of receipt of the record copy.

1.3 Acting as receiving Office

The International Bureau has been acting from the beginning as receiving Office, under the provisions of Rule 19.1(b), for a few Contracting States which wished the International Bureau to act as receiving Office instead of the national Office of such States.

Since January 1, 1994, the International Bureau is acting as receiving Office for all PCT Contracting States at the option of the applicant. Furthermore, where an international application is filed with a national Office which acts as receiving Office by an applicant who is a resident or national of a Contracting State, but that national Office is not competent to receive that application, the said application is considered to have been received by that Office on behalf of the International Bureau acting as receiving Office and is

transmitted promptly to the International Bureau (unless prescriptions concerning national security prevent the international application from being so transmitted).

The tasks of the International Bureau in its capacity as receiving Office are summarized hereunder.

Receipt of the international application (by regular mail, by special delivery service, by telefax or by hand); indication of the date of receipt on the request; assignment of the international application number and marking of this number on the request and on all the sheets of the international application.

Notification of receipt of the purported international application to the applicant.

Checking of Article 11(1) requirements (see under 1.2, above). If a positive determination is made: granting of an international filing date and marking, on the request, of that date and of the words "PCT International Application"; notification of the international application number and of the international filing date to the applicant and sending a copy of the notification to the International Bureau.

If a negative determination is made: invitation to the applicant to submit the required corrections; receipt and checking of the response to the invitation to correct, corresponding marking of the request and sending the appropriate notifications.

Checking of indications in the request, ex officio corrections, deletion of additional matter, completing the check list in the request, indication of the competent International Searching Authority in the request.

Preparation of copies (record copy, search copy and home copy).

Transmittal of the record copy and search copy; the record copy is transmitted to the unit of the International Bureau carrying out the tasks entitled "Processing of the international application," whereas the search copy is transmitted to the competent International Searching Authority.

Checking of the requirements under Article 14(1) (see under 1.2, above) *and (2)* (international applications referring to drawings which are not included therein), and appropriate notifications to the applicant with copies to the International Bureau (acting as described under "Processing the international application"), processing replacement sheets.

Fee processing (including, where applicable, Rule 16bis (which provides for an extension of the time limits for the payment of fees under the control of the receiving Office, subject to the payment of a late payment fee) and the transfer of the search fee to the International Searching Authority).

Processing of priority documents and transmittal thereof to the International Bureau (acting as described under "Processing the international application").

Receipt of replacement sheets and corrections, and processing thereof. Such replacement sheets and corrections are checked and entered in the record copy, the home copy and the search copy, or transmitted to the International Bureau (if the record copy has already been transmitted) and to the International Searching Authority (if the search copy has already been transmitted).

Furnishing of certified copies of the international application as filed and of any corrections thereto.

Keeping of records and files (home copy and purported international applications for 10 years).

Processing of requests for rectification of obvious errors and various litigations (e.g., a petition from the applicant whenever the International Bureau, acting as receiving Office, refuses to grant an international filing date).

1.4 International publication of the international applications

In accordance with the provisions of Article 21, the International Bureau publishes each international application promptly after the expiration of 18 months from the priority date of the application, unless the application is withdrawn or is considered withdrawn before the technical preparations for publication have been completed (such technical preparations are completed 15 days before the date of publication).

The applicant may ask the International Bureau to publish his international application any time before the expiration of 18 months from the priority date.

The international applications are published in the form of pamphlets. Each pamphlet contains a standardized front page, the description, the claims (including, when applicable, the amended claims filed under Article 19 with the accompanying statement, if any), the drawings (if any), the international search report or the declaration under Article 17(2)(a) (declaration by the International Searching Authority

that the international application relates to subject matter that the Authority is not required to search and decides not to search, or that the description, the claims, or the drawings fail to comply with the prescribed requirements to such an extent that no meaningful search could be carried out), at the request of the applicant, any request for rectification for which the authorization of rectification was refused by the competent authority, any indications in relation to a deposited microorganism furnished separately from the description, together with an indication of the date on which the International Bureau received such indications.

If, at the time of completion of the technical preparations for publication, the international search report is not yet available, the front page of the pamphlet indicates this fact, and the report is published separately later together with an updated version of the front page of the pamphlet.

Similarly, if, at the time of completion of the technical preparations for publication, the time limit for amending the claims under Article 19 has not expired, the front page of the pamphlet indicates this fact. If, later, amended claims are filed, they are published separately together with an updated version of the front page.

If the international application is filed in Chinese, English, French, German, Japanese, Russian or Spanish, it is published in the language in which it was filed. If the international application is published in a language other than English, the international search report, the title of the invention, the abstract and any text matter pertaining to the figure or figures accompanying the abstract are published both in that language and in English.

The International Bureau also publishes, in compliance with Article 55(4), a *Gazette* in two separate editions, an English-language edition, entitled *PCT Gazette -- Gazette of International Applications*, and a French-language edition, entitled *Gazette du PCT -- Gazette des demandes internationales de brevets*.

Each regular issue of each edition of the *PCT Gazette* was published every second week until the end of 1994; since the beginning of 1995, it has been published on a weekly basis.

The *PCT Gazette* contains the following four sections:

Section I: Announcements of the international publication of international applications in the form of entries containing data taken from the front pages of the corresponding pamphlets, drawings (if any) appearing on the said front page, the title and the abstract. Since the *PCT*

Gazette is published in English and French, the titles and the abstracts must be translated either into English (this translation is required, in any case, for the front page of the pamphlet if the pamphlet is published in a language other than English) or into French, or into both languages. One page of Section I usually contains two entries, unless the volume of data requires the generation of two entries. The entries are arranged both by ascending order of the international publication numbers and by ascending alphanumeric order of the first symbol of the International Patent Classification (IPC) assigned to the corresponding application.

Section II: Notices and information related to international applications already published (e.g., announcement of the later publication of international search reports, announcement of the withdrawal of international applications or designations after international publication, corrections, international applications for which a demand for international preliminary examination has been filed prior to the expiration of the 19th month from the priority date, extensions effected after completion of the technical preparations for international publication), notices of confirmation of precautionary designations, notices of later elections.

Section III: Indexes (international application numbers and corresponding international publication numbers, international publication numbers according to designated States, names of applicants and corresponding international publication numbers and international publication numbers grouped according to IPC symbols). In 1995, the index of international publication numbers by designated States was canceled.

Section IV: Notices and information of a general character, in particular with respect to fees payable to the receiving Offices, the International Bureau, and the International Searching and Preliminary Examining Authorities.

In addition, the International Bureau publishes at least twice a year a special issue of the *PCT Gazette* containing consolidated notices and information of a general character as follows:

- list of Contracting States;
- information on Contracting States;
- information on receiving Offices;
- information on International Searching Authorities;
- information on International Preliminary Examining Authorities;

- requirements of designated and elected Offices with respect to the deposit of microorganisms;
- information on designated (or elected) Offices.

1.5 Processing of demands for international preliminary examination and of international preliminary examination reports

The International Bureau receives from the International Preliminary Examining Authorities the demands for international preliminary examination (hereinafter referred to as "demands") filed by the applicants with those administrations. Upon receipt of the demand, the International Bureau performs promptly the following tasks:

Checking of the requirements listed in Rules 53, 54 and 55. Although such requirements are checked by the International Preliminary Examining Authority, the International Bureau carries out a new check in compliance with Rule 60.1(e) which provides that if a defect is noticed by the International Bureau, it shall bring the defect to the attention of the International Preliminary Examining Authority for appropriate action.

Notification of election to the elected Offices. If the International Bureau receives the demand before the communication of the international application to designated Offices under Article 20, the notification of election is sent to the elected Office together with that communication. This allows the International Bureau to simplify the procedure of notification by grouping such notifications of election by elected Office and for a given period. If the demand is received by the International Bureau after the said communication, the notifications of election are sent promptly after receipt of the demand, on an individual basis. The International Bureau also informs the applicant in writing that it has notified each Office concerned of its election.

Sending a copy of the international application and of the International Search Report to the International Preliminary Examining Authority. This task is performed by the International Bureau where the International Preliminary Examining Authority is not part of the same national Office or intergovernmental organization as the International Searching Authority.

Sending a copy of the amended claims under Article 19 (and, when applicable, statement) to the International Preliminary Examining Authority. Upon receipt of a demand from an International Preliminary Examining Authority, the

International Bureau promptly transmits a copy of any amendments under Article 19 (this Article provides that the applicant is entitled, after having received the international search report, to one opportunity to amend the claims of the international application by filing amendments with the International Bureau) to that Authority, unless that Authority has indicated that it has already received such a copy. If, at the time of filing any amendments under Article 19, a demand has already been submitted, the International Bureau promptly transmits a copy of such amendments to the International Preliminary Examining Authority.

After the above-mentioned tasks have been carried out, the International Bureau performs the following tasks:

Receipt of the international preliminary examination report. The international preliminary examination report, with its annexes, if any, is usually received from the International Preliminary Examining Authority between the 28th and the 29th month from the priority date. It is entered in the file of the international application.

Translation of the international preliminary examination report. If that report is established in a language other than English, the International Bureau translates it into English if at least one of the elected States requires an English translation of the said report.

Transmittal of the international preliminary examination report. The International Bureau prepares the required copies of the report and communicates them to the elected Offices, together with the English translation thereof, if required.

1.6 Processing of later elections

The International Bureau receives from the applicants notices effecting later elections (i.e., elections of States subsequent to the submission of the demand). Upon receipt of such notices, the International Bureau performs the following tasks:

Checking of the notice effecting a later election. The International Bureau checks whether the notice effecting a later election complies with the requirements of Rule 56 and invites the applicant to correct the defects, if any.

Notification of the receipt of a notice effecting a later election. The International Bureau promptly notifies the applicant of the receipt of the said notice. If the notice has been received after the expiration of 19 months from the

priority date, the International Bureau notifies the applicant that the election does not have the effect provided for under Article 39(1) (postponement of the time limit for entering the national phase to 30 months from the priority date) and that the acts referred to in Article 22 (i.e., the furnishing of a translation of the international application as prescribed and the payment of the national fee) must be performed in respect of the elected Office concerned within the time limit under Article 22.

Notification of the later election to the elected Offices. If the International Bureau receives the notice effecting the later election before the communication of the international application under Article 20, the notification is sent to the elected Office together with that communication. If the notice effecting the later election is received by the International Bureau after the said communication, the notification of election is sent promptly after receipt of the notice, on an individual basis. The International Bureau also informs the applicant in writing that it has notified each Office concerned of its election.

Transmittal of the international preliminary examination report. The International Bureau prepares the required copies of the report and communicates them to the (later) elected Offices, together with the English translation thereof, if required.

1.7 Administration and processing of fees

The International Bureau monitors the "equivalent amounts" in currencies other than Swiss currency prescribed by the various receiving Offices and International Preliminary Examining Authorities (the local currencies) of the following fees:

Fees payable to the receiving Office

- Basic fee (for the benefit of the International Bureau, in order to cover the costs incurred by the International Bureau in processing the international application, in particular its publication);
- Designation fee (for the benefit of the International Bureau, in order to cover the costs incurred by the International Bureau in sending the notifications of designations and copies of the international applications to designated Offices);

- Confirmation fee (for the benefit of the receiving Office, in order to cover the costs incurred by the receiving Office in processing the confirmation of designations);
- Search fee (for the benefit of the International Searching Authority, in order to cover the costs of the international search).

The amounts, in Swiss francs, of the basic fee, the designation fee and the confirmation fee are set out in the Schedule of Fees which is annexed to the Regulations and forms an integral part thereof.

The equivalent amounts of those fees in the local currencies prescribed by the various receiving Offices are established by the Director General of WIPO after consultation with the said Offices and published in the *PCT Gazette*. Where, in accordance with the directives established by the Assembly of the PCT Union at its third session, the exchange rate between the Swiss currency and any prescribed currency becomes, for more than 30 consecutive days, at least 10% higher or at least 10% lower than the exchange rate last applied, the Director General establishes, in consultation with the receiving Office concerned, new amounts in the prescribed currency according to the exchange rate prevailing on the day on which the consultation is initiated by the Director General. The monitoring of the exchange rates according to the above-mentioned rules as well as the establishment of the new amounts are effected by the International Bureau.

Similarly, where, for more than 30 consecutive days, the exchange rate between the Swiss currency and any prescribed currency is at least 5% higher or at least 5% lower than the exchange rate last applied, any interested receiving Office using that currency may invite the Director General to establish new amounts in the prescribed currency according to the exchange rate prevailing on the day preceding the day on which the request was made. The International Bureau then establishes such new amounts.

The same principles apply to the establishment of the amounts of the search fee in the prescribed currencies. In this case, however, the International Bureau must monitor the exchange rates between the currency or currencies in which the International Searching Authority has fixed the amount of the search fee and the currency or currencies prescribed by each receiving Office having specified the International Searching Authority as competent for the searching of international applications filed with such Office.

Fees payable to the International Preliminary Examining Authority

- **Handling fee** (for the benefit of the International Bureau, in order to cover the costs incurred by the International Bureau in processing the demands for international preliminary examination and the international preliminary examination reports, in particular their translation into English, whenever applicable). The amount, in Swiss francs, of the handling fee is set out in the Schedule of Fees. The same principles apply to the establishment of the amounts of the handling fee in the currency or currencies prescribed by the International Preliminary Examining Authorities.

The International Bureau also performs the accounting for the fees paid to the receiving Offices and to the International Preliminary Examining Authorities for its own benefit, i.e., the basic fee, the designation fee and the handling fee. This accounting involves the reconciliation of the fees transferred to the International Bureau by the receiving Offices and the International Preliminary Examining Authorities with the international applications filed and the demands submitted.

1.8 Publication of information

In addition to the international publication of the international applications and of the *PCT Gazette*, which are specifically provided for by the Treaty and its Regulations, the International Bureau publishes a significant amount of information about the PCT. The following publications are issued:

- A brochure, entitled *Basic Facts about the Patent Cooperation Treaty*, describing the main features of the Treaty and giving statistical information on the international filings. This brochure is published in English, French, German, Japanese and Portuguese.
- Press releases announcing major events relating to the PCT, such as the accession to or ratification of the Treaty by new States or giving annual accounts of the activities under the Treaty. Such press releases are published in English, French, German, Japanese, Russian and Spanish.
- A guide entitled *PCT Applicant's Guide* which is generally considered as the "PCT Bible," consisting of two loose-leaf volumes. Volume I contains general information on the PCT intended for those

interested in filing international patent applications, in particular information on the international phase of the PCT procedure. The text of Volume I is supplemented by a number of annexes containing more detailed information on Contracting States and intergovernmental organizations, receiving Offices, International Searching Authorities, International Preliminary Examining Authorities and Forms. Volume II (which is published in two parts) contains general information on the national phase of the PCT procedure (the procedure before the designated or elected Offices). Altogether, the *PCT Applicant's Guide* contains more than 400 pages. It is published by the International Bureau in English and French and is updated twice a year. German, Japanese and Chinese versions of the *Guide* are prepared by the German Patent Office, the Japanese Patent Office and the Chinese Patent Office, respectively.

- A monthly brochure entitled *PCT Newsletter*, published in English, giving the latest news about the PCT as well as practical advice to the users of the system.

1.9 Distribution of publications

The International Bureau distributes its PCT publications throughout the world in many different ways.

The published international applications (the PCT pamphlets) are sold to the public either on an individual basis or according to the profile of interest of the user, based on the IPC symbols assigned to the corresponding application.

The *PCT Gazette* is sold to the public by yearly subscription.

The *PCT Applicant's Guide* is also sold to the public. The updates of the *Guide* for the years following the year of purchase are sold by yearly subscription.

The *PCT Newsletter* is sold by yearly subscription.

In addition, in compliance with Rule 87, the International Bureau provides the national Offices of the PCT Contracting States with a free-of-charge copy of every one of the above-mentioned publications, the International Searching Authorities with two free-of-charge copies and the International Preliminary Examining Authorities with two free-of-charge copies.

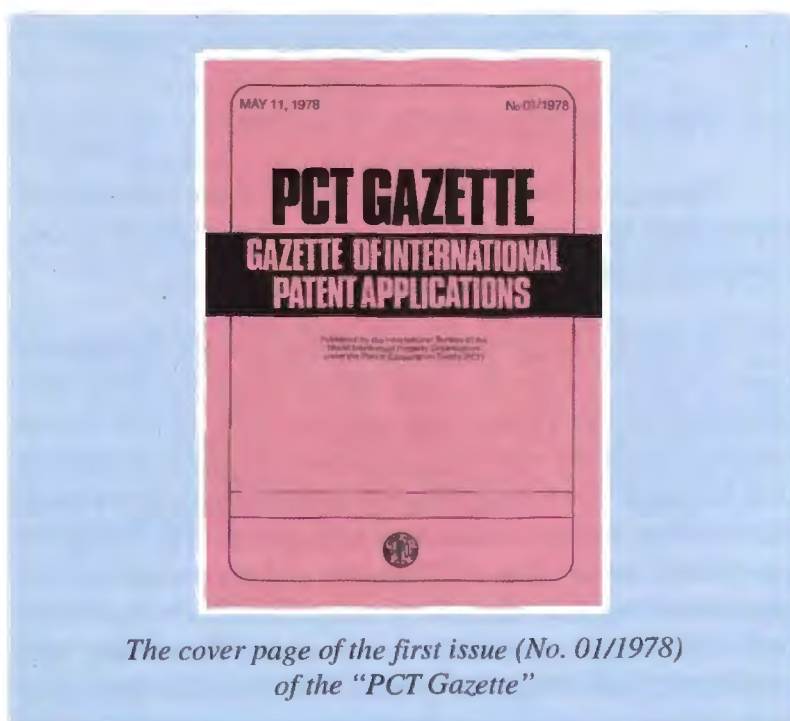
The brochure entitled *Basic Facts about the Patent Cooperation Treaty* is distributed free of charge.

1.10 Statistical analyses

The International Bureau carries out statistical analyses of the data relating to record copies and to demands for international preliminary examination received. Such statistics reveal, in particular, the following aspects of the activities of the PCT for a given period of time:

- number of record copies received broken down by country of origin (i.e., by receiving Office or, where the receiving Office is an intergovernmental organization, by country of residence of the applicants);
- designations;
- number of record copies received broken down by receiving Office and by language of filing;
- number of international applications withdrawn during the international phase;
- number of demands for international preliminary examination received;
- number of international preliminary examination reports received.

This statistical information enables the International Bureau to prepare forecasts and organize its own operation for the future. The parts of these statistics which are of general interest are published in the *PCT Gazette* as well as in various other publications.



The cover page of the first issue (No. 01/1978) of the "PCT Gazette"

PART II

HISTORY OF THE ADMINISTRATION OF THE PCT BY THE INTERNATIONAL BUREAU

Contents

2.1	First Period:	January 24 to June 1, 1978
2.2	Second Period:	June 1, 1978 to December 31, 1979
2.3	Third Period:	1980, 1981 and 1982
2.4	Fourth Period:	1983, 1984 and 1985
2.5	Fifth Period:	1986, 1987, 1988, 1989 and 1990
2.6	Sixth Period:	1991, 1992, 1993 and 1994
2.7	Seventh Period:	January 1 to May 31, 1995

Introduction

The history of the administration of the PCT by the International Bureau is presented in seven successive periods corresponding essentially to the main evolutionary steps of the International Bureau in terms of structure and working methods. Such evolutionary steps were quantum leaps responding to the increasing work load and complexity of operations, while taking advantage of the rapidly changing technology, in particular in the field of computerization.

For each period, the corresponding number of record copies and demands for international preliminary examination received by the International Bureau is indicated on a yearly basis, together with the number of international applications published. The staffing of the PCT units involved in the administration of the PCT is also given on a yearly basis.

2.1 First Period: from the date of entry into force of the PCT (January 24, 1978) to the date on which international applications could be filed (June 1, 1978): final steps undertaken in order to allow international applications to be filed and processed.

For obvious reasons, no record copies were received by the International Bureau during this period, and therefore no international applications were published.

The PCT Section (as it was then called) comprised the following staff:

Responsible Deputy Director General: Klaus Pfanner;
Professional category: 6 persons (E. Murray Haddrick,
Jordan Franklin, Daniel Bouchez, Normando Scherrer,
Akira Okawa, Yury Gyrdivmov);

General Service category: 3 persons.

During this first period, the International Bureau undertook the final steps to allow international applications to be filed and processed. The agreements between the International Bureau and the International Searching and Preliminary Examining Authorities were negotiated and signed and the said PCT Authorities were appointed by the Assembly of the PCT Union at its first session (held in Geneva from April 10 to 14, 1978). The following Patent Offices and intergovernmental organization were so appointed:

as International Searching and Preliminary Examining Authorities:

- the Austrian Patent Office,
- the Japanese Patent Office,
- the State Committee for Inventions and Discoveries of the USSR Council of Ministers,
- the Royal Patent and Registration Office of Sweden,
- the European Patent Office;

as International Searching Authority:

- the United States Patent and Trademark Office;

as International Preliminary Examining Authority:

- the Patent Office of the United Kingdom.

The schedule of fees was adopted by the Assembly of the PCT Union.

The Administrative Instructions were promulgated by the Director General of WIPO and published.

Two issues of the *PCT Gazette* were published during this first period. The first issue (No. 01/1978), published on May 11, 1978, contained a foreword by the Director General as well as a list of the 18 States party to the PCT at that time, a note summarizing the debates of the first session of the Assembly of the PCT Union, the amendments to the Regulations under the PCT, as adopted by the Assembly of the PCT Union at its first session, and the Administrative Instructions under the PCT, as promulgated by the Director General of WIPO. The second issue of the *PCT Gazette* (No. 02/1978), published on May 25, 1978, contained notices and information of a general character on the Contracting States, the national and regional Offices and the International Bureau, the International Searching and Preliminary

Examining Authorities, the Agreement between such Authorities and the International Bureau, the competent receiving Offices, the fees and the list of items of non-patent literature to be included in the PCT minimum documentation.

2.2 Second Period: from June 1, 1978 to December 31, 1979: non-automated operation.

Number of record copies received:

- in 1978: 459,
- in 1979: 2,625.

Number of international applications published:

- in 1978: 19,
- in 1979: 1,170.

Number of demands received:

- in 1979: 172.

Staff:

In 1978:

Responsible Deputy Director General: Klaus Pfanner;
Professional category: 6 persons (E. Murray Haddrick,
Jordan Franklin, Daniel Bouchez, Normando Scherrer,
Akira Okawa, Vitaly Troussov);

General Service category: 4 persons.

In 1979:

Responsible Deputy Director General: Klaus Pfanner;
Professional category: 7 persons (E. Murray Haddrick,
Jordan Franklin, Busso Bartels, Daniel Bouchez,
Normando Scherrer, Akira Okawa, Vitaly Troussov);

General Service category: 10 persons.

During this period, the processing of the international applications and their publication were carried out in a non-automated fashion.

In 1978, the formal examination and the publication were carried out by the staff members of the PCT unit belonging to the Professional category, the record copies received were distributed among them essentially according to their language. The time limits were monitored using a card-index system, and the notifications were prepared by typing on pre-printed forms. The *PCT Gazette* and the pamphlet front pages were prepared manually by using a small semi-electronic typewriter able to print texts in typesetting characters, with justified margins. The texts printed (bibliographic data, titles and abstracts), as well as the drawings accompanying the

abstracts, were manually cut and pasted. The camera-ready copies of the *Gazette* pages were sent to an outside printer, selected after an international tendering procedure. The PCT pamphlets themselves were reproduced on heavy-duty photocopiers in 100 copies.

This pragmatic approach, which was perfectly adapted to the small number of record copies received and pamphlets published, enabled the International Bureau to establish a firm basis for the future organization of the work, both in terms of the structure of the PCT units and of the working methods and tools.

From the very beginning of the processing of international applications, very strict measures were adopted in order to preserve their confidential character. The application files were kept in locked filing cabinets and the offices of the staff members processing such files were locked. In addition, the preparation of the master copy of the PCT pamphlets to be printed was prepared within the boundaries of the PCT unit, the application files always staying within such boundaries. The masters were then given to the print shop located in the basement of the building, the record copies being kept in the application files.

In 1979, the PCT Division was established, comprising the following four Sections:

- the PCT Examination Section, entrusted with the task of carrying out the processing of the international applications and of processing demands for international preliminary examination and later elections (as outlined in the Chapter concerning the tasks of the International Bureau). Such tasks were carried out by formalities examiners working under the supervision of staff members belonging to the Professional category;
- the PCT Legal Section, entrusted with the task of maintaining relations with national Offices and PCT Authorities, of reviewing legal issues concerning specific files, of preparing amendments to the Regulations under the PCT as well as to the Administrative Instructions, of preparing revisions of the various PCT Guidelines and of organizing PCT seminars throughout the world;
- the PCT Publication Section, entrusted with the task of publishing the international applications (as outlined in the Chapter concerning the tasks of the International Bureau);

- the PCT Fees and Statistics Section, entrusted with the task of administering the fees and compiling statistics.

From that year onwards, a central archiving room was created for the application files, with strict measures for preserving the confidential character of the international applications. Only authorized personnel could access the central archiving room, with a special key.

2.3 Third Period: 1980, 1981 and 1982: partial automation of the international publication.

Number of record copies received:

- in 1980: 3,539,
- in 1981: 4,606,
- in 1982: 4,675.

Number of international applications published:

- in 1980: 2,902,
- in 1981: 3,734,
- in 1982: 4,519.

Number of demands received:

- in 1980: 175,
- in 1981: 235,
- in 1982: 242.



*E. Murray Haddrick and Jordan Franklin
before they left WIPO in 1981 and 1987, respectively*

Staff:

In 1980:

Responsible Deputy Director General: Klaus Pfanner;
Professional category and above: 8 persons
Director: E. Murray Haddrick,
PCT Examination Section: Jordan Franklin and Akira Okawa,
PCT Legal Section: Busso Bartels and Vitaly Trousov,
PCT Publications Section: Daniel Bouchez and Henry Valarino,

PCT Fees and Statistics Section: Normando Scherrer;

General Service category: 18 persons.

In 1981:

Responsible Deputy Director General: Klaus Pfanner;

Professional category and above: 8 persons

Director: François Curchod,

PCT Examination Section: Jordan Franklin and Akira Okawa,

PCT Legal Section: Busso Bartels and Vitaly Trousov,

PCT Publications Section: Daniel Bouchez and Henry Valarino,

PCT Fees and Statistics Section: Normando Scherrer;

General Service category: 21 persons.

In 1982:

Responsible Deputy Director General: Klaus Pfanner;

Professional category and above: 8 persons

Director: François Curchod,

PCT Examination Section: Jordan Franklin and Tamotsu Hirai,

PCT Legal Section: Busso Bartels and Vitaly Trousov,

PCT Publications Section: Daniel Bouchez and Henry Valarino,

PCT Fees and Statistics Section: Normando Scherrer;

General Service category: 24 persons.

In 1980, in view of the increasing volume of translations to be carried out, a professional technical translator was employed. This translator worked in the PCT Publications Section.

During this period, partial automation of the publication of the international applications was effected. The bibliographic data, the titles and abstracts were entered on text processing machines, proofread and corrected, and transferred to small photocomposers for typesetting. The sorting facilities offered by the text processing machines enabled the International Bureau to generate the indexes of Section III of the *PCT Gazette*, as well as to monitor the time limits for international publication.

The experience accumulated during this period enabled the International Bureau to analyze the requirements for a more sophisticated automation of the international publication and for the automation of the formalities examination. A detailed specification was established in cooperation with the Computerization Section of the International Bureau and the data base design and programming started in 1982.

2.4 Fourth Period: 1983, 1984 and 1985: automation of the international publication.

Number of record copies received:

- in 1983: 4,971,

- in 1984: 5,719,

- in 1985: 7,095.

Number of international applications published:

- in 1983: 4,466,

- in 1984: 5,012,

- in 1985: 6,758.

Number of demands received:

- in 1983: 259,

- in 1984: 271,

- in 1985: 444.

Staff:

In 1983:

Responsible Deputy Director General: Klaus Pfanner;
Professional category and above: 8 persons

Director: François Curchod,

PCT Examination Section: Jordan Franklin and Tamotsu Hirai,

PCT Legal Section: Busso Bartels and Yury Plotnikov,

PCT Publications, Fees and Statistics Section: Normando Scherrer, Henry Valarino and Romano Imperio;

General Service category: 21 persons.

In 1984:

Responsible Deputy Director General: Klaus Pfanner;
Professional category and above: 9 persons

Director: François Curchod,

PCT Examination Section: Jordan Franklin, Tamotsu Hirai and Christian Grassioulet,

PCT Legal Section: Busso Bartels and Yury Plotnikov,

PCT Publications, Fees and Statistics Section: Normando Scherrer, Henry Valarino and Romano Imperio;

General Service category: 21 persons.

In 1985:

Responsible Deputy Director General: Klaus Pfanner;
Professional category and above: 9 persons

Director: François Curchod,

PCT Examination Section: Jordan Franklin, Tamotsu Hirai and Christian Grassioulet,

PCT Legal Section: Busso Bartels and Vitaly Trousov,

PCT Publications, Fees and Statistics Section:
Normando Scherrer, Henry Valarino and Romano Imperio;

General Service category: 23 persons.

In 1983, the Fees and Statistics Section and the PCT Publication Section were merged into one single Section, entitled "PCT Publications, Fees and Statistics Section."

Also in 1983, the PCT computerized system for international publication became operational. This computerized system operated on a mainframe located at the International Computing Centre (a cooperative agency working as a service bureau for the United Nations and various other international organizations). The said system enabled the International Bureau to enter, in an on-line fashion, the bibliographic data, the title and the abstract (and their translation(s)), as well as various elements of information needed for generating the appropriate announcements in the pamphlet front pages and in the entries of the *PCT Gazette*. The system provided many automatic checks (for example, the international application numbering, the international filing dates vis-à-vis the priority dates, the designated States, etc.) and monitored the time limits. The system also provided for the automatic assignment of international publication numbers according to the first symbols of the IPC assigned to the applications to be published: this feature enabled the International Bureau to arrange the *Gazette* entries both in numerical order of the international publication numbers and in alphanumerical order of the said symbols, thus allowing the users of the *PCT Gazette* to search by publication number or by technical field.

The records of the international applications to be published on a certain date were automatically extracted by the system from the data base and recorded on magnetic tape. A sophisticated photocomposition program, developed in cooperation with a firm located in Geneva (Centre d'impression et de techniques de presse), generated in a fully automated fashion the *Gazette* entries and the pamphlet front pages (except the front pages published in Japanese and in Russian, which were prepared separately using semi-automated tools). The magnetic tapes were sent to the said firm, which generated the *Gazette* entries and indexes, as well as the corresponding pamphlet front pages, as phototypeset originals. However, the drawings accompanying the abstracts of *Gazette* entries and pamphlet front pages still had to be mounted manually, after reduction to the appropriate size. The indexes appearing in Section III of the *PCT Gazette* were also generated and photocomposed automatically.

The International Bureau also started to provide national Offices as well as private firms with magnetic tapes containing the data published in the *Gazette* entries. The tapes were supplied to national Offices at marginal cost on condition that the data contained therein were used for internal purposes only by the said Offices. The data were sold to private firms.

In parallel, the processing of international applications by the Examination Section was progressively automated, using additional software modules that were integrated with the publication modules.

Very strict rules for accessing the PCT data base were implemented in order to secure its secrecy.

2.5 Fifth Period: 1986, 1987, 1988, 1989 and 1990: automation of both the formalities examination and the international publication.

Number of record copies received:

- in 1986: 7,952,
- in 1987: 9,201,
- in 1988: 11,996,
- in 1989: 14,874,
- in 1990: 19,159.

Number of international applications published:

- in 1986: 7,663,
- in 1987: 7,998,
- in 1988: 10,550,
- in 1989: 12,951,
- in 1990: 16,143.

Number of demands received:

- in 1986: 831,
- in 1987: 1,327,
- in 1988: 3,595,
- in 1989: 6,548,
- in 1990: 8,769.

Staff:

In 1986:

Responsible Deputy Director General: Alfons Schäfers;
Professional category and above: 11 persons
Director: François Curchod,
PCT Examination Section: Jordan Franklin, Tamotsu Hirai and Christian Grassioulet,
PCT Legal Section: Busso Bartels and Vitaly Trousov,
PCT Publications, Fees and Statistics Section:
Normando Scherrer, Barry Hodge, Henry Valarino,
Romano Imperio and Gérard Coudrier;

General Service category: 20 persons.

In 1987:

Responsible Deputy Director General: Alfons Schäfers;
Professional category and above: 10 persons
PCT Administration Division: Daniel Bouchez and Teruhisa Shimomichi,
PCT Examination Section: Christian Grassioulet,
PCT Publications Section: Nicole Lévy (Mrs.),
PCT Translation Section: Barry Hodge, Henry Valarino, Romano Imperio and Gérard Coudrier,
PCT Legal Division: Busso Bartels and Vitaly Troussov;

General Service category: 26 persons.

In 1988:

Responsible Deputy Director General: Alfons Schäfers;
Professional category and above: 11 persons
PCT Administration Division: Daniel Bouchez (Director) and Teruhisa Shimomichi,
PCT Examination Section: Christian Grassioulet,
PCT Publications Section: Nicole Lévy (Mrs.),
PCT Translation Section: Barry Hodge, Henry Valarino, Romano Imperio and Gérard Coudrier;
PCT Legal Division: Busso Bartels, Vitaly Troussov and Mats Pårup;

General Service category: 31 persons.

In 1989:

Responsible Deputy Director General: Alfons Schäfers;
Professional category and above: 12 persons
PCT Administration Division: Daniel Bouchez (Director) and Teruhisa Shimomichi,
PCT Examination Section: Christian Grassioulet,
PCT Publications Section: Nicole Lévy (Mrs.),
PCT Translation Section: Barry Hodge, Henry Valarino, Romano Imperio, Gérard Coudrier and Sabine Citron (Mrs.);
PCT Legal Division: Busso Bartels, Vitaly Troussov and Mats Pårup;

General Service category: 39 persons.

In 1990:

Responsible Deputy Director General: Alfons Schäfers;
Professional category and above: 13 persons
PCT Administration Division: Daniel Bouchez (Director) and Teruhisa Shimomichi,
PCT Examination Section: Christian Grassioulet,
PCT Publications Section: Nicole Lévy (Mrs.),

PCT Translation Section: Barry Hodge, Henry Valarino, Romano Imperio, Gérard Coudrier and Sabine Citron (Mrs.),

PCT Legal Division: Busso Bartels, Vitaly Troussov, Philip Thomas and Isabelle Boutillon (Ms.);

General Service category: 58 persons.

This period corresponds to the start of an exponential growth of the number of record copies and demands for international preliminary examination received by the International Bureau.

At the beginning of the period, fully integrated automation of both the processing of international applications and the international publication was achieved. The integrated system allowed the International Bureau to generate, in the appropriate language, the standard notifications (the well-known "PCT Forms") which are sent to receiving Offices, designated or elected Offices and applicants in the majority of cases. The system took full advantage of laser printer technology for printing the notifications (for example, the notifications of designation sent to designated Offices were generated in a fully automated fashion, each notification being generated by the system using the address of the Office concerned and picking up the name of the applicant associated with the corresponding designation). The processing of demands for international preliminary examination was fully computerized.

Towards the end of 1987, the International Bureau put in place a new structure allowing the fulfillment of its tasks according to the volume of international applications to be processed and published, taking into account the expected growth of the volume of work. Two Divisions were established, as follows:

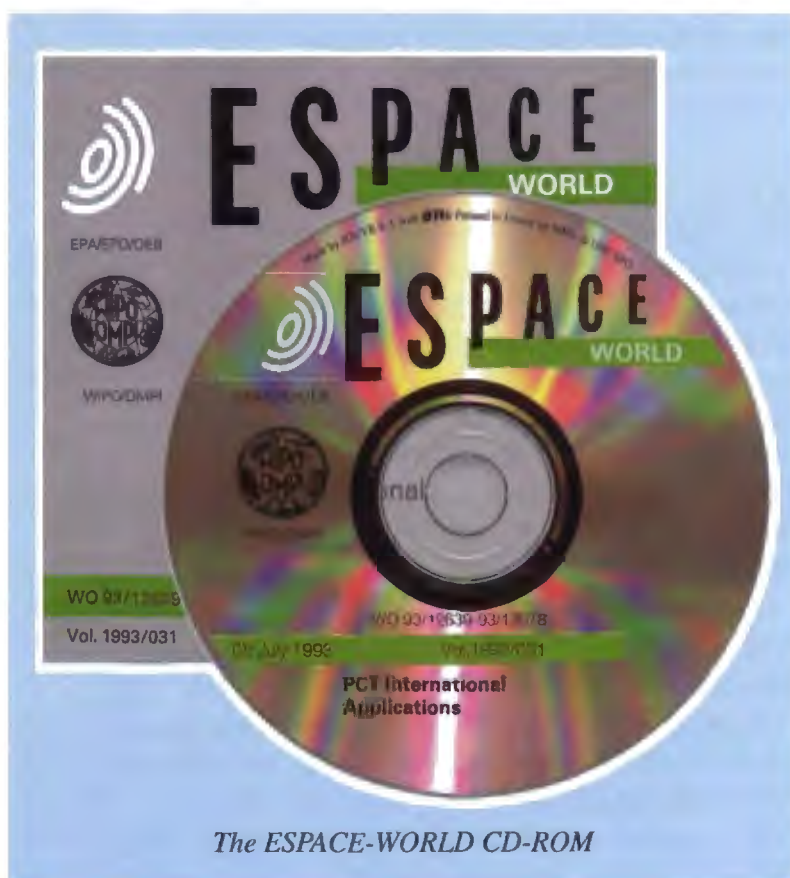
The PCT Legal Division;

The PCT Administration Division, comprising the following units:

- PCT Examination Section, carrying out the processing of international applications,
- PCT Publications Section, entrusted with the task of publishing the PCT pamphlets and the *PCT Gazette*,
- PCT Translation Section, entrusted with the translation of titles and abstracts in English and French, as required for the publication of the *PCT Gazette* and the PCT pamphlets and with the translation into English of the international preliminary examination reports, as required,
- Fees and Statistics Unit, under the direct supervision of the Director of the PCT Administration Division.

In January 1989, the International Bureau, in view of the increasing number of application files to be processed and stored, installed an electronic system controlling access to the offices in order to continue to preserve efficiently the confidential character of the international applications, of the demands for international preliminary examination and of the corresponding international preliminary examination reports. This electronic system enabled the International Bureau to control the physical access to each office according to the access profiles of the individual staff members of the International Bureau. The system also enabled the International Bureau to keep a record of all accesses to all offices and of all unsuccessful attempts to access such offices.

In 1989, the International Bureau, in cooperation with the EPO, planned to publish the PCT pamphlets on CD-ROMs. The resulting product, called "ESPACE-WORLD," was manufactured in 1990 and covered all the PCT pamphlets published in 1990. The production of the ESPACE-WORLD CD-ROMs continued in the following years. The front pages of the PCT pamphlets were also included in the ESPACE-FIRST CD-ROM collection produced by the EPO.



The ESPACE-WORLD CD-ROM

At its 17th session (which was held from September 24 to October 2, 1990), the Assembly of the PCT Union endorsed a proposal of the International Bureau according to which the national Offices which chose to receive the ESPACE WORLD CD-ROMs in substitution for paper copies

of PCT pamphlets would receive, on request, from the International Bureau, free of charge, a workstation comprising the equipment needed for reading and printing the PCT pamphlets contained in the said CD-ROMs. Many national Offices accepted the offer.

In 1990, the International Bureau started to carry out detailed investigation of optical disc technology and of modern document and image-editing systems in order to study the feasibility of a more sophisticated system for the processing and storage of the application files on machine-readable carriers and for the full automation of the international publication. That system, based on the emerging image-processing technology, was conceptually designed and detailed user requirements were prepared. A detailed tender document describing the system (called "*Document Imaging and Computer-Assisted Publication System*" (DICAPS)) was prepared and an international tendering procedure was launched. After a detailed study of the bids received, three possible contractors were "short listed."

2.6 Sixth Period: 1991, 1992, 1993 and 1994: further developments in automation.

Number of record copies received:

- in 1991: 22,247,
- in 1992: 25,917,
- in 1993: 28,577,
- in 1994: 34,104.

Number of international applications published:

- in 1991: 20,179,
- in 1992: 22,971,
- in 1993: 26,090,
- in 1994: 30,003.

Number of demands received:

- in 1991: 13,207,
- in 1992: 15,051,
- in 1993: 19,995,
- in 1994: 23,133.

Staff:

In 1991:

Responsible Deputy Director General: Alfons Schäfers;
 Professional category and above: 18 persons
 PCT Administration Division: Daniel Bouchez (Director), Teruhisa Shimomichi and Christian Grassioulet,
 PCT Examination Section: Judith Zahra (Mrs.) and Linda Schwarz (Ms.),
 PCT Publications Section: Nicole Lévy (Mrs.),

PCT Translation Section: David Chambers, Henry Valarino, Romano Imperio, Gérard Coudrier, Jean Geranton, Aldo Iorio, Serge Thobie and Sabine Citron (Mrs.);

PCT Legal Division: Busso Bartels (Director), Vitaly Trousov, Philip Thomas and Isabelle Boutillon (Ms.);

General Service category: 67 persons.

In 1992:

Responsible Deputy Director General: François Curchod;

Professional category and above: 19 persons

PCT Administration Division: Daniel Bouchez (Director), Masayuki Mori, Christian Grassioulet and Danielle Python (Mrs.),

PCT Examination Section: Judith Zahra (Mrs.) and Linda Schwarz (Ms.),

PCT Publications Section: Nicole Lévy (Mrs.),

PCT Translation Section: David Chambers, Henry Valarino, Romano Imperio, Gérard Coudrier, Jean Geranton, Aldo Iorio and Serge Thobie;

PCT Legal Division: Busso Bartels (Director), Vitaly Trousov, Philip Thomas, Isabelle Boutillon (Ms.) and Matthew Bryan;

General Service category: 71 persons.

In 1993:

Responsible Deputy Director General: François Curchod;

Professional category and above: 24 persons

PCT Administration Division: Daniel Bouchez (Director), Richard Watt, Masayuki Mori, Christian Grassioulet and Danielle Python (Mrs.),

PCT Examination Section: Judith Zahra (Mrs.) and Linda Schwarz (Ms.),

PCT Publications Section: Nicole Lévy (Mrs.),

PCT Translation Section: David Chambers, Henry Valarino, Romano Imperio, Gérard Coudrier, Jean Geranton, Aldo Iorio, Serge Thobie and Denis Mercer,
PCT Receiving Office Section: Jean-Luc Baron;

PCT Legal Division: Busso Bartels (Director), Vitaly Trousov, Philip Thomas, Isabelle Boutillon (Ms.), Matthew Bryan and Yolande Coeckelbergs (Ms.);

Developing Countries (PCT) Division: Wang Zhengfa (Director);

General Service category: 77 persons.

In 1994:

Responsible Deputy Director General: François Curchod;

Professional category and above: 27 persons

PCT Administration Department: Daniel Bouchez (Director), Richard Watt, Masayuki Mori, Christian Grassioulet and Danielle Python (Mrs.),

PCT Examination Section: Judith Zahra (Mrs.) and Linda Schwarz (Ms.),

PCT Publications Section: Nicole Lévy (Mrs.),

PCT Translation Section: David Chambers, Henry Valarino, Romano Imperio, Gérard Coudrier, Jean Geranton, Aldo Iorio, Serge Thobie and Denis Mercer,

PCT Receiving Office Section: Jean-Luc Baron;

PCT Legal Division: Busso Bartels (Director), Vitaly Trousov, Philip Thomas, Isabelle Boutillon (Ms.), Shiro Kimura, Eric Wolff, Matthew Bryan, Claus Matthes and Yolande Coeckelbergs (Ms.);

Developing Countries (PCT) Division: Wang Zhengfa (Director);

General Service category: 90 persons.

In 1995:

Responsible Deputy Director General: François Curchod;

Professional category and above: 34 persons,

PCT Administration Department: Daniel Bouchez (Director),

PCT Operations Division: Gary Smith (Head), Masayuki Mori and Christian Grassioulet,

PCT Examination Section: Judith Zahra (Mrs.) and Linda Schwarz (Ms.),

PCT Publications Section: Nicole Bérard (Mrs.) (ex Lévy) and Gijbertus Beijer,

PCT Translation Section: David Chambers, Henry Valarino, Romano Imperio, Gérard Coudrier, Jean Geranton, Aldo Iorio, Serge Thobie, Denis Mercer, Ananda Anenden (Mrs.) and Flora Kovalitchouk (Miss),
PCT Receiving Office Section: Jean-Luc Baron,

PCT Computerization Section: Richard Watt (Head), Nicholas Warne, Françoise Bosson (Miss), Patrick Fiévet and Danielle Python (Mrs.);

PCT Legal Division: Busso Bartels (Director), Vitaly Trousov, Philip Thomas, Isabelle Boutillon (Ms.), Shiro Kimura, Eric Wolff, Matthew Bryan, Claus Matthes and Yolande Coeckelbergs (Ms.);

Developing Countries (PCT) Division: Wang Zhengfa (Director);

General Service category: 88 persons.

In 1991, the development of the *Document Imaging and Computer-Assisted Publication System (DICAPS)* started. A contractor was selected among the three short-listed bidders mentioned above, with the advice of a panel of four expert advisers. Two of those expert advisers were specialists from major patent Offices and the two other advisers were private consultants. The said panel was asked to give advice to the International Bureau at specific milestones in the development of the system. The general requirements which served as a foundation for the establishment of a detailed specification of the DICAPS system were the following:

(i) *circulation, storage and retrieval of files*: the files of the international applications would no longer exist in paper form. Instead, all papers making up a file would be stored on optical discs, thus constituting "optical disc files";

(ii) *automatic page setting, with the drawings, of the PCT Gazette pages and of the PCT pamphlet front pages*: the page setting would be carried out by means of a computer-assisted publication system incorporating an automatic drawing reduction and insertion facility;

(iii) *printing of PCT pamphlets*: the automatic printing of PCT pamphlets (i.e., the printing of the pamphlets by laser printers using the images contained in the optical disc files) would replace the printing on photocopiers fed manually by operators;

(iv) *distribution and mailing of PCT pamphlets*: the pamphlets would be sent to national Offices and International Authorities which so desire, on optical media, in particular CD-ROMs, such optical media being generated from the optical disc files.

Also in 1991, the computerized system for the processing and publication of international applications was redesigned, using the data base management system (DBMS) adopted by the International Bureau for all its administrative systems and a fourth generation programming language. The new system, called "*Computer-Assisted System for the Processing of International Applications*" (CASPIA) allowed even more on-line automatic validations, multiple access (e.g., not only by international application numbers, but also by international publication numbers, by applicant names, etc.) and was specifically designed to be interfaced with the DICAPS system. During the entire period, the CASPIA

system was constantly updated in order to accommodate the amendments of the PCT Regulations (e.g., precautionary designations and confirmation thereof, extension of effect of international applications to certain successor States).

In 1992, the development of the DICAPS system was continued actively and the CASPIA system was implemented.



Also in 1992, WIPO was invited to participate in a project created by the United States Patent and Trademark Office (USPTO), the European Patent Office (EPO) and the Japanese Patent Office (JPO), within the framework of their trilateral cooperation, for the purpose of developing software which would enable applicants to prepare European, US and PCT international applications in electronic form (a similar system had already been developed by the JPO). The USPTO was acting as the "lead Office" for the project. Accordingly, the International Bureau started to participate actively in the said project. While the ultimate aim of this project (called the "*Electronic Application SYstem (EASY)*") was to achieve complete on-line electronic filing leading to the elimination of paper filing, the initial objective of the project was the development of a means to enable electronic filing on diskettes. Significant benefits and savings for applicants and patent Offices were expected to result from the preparation of patent applications using the EASY system, including immediate validation of data as it is entered, the use of help screens, reduction of paper used, reduction of data entry and checking costs for the Offices concerned, and more streamlined and better-quality publication of patent applications. The development of the EASY software was

scheduled in four successive stages called "Pilots," Pilots 1 to 3 providing for the filing of applications on diskettes and, ultimately, Pilot 4 providing for on-line filing of applications via telecommunication means.

Pilot 1 provided for the filing on diskette of an entire application in two parts, the "request part," containing the bibliographic data entered by the applicant through the completion of logical screens, and the "application part," containing the description, claims, abstract and drawings (if any), in the form of a word processing file. Pilot 1 would cover the development of the installation program for applicants, form software with associated validation, fee processing, electronic sealing, file management, help screens, word processor interface, print/display facility and possible interfaces with applicant data bases and patent Office systems.

Pilot 2 incorporated the procedures of Pilot 1, additionally providing for the development and testing of software enabling conversion of the application, by the Office receiving it, from a word processing format into a common mixed-mode format using SGML (Standard Generalized Mark-up Language), including drawings and embedded images. The use of the SGML conversion software would enable the Offices using EASY to publish applications in composed layout at much lower costs than is presently possible.

Pilot 3 would move the conversion and printing software developed and tested during Pilot 2 to the applicant's environment. The conversion software made available to applicants would provide for validation of the application's contents and resolution of formatting problems before the application is filed, thus permitting maximum standardization and relieving the Office of the conversion task, thereby contributing to more rapid and efficient publication.

Pilot 4 would provide for the on-line filing of applications via telecommunication means as an alternative to filing on diskette, and was considered the ultimate goal of the EASY project.

In 1993, the International Bureau designed an "on-line request form" for PCT applications, with extensive validation and help functions, coordinating this design with the EPO and the USPTO in order to provide the users of the system with a common interface following the same logical steps throughout the PCT, the European and the US procedures.

Also in 1993, in view of the future operation of the International Bureau as receiving Office, which was scheduled to start (and did start) on January 1, 1994, the International

Bureau carried out the required administrative preparation, including the development of a new computerized system called "Computer-Assisted System for the Processing of International Applications by the International Bureau as Receiving Office" (CASPRO). This system, using the same data base management system as the CASPIA system and other administrative systems in WIPO, was interfaced with the CASPIA system and with the computer system used by the Budget and Finance Division of the International Bureau.

Towards the end of 1993, the PCT Administration Department was created and replaced the former PCT Administration Division. A new Section, entitled "Receiving Office Section," was created within the PCT Administration Department and was entrusted with the task of carrying out the last preparations for the forthcoming operation of the International Bureau as receiving Office. The said Section started to process international applications received by the International Bureau as receiving Office as from January 1, 1994.

Also in 1993, the International Bureau started to send to some national Offices various notifications on magnetic tapes in substitution for notifications on paper. After a test period of two months, during which both magnetic tapes and notifications on paper were sent, the national Offices concerned were able to transfer directly on their respective computer systems the data contained in the magnetic tapes, thus avoiding a new capture of the data.

In June 1994, the two modules of the DICAPS system enabling the International Bureau to carry out the automatic page setting, with the drawings, of the entries of the *PCT Gazette* and of the front pages of the PCT pamphlets, as well as the indexes and Section II of the said *Gazette*, were successfully implemented.

Also in June 1994, most of the BIRPI building was the PCT's and was occupied by some 130 persons.

In August 1994, the entire DICAPS system, comprising all the functionalities originally specified, was delivered. The system was carefully tested and accepted in February 1995.

In 1994, the International Bureau started, in cooperation with the EPO to produce ESPACE-WORLD CD-ROMs containing the PCT pamphlets published before 1990. This production was carried out in successive batches, corresponding to three periods, namely, 1989, 1985 to 1988 and 1978 to 1984, the batches being produced from the most recent period to the older one. In addition, the so-called later publications (i.e., international search reports published after

the first publication, amended claims received after the first publication, along with versions of the front pages of the corresponding pamphlets, and corrected versions of the PCT pamphlets) were inserted in the current ESPACE-WORLD CD-ROMs.

2.7 Seventh Period: January 1 to May 31, 1995: full automation (introduction of the optical disc technology).

In March 1995, the above-mentioned DICAPS system was fully implemented. All the features initially planned were implemented as follows:

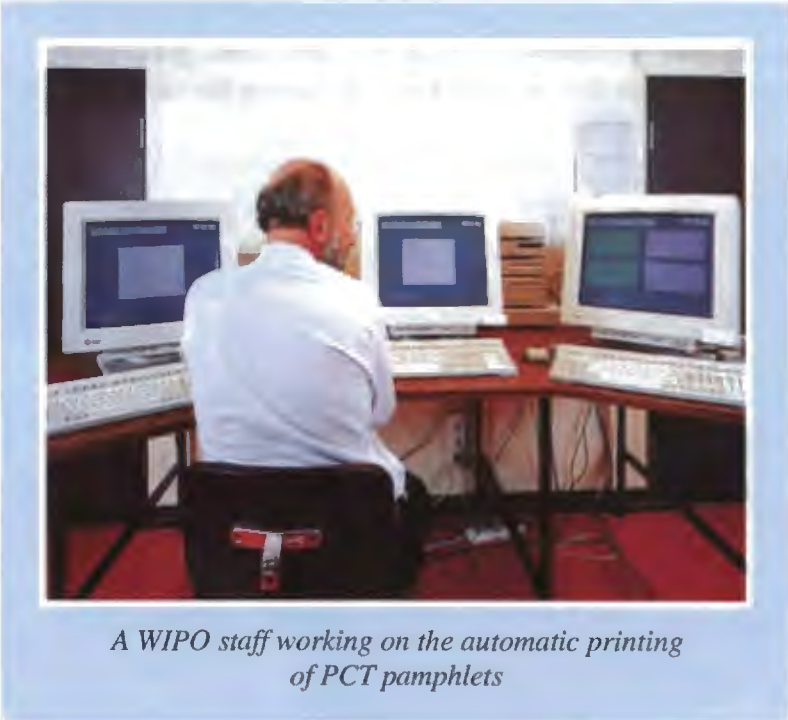
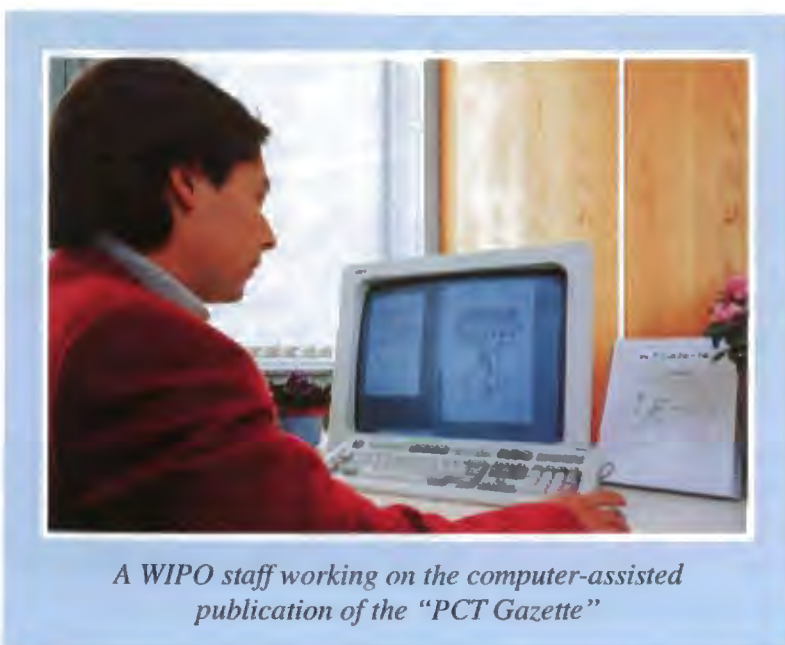
(i) *Circulation, storage and retrieval of files:* the files of the international applications corresponding to the record copies received in 1995 were scanned according to a procedure enabling the formalities examiners to be fully responsible for the contents and integrity of the "optical disc files." The original papers were no longer kept in separate files: instead, they were kept in "chronological boxes" (i.e., in the order in which the pages were received and scanned) from which they could be retrieved through the use of a data base within the DICAPS system. On-line consultation of the application files on high-quality graphic screens was available to users and a new work-flow management concept was developed, enabling the users to identify on their screens the work assigned to them and to analyze the progress made.

(ii) *Automatic page setting, with the drawings, of the PCT Gazette pages and of the PCT pamphlet front pages:* the page setting was carried out by means of a computer-assisted publication system incorporating an automatic drawing reduction and insertion facility. Although this feature had been made available in June 1994, the full implementation

thereof (with automatic selection of the appropriate pages from the image data base) came into production in March 1995.

(iii) *Printing of PCT pamphlets:* the automatic printing of PCT pamphlets (i.e., the printing of the pamphlets by laser printers using the images contained in the optical disc files) replaced the printing on photocopiers previously fed manually by operators. Such laser printers, served by sophisticated electronic means, were thus able to print the PCT pamphlets as required by a given address and in the correct order; this removed the requirement to select and sort the copies manually.

(iv) *Distribution of PCT pamphlets in CD-ROM format:* the CD-ROMs containing the PCT pamphlets were generated by an outside contractor from high-capacity magnetic tapes containing both bibliographic data in character-coded fashion and facsimile images of the PCT pamphlets, thus avoiding the need to scan the said pamphlets and speeding up the production and distribution of the CD-ROMs.



Another major advantage of the DICAPS system is to further improve the safeguards of the confidential character of the international applications. This is so since paper files no longer exist and since the access to the image data base is controlled electronically through strictly controlled access procedures (using passwords and specific user profiles).

Also in 1995, the International Bureau extended the scope of the notifications sent to national Offices on magnetic tapes in substitution for notifications on paper.

The implementation of the various computerized systems described above, in particular CASPIA, CASPRO and DICAPS, laid the ground not only for the full automation of the tasks of the International Bureau under the PCT, but also for improved communications and cooperation with the various PCT Authorities (receiving Offices, designated/elected Offices, International Searching and Preliminary Examining Authorities). Several aspects of such a cooperation materialized almost immediately with several Authorities. For example, the International Bureau, in cooperation with the European Patent Office, established a procedure whereby the International Bureau communicates to the European Patent Office, in its capacity as designated Office, the international applications, under the provisions of Article 20 of the PCT, in tape format (instead of paper). Such tapes are generated from the DICAPS system, thus avoiding the mailing of thousands of documents in paper form, and enabling the European Patent Office to save the scanning of such documents into its own optical disc system. Another example of such a cooperation is the furnishing to designated Offices of copies of the priority documents in tape format instead of paper. It is expected that more and more patent Offices will use, for their own processing needs, optical disc systems and will receive the various

communications from the International Bureau in tape format, thus saving the scanning of such documents.

Another potential result of the use of the DICAPS system is the printing of the PCT pamphlets in character-coded (or typeset) fashion. The International Bureau started in 1995 to investigate the possibility of carrying out optical character recognition of the textual part of the PCT pamphlets (i.e., the description and the claims), directly from the image files of DICAPS. This would allow, on the one hand, the printing of the PCT pamphlets in typeset fashion (saving 30 to 40% of the volume of paper), and, on the other hand, the production of mixed-mode CD-ROMs containing the said textual part in coded, fully searchable form, and the drawings in facsimile mode. This would have the advantage, for national Offices of the member States of the PCT which receive the PCT pamphlets in paper form, to save storage space (in particular in their search files), and, for those Offices which receive the PCT pamphlets in CD-ROM format, to be in a position to carry out full text search. Another advantage for the major patent Offices using a fully computerized search system, would be the possibility of loading the PCT pamphlets in their computerized documentation without the need to convert them into character-coded form.



Working area for the production of PCT pamphlets

Chapter V

THE LEGAL DEVELOPMENT OF THE PATENT COOPERATION TREATY AND THE REGULATIONS



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Introduction

The Patent Cooperation Treaty (PCT), together with the Regulations annexed to it, was adopted by a Diplomatic Conference which took place in Washington from May 25 to June 19, 1970. The Treaty was signed at the close of the Conference on June 19, 1970, and remained open for signature until the end of 1970. With the exception of Chapter II, the Treaty entered into force on January 24, 1978, when the conditions specified in Article 63(1) had been met. Chapter II became applicable on March 29, 1978, when the conditions specified in Article 63(3) had been met. At its first session in April 1978, the Assembly, pursuant to Article 65, fixed June 1, 1978, as the date from which international applications could be filed and demands for international preliminary examination could be submitted.

The Treaty includes provisions in Article 60 enabling revision of the Treaty by a special conference of the

Contracting States, and in Article 61 enabling amendment of specified Articles by the Assembly constituted by Article 53. In addition, Article 47 provides that all time limits fixed in Chapters I and II of the Treaty may be modified by a decision of the Contracting States made in the Assembly or through voting by correspondence. Article 58 provides for amendment of the Regulations.

The Development of the Provisions of the Treaty

Amendments in 1979. From the time of its adoption, the Treaty itself remained unchanged until September 28, 1979, when the Governing Bodies of WIPO, including the PCT Assembly during its second session, decided that the program and budget cycles, and the periodicity of sessions of the Governing Bodies, for all Unions administered by WIPO should be uniformly biennial rather than triennial or, in some cases, annual. The Governing Bodies decided that all

Conventions and Treaties administered by WIPO would be amended accordingly. Certain Articles of the PCT referring to the program and budget were so amended by the PCT Assembly under the special provisions of Article 61(1)(a) (namely, Articles 53(11)(a) and 54(6)(a)). Certain other provisions referring to the program and budget (in Article 53(2)(a)(vi) and (10)) could not be amended by the Assembly. However, the Assembly decided that, pending a corresponding revision of those provisions, it would adopt biennial rather than triennial budgets for the PCT Union.

Amendments in 1984. On February 3, 1984, the Assembly at its eleventh session, by a unanimous decision pursuant to Article 47, modified the time limits provided in Articles 22(2) and 39(1)(a) for entering the national phase of processing of an international application filed under the PCT. The purpose of the modification of Article 22(2) was to make the time limits for entry into the national phase under Chapter I of the PCT uniform, so that 20 months from the priority date would always be applicable irrespective of whether or not an international search report had been established on an international application. The time limit under Article 39(1)(a) for entering the national phase under Chapter II of the PCT was extended from 25 to 30 months from the priority date, allowing more time for international preliminary examination, thus enabling both applicants and the International Preliminary Examining Authorities to achieve better results during the international preliminary examination procedure. In addition, the modification of Article 39(1)(a) gave more time to applicants (in practice, a period of at least two months) during which to evaluate the contents of the international preliminary examination report and to decide whether, and in which of the elected States, to proceed into the national phase.

No other revisions, amendments or modifications have been made to the Treaty between 1984 and 1995.

The Regulations under the PCT

Amendments in 1978. Following the Washington Diplomatic Conference's adoption of the Regulations, together with the Treaty, in 1970, extensive preparatory work started, leading to the establishment of various Guidelines and of the Administrative Instructions, including a set of forms for use by applicants and the various Authorities under the PCT.

The preparatory work was carried out by several Interim Committees, in particular by the Interim Advisory Committee for Administrative Questions (PCT/AAQ). That Committee recommended a number of amendments to the Regulations, in

particular relating to the treatment of priority claims in international applications and of withdrawals of priority claims, of certain physical requirements (in particular, relating to margins and drawings, and some questions concerning international publication, including the frequency of publication and the price of the *PCT Gazette*).

At its first session in April 1978, the Assembly adopted a number of amendments including those proposed by PCT/AAQ and decided, in addition, to increase the amounts of fees (which were then fixed in both US dollars and Swiss francs) to a level which appeared to be more adequate eight years after the Treaty's adoption.

A few months later, at its second session in October 1978, the Assembly again reviewed the amounts in Swiss francs of all fees fixed in the Regulations, because of a change in the exchange rate between the US dollar and the Swiss franc. The result was a lowering of the amounts in Swiss francs, the amounts in US dollars remaining unchanged.

Amendments in 1979. Not long after, at its third session in May 1979, the Assembly adopted a number of amendments to the Regulations relating to fees. As a result, all fees were co-located in a Schedule of Fees rather than in individual Rules, and were fixed only in Swiss francs. Amendments to the Rules relating to the currency of fee payments were adopted, and the Assembly established directives for the fixing and periodical adjustment of equivalent amounts in currencies other than Swiss francs.

At the same session, the Assembly adopted an amendment to Rule 47 which permitted the printed international application (pamphlet) to be used for the communication of the international application under Article 20 to each designated Office. This measure achieved a considerable rationalization of the processing of international applications by the International Bureau and designated Offices.

Amendments of the Fees between 1981 and 1985. Fee increases were to appear regularly on the Assembly's agenda during the subsequent years, until the income derived by the International Bureau from PCT fees had reached a level such that governments could cease to pay deficit-covering contributions to the budget of the PCT Union and, indeed, could be reimbursed for such contributions paid in the past. As time went on, income came to exceed expenditure. The PCT fees were increased by the Assembly with effect in 1981, 1982, 1983, 1984, 1985, 1986 and 1992.

Amendments in 1980. In the meantime, growing experience of the PCT by users of the system and by Offices and PCT Authorities soon revealed a need for further amendments to the Regulations. The Assembly, at its fifth session in June 1980, amended 26 Rules, adopted eight new Rules, and deleted four Rules.

Many of the changes had significant consequences for applicants. For example, new Rule 13*bis* facilitated the filing of international applications relating to, or involving the use of, microorganisms and the deposit of microorganisms with a depositary institution, in particular by giving clear guidance to applicants as to making in the international application, or in a separate document, the references to deposited microorganisms required by designated Offices and as to the furnishing of samples of such microorganisms.

New Rule 16*bis* provided the applicant and his patent agent with a means of remedying the situation in the case of a mistake (as to the prescribed amount) or delay (beyond the prescribed time limit) in the payment of fees to the receiving Office (that is, the transmittal fee, the search fee, the basic fee and the designation fees).

The new system introduced by Rule 16*bis* was representative of many amendments, outlined below, that were adopted in this and subsequent sessions of the Assembly with the intention of providing greater security for applicants and avoiding the risk of loss of rights because of a procedural error. In this particular case, the system provided that the International Bureau of WIPO would issue an invitation to the applicant to pay any fees which were missing when the time for payment expired. More than that, the International Bureau would itself advance the missing amount to the receiving Office and the International Searching Authority. The applicant's rights in the application would be preserved provided that the missing amount was paid to the International Bureau, together with a surcharge for late payment intended to cover the International Bureau's expenses resulting from guaranteeing the fee payment to the receiving Office and International Searching Authority and from issuing the invitation to the applicant.

A number of other amendments were adopted in June 1980 with the intention of making the PCT system more user-friendly. For example, an amendment was made to Rule 17.1 permitting priority documents to be submitted at any time until the expiration of 16 months from the priority date.

Rule 19.2 was amended to ensure that, where there were several applicants for an international application, the order in which they were named was not relevant for the competence

of the receiving Office, as had been the case in some circumstances under the Rule before its amendment.

Rule 47.1 was amended to safeguard the applicant's rights when the communication of the international application to the designated Offices pursuant to Article 20 had taken place. Under the amended Rule, the International Bureau, in addition to notifying the applicant of the communication, also notifies the designated Offices, separately from the communication itself, of the sending of the notice to the applicant. The notice to the applicant must then be accepted by all designated Offices as conclusive evidence of the communication having taken place, so that no applicant would suffer loss of rights or be required by a designated Office to provide a copy of the international application, even in the event that the communication was, in fact, defective.

Amendments to Rule 57 provided for an invitation to the applicant and a grace period for payment where a demand for international preliminary examination was filed without payment of the required handling fee so that, if the missing fee was paid in compliance with the invitation, it would be considered to have been paid on the due date.

By an amendment to Rule 80.6, an additional possibility was established for extending, in the event of delays in the mail, time limits counted from a date of mailing indicated in a document or notification. The additional possibility would arise if a mailed document was shown to have been received more than seven days after the date borne by the document.

New Rule 92.4 added the possibility of using telegraphic, teleprinter or other like communication, for the transmittal to Offices and intergovernmental organizations of any document subsequent to the international application itself, provided that the communication was followed within 14 days by the original of the document (and that the Office or organization was prepared to receive the document by the means of telecommunication concerned).

New Rule 92*bis* provided, in a single Rule, for a uniform and simple procedure for the recording by the International Bureau of changes concerning the applicant, agent, common representative or inventor.

At its sixth session in September 1980, the Assembly adopted amendments to Rules 22 and 82 in order to afford greater security to applicants with regard to the transmittal of the record copies of international applications to the International Bureau. The effect of the amendments was that the provisions of Rule 82, dealing with excuse of delay or loss in mail and interruption in the mail service, would also apply

to mailings by national Offices and intergovernmental organizations and would, in particular, apply to the transmittal of the record copy by the receiving Office to the International Bureau. Article 12(3) provides that the international application will be considered withdrawn if the record copy has not been received by the International Bureau within the prescribed time limit. These amendments alleviated great fears of PCT users that they might risk a loss of rights through no fault of their own.

Amendments in 1981. At its seventh session in June-July 1981, the Assembly adopted amendments to Rules 3 and 4 in order to improve several aspects of the request form, and in particular to permit the indication of a special address to which notifications are to be sent.

Preparation of Further Amendments (1981-83). At the same session, upon a proposal by the Government of Sweden, in order to promote wider use of the PCT system and to further simplify the obtaining of protection for inventions through the use of the PCT, the Assembly decided to entrust the International Bureau with the carrying out of a study, the aim of which was to find out what problems existed with the use of the PCT that gave rise to suggestions that the procedure was too complex, and to suggest solutions to resolve such problems. The Assembly also decided, upon a proposal of the Delegation of Switzerland, that the study should include proposals for the transfer of provisions from the Regulations to the Administrative Instructions with respect to provisions not affecting the applicant or national law, having regard to the need to improve easy comprehension of the PCT provisions.

The requested study of the PCT was undertaken and a number of first proposals for amendments to the PCT and the Regulations were discussed with representatives of non-governmental organizations in a meeting held in Geneva in April 1982. Representatives from national Offices also participated in these consultations. Thereafter, the International Bureau revised its initial proposals and submitted them to the PCT Committee for Administrative and Legal Matters (PCT/CAL), which held its first session in September 1982. Further revised proposals, which took into account the advice given by PCT/CAL, were considered by PCT/CAL at its second session held in April 1983.

Amendments in 1984. On the basis of the advice the International Bureau received during the second session of PCT/CAL, final proposals were prepared and submitted to the

eleventh session of the Assembly which was held in January-February 1984. The Assembly unanimously adopted modifications concerning Articles 22(2) and 39(1)(a) of the Treaty, as already indicated above, and it adopted amendments to 91 of the some 300 Rules then contained in the Regulations. The changes were so numerous and so important that they were regarded as introducing a new era in the PCT system. Their main purpose was to further improve the PCT system for the benefit of its users. The changes introduced numerous safeguards against possible mistakes by applicants, and made the use of the system simpler. Also, certain time limits were extended, in particular in respect of the procedure under Chapter II, so that the international preliminary examination procedure was able to be more thorough than previously. Here are the major amendments which were adopted.

Amendments to Rules 6.4 and 66.2 allowed for the inclusion in the international applications of multiple dependent claims under certain circumstances.

As a result of an amendment to Rule 15.4, a uniform time limit was established for the payment of the basic fee, the international fee and the search fee for all receiving Offices--namely, one month after filing of the application (although applicants retained the option, in any event, of paying designation fees up to one year from the priority date).

The International Bureau was, through amendments to Rule 22, entrusted with monitoring the transmittal of the record copy from the receiving Office to the International Bureau. Under the new procedure, where a record copy had not been received by the International Bureau within 13 months from the priority date, the International Bureau would send a reminder to the receiving Office. If the record copy had still not been received by the expiration of 14 months from the priority date, the International Bureau would notify the applicant of that fact. The applicant could then himself transmit the record copy to the International Bureau or see to it that the receiving Office did so. It would only be after the expiration of three months from the date of the notification to the applicant that the International Bureau could make a finding that no record copy had been received. Thus, the loss of rights in the international application because of lack of, or late, transmittal of the record copy could no longer occur without the applicant first having been warned and offered the possibility of transmitting the record copy himself.

The procedure for the correction of formal defects was liberalized considerably by amendments to Rule 26. Under the amended Rule, failure to comply with physical requirements would be disregarded if the papers making up the international

application permitted reasonably uniform international publication. Also, the possibility of allowing an extension of the time limit for correction of formal defects was introduced. Thus, applicants no longer risked loss of the international application for a minor lack of compliance with physical requirements, and extensions of time became available to remedy failure to meet the original deadline for correction. An important principle was thus established, according to which corrections received before a decision is taken by the receiving Office could be taken into account even if they were received after the expiration of the time limit for correction.

Certain improvements were made in favor of applicants filing international applications in languages other than one of the languages of publication under Rule 48.3. Noting that such applications will be published in English, amendments to Rules 12.1(b) and 46.3 had the effect, in such cases, that the request could be filed in English, and that any amendments to the claims under Article 19 would be required to be in English and no longer in the language of filing.

The time limits for filing amendments to the claims under Article 19 were made much more flexible by an amendment to Rule 46.1 which, as amended, permitted amendments to be made even if filed after the expiration of the applicable time limit, provided that the amendments reached the International Bureau before the completion of the technical preparations for international publication.

Rules 32 and 32*bis*, concerning withdrawals of the international application, of designations and of the priority claim, were amended to afford greater convenience to applicants by allowing notices of withdrawal to be sent to the receiving Office as well as to the International Bureau. Furthermore, it was agreed that it was possible for an applicant to make a conditional withdrawal of the international application, so that the withdrawal would be effective if made early enough to stop the international publication of the application but would not be effective if made too late to stop international publication.

By amendments to Rule 48.3, the Spanish language was included as a language of publication, thus permitting international applications to be filed and published in Spanish. However, noting that there was no International Searching Authority available to search international applications filed in Spanish, new Rule 12.1(c) and (d) enabled international searches to be undertaken on the basis of a translation in certain circumstances.

The possibilities for rectifying obvious errors in international applications under Rule 91 were broadened,

removing the restriction that only errors of transcription could be corrected. Furthermore, it was provided that, in a case where a request for rectification was refused, the applicant could have the request for rectification published together with the international application. This provision was introduced in order to make it easier for the applicant, during the national phase, to make further efforts to secure the rectification before designated or elected Offices which, under their national laws, may have a more liberal practice than applies under Rule 91.

A new Rule of great importance, Rule 82*bis*, was added, pursuant to Article 48(2), to help applicants who failed to observe certain time limits during the processing of the international application. That Rule clarified the applicant's right to request designated and elected Offices, during the national phase, to excuse any delay in missing a time limit according to the conditions laid down by the national law for that purpose.

New Rule 82*ter* supplemented Article 25 by giving the applicant, in a case where the international filing date accorded by the receiving Office was incorrect owing to an error made by that Office or where a priority claim had been cancelled or corrected in error by the receiving Office or the International Bureau, the possibility to request a rectification of the error before designated and elected Offices in the national phase, under the conditions laid down in the new Rule.

Significant amendments were made to Rules 66 and 69, relating to the international preliminary examination procedure under Chapter II of the PCT. The time available for international preliminary examination under Rule 69.1 was extended considerably from six months to at least nine months, thus allowing two months, in general, after the issuance of the international preliminary examination report before the applicant must perform the acts for entering the national phase before the elected Offices. This additional time allows the applicant to better evaluate the results of the international preliminary examination and to prepare for entry into the national phase.

The international preliminary examination procedure itself was improved by an amendment to Rule 66.4 which gave the applicant more opportunities to submit arguments to the examiner than he was entitled to earlier. Coupled with the longer time available for international preliminary examination, that amendment permitted a more fruitful dialogue between applicants and examiners, resulting in improved international preliminary examination reports which would be of greater value to both applicants and elected Offices.



The cover page of the text of the Treaty and the Regulations (WIPO publication No. 274) in (from left to right and from top to bottom) English, French, Spanish, German, Russian and Chinese

The requirements relating to the entry into the national phase, a procedural step of great importance both to applicants and to designated and elected Offices, were clarified and simplified in several respects. Rules 49, 51bis and 76, as amended, ensured that, within the time limit applicable under Article 22 or 39(1), the applicant had only to perform two acts, namely, the filing (if required) of a translation of the international application, and the payment of the national fee. Any other national requirements which might exist, if they were permitted under Article 27, could be complied with after the national processing had started, since all national Offices would be obliged to give the applicant an opportunity to fulfill any such additional requirements after commencement of the national phase.

At the same time, Rule 49 was amended in order to clarify and define the requirements which must be satisfied in order to enter the national phase before the designated or elected Offices, particularly in relation to the contents of the translation. It was made clear that no (new) formal drawings

could be required for the national phase if the drawings filed with the international application satisfied PCT requirements. Moreover, it was expressly stated that use of a national form was not to be required. Amendments to Rule 74 clarified the contents of the translations to be furnished to the elected Offices where amendments had been made by the applicant to the description, claims and drawings during international preliminary examination.

Finally, various amendments were made to improve the readability of the PCT Regulations for applicants by transferring certain Rules or parts of Rules which were of no direct interest to applicants to the Administrative Instructions under the PCT, and by deleting some obsolete Rules.

Preparation of Further Amendments (1985-90). After the comprehensive revision of the PCT system described above was undertaken by the Assembly at its eleventh session in 1984, it was expected that there would be a rather long

period during which very few, if any, further changes would have to be made, and indeed it was only in 1991 that the Regulations were again revised.

During that period, practical experience showed that the PCT system had been greatly improved but also revealed areas where additional simplification and modernization were required. Also, there was a need to afford stronger safeguards for applicants' rights in a few situations, in particular in relation to the procedure under Chapter II of the PCT.

The International Bureau thus proposed various amendments to the Regulations, in particular relating to Chapter II, which were considered by PCT/CAL at its third and fourth sessions (both sessions being in two parts) in July, September and December 1990 and March 1991.

Amendments in 1991. On the basis of the advice given by PCT/CAL, the Assembly, at its eighteenth session in July 1991, adopted a new large package of amendments. Of the 331 Rules in force at that time, 120 were amended in substance. Eighteen new Rules were added and various Rules were subjected to drafting amendments.

As in the case of the previous amendments, the changes were designed to streamline the procedures for filing and prosecuting international applications and to make the use of the PCT procedure simpler, safer and more accessible for applicants. By then, 13 years of experience in the use and administration of the PCT could be taken into account.

Some of the more important changes adopted by the Assembly are outlined in the following paragraphs.

Amendments to Rules 18.3 and 18.4 broadened access to the PCT procedure by liberalizing the nationality and residence requirements which must be satisfied by applicants.

A new system of designation, called "precautionary" designation, was introduced by amending Rule 4.9 and adding new Rule 15.5. Under those Rules, it became possible, at the time of filing the international application, to designate only one State by name and to designate all the others by simply stating that all the others were also to be considered as designated; while the fee for the one designation was due within one month from the date of receipt of the application, as far as the other ("precautionary") designation was concerned, the applicant has to specify the States (all of them or some of them, as he wished) to which the precautionary designation should apply ("confirmation") and pay the designation fees applicable to the confirmed designations within 15 months from the priority date.

Rules 3.4, 4.4, 53.1, 82.1 and 92.4 were amended with the result that filing of computer-generated requests and demands, filing of documents and correspondence by facsimile machine and mailing by delivery services were accommodated to a much greater extent than in the past.

By amending Rules 4.15, 12.1, 16*bis*, 20.4, 53.8, 56.1 and 60.2, and adding new Rules 26.3*ter* and 90*bis*.5, formality and language requirements, and the rectification of defects in relation to them, were simplified in relation to fee payments, signature of documents, and the language used in the request, drawings and abstract.

As a step towards greater international harmonization of patent laws, the unity of invention requirement was modified by amending Rules 13.2 and 13.3.

Rules 40.2 and 68.3 were amended to introduce a fee to be paid by an applicant filing a formal protest against a finding of lack of unity of invention by an International Searching or International Preliminary Examining Authority, but the fee could be required only after a prior review--free of charge--of the finding by the Authority concerned.

Improved means for searching certain biotechnology inventions were introduced by new Rules 5.2 and 13*ter* whereby applicants would be required to furnish nucleotide and/or amino acid sequence listings complying with prescribed standards and in machine-readable form.

Certain clarifications to the international preliminary examination procedure effected by amending Rules 53.2, 60.1, 62, 66 and 69.1, and adding new Rule 53.9, made it possible for the International Preliminary Examining Authority to commence examination earlier than in the past, thus gaining valuable time for Authorities and applicants in which a more thorough international preliminary examination could be carried out. In addition, Rules 57 and 72 were amended to remove the requirement that the international preliminary examination report would have to be translated into languages other than English and to eliminate the corresponding need for applicants to pay supplements to the international preliminary examination handling fee.

New Rule 61.4 provided for publication of a notice in the *PCT Gazette* in cases where a demand for international preliminary examination was filed prior to the expiration of 19 months from the priority date, with the result that third parties would be informed that the entry of the international application concerned into the national phase had been postponed.

The procedures for requiring translation of the claims as filed and/or as amended under Article 19 when an application entered the national phase of processing were liberalized by amendments to Rules 49.5 and 76.

All provisions concerning withdrawals of international applications, designations, demands and elections, as well as priority claims, were reviewed and combined in a single new Rule 90*bis*.

Amendments of Rules 2 and 4.8, and a complete redraft of Rule 90, rationalized the provisions concerning agents and common representatives. Express provisions were added to enable the appointment of a person to act as agent specifically before the International Searching Authority or the International Preliminary Examining Authority (provided that the person so appointed had the right to practice before the national Office or intergovernmental organization acting as the Authority). It was also provided that agents could appoint one or more sub-agents, a particularly useful possibility for the purposes of representation before the International Preliminary Examining Authority.

In addition to substantive changes, a large number of changes of a drafting nature were made in order to clarify certain provisions where some doubt existed and to delete obsolete provisions which were no longer needed.

Amendments in 1992. Only one year later, in order to take account of several further developments within the PCT Union, the Assembly amended several Rules at its twentieth session in September 1992.

Rules 10.1, 11.9 and 48.3 were amended so as to enable the use of the Chinese language for the filing, publication and other processing of international applications.

The introduction of new Rules 55.2 and 55.3, and amendments to Rules 55.1, 60.1, 61.1, 66.9, 70.17 and 92.2, enabled international preliminary examination to be carried out on the basis of a translation, furnished by the applicant, of international applications filed and published in a language which is not a working language of the International Preliminary Examining Authority. These amendments were intended mainly to apply to international applications filed in Spanish.

The Assembly also adopted new Rules 32.1 and 32.2 providing a new procedure for extending the effects of international applications, in certain circumstances, to a newly independent State whose territory was formerly part of a Contracting State which had ceased to exist and which newly

independent State had deposited a declaration of continuation the effect of which was that the PCT was applied by it.¹

The Assembly again considered amendments to Rule 91.1 in respect of rectification of obvious errors in documents, but referred the matter to PCT/CAL for further study.

Amendments in 1993. A year later, at its twenty-first session in September 1993, the Assembly adopted further amendments.

Amendments to Rules 19.1 and 19.2, with consequential amendments to a number of other provisions, gave applicants from all PCT Contracting States the option to file international applications with the International Bureau as receiving Office.

The Assembly also adopted new Rule 19.4 which provided that an international application filed by an applicant from a Contracting State with a "non-competent" receiving Office would be date-stamped and forwarded by that Office to the International Bureau as competent receiving Office without loss of the initial filing date.

Conclusion

All the amendments, adopted during the first 25 years of the PCT, were governed by the desire to simplify the PCT system, to streamline the procedure and to include more and more safeguards for applicants.

New technical developments and further experience with the perfected PCT system, as well as the need to further develop the PCT in order to meet the ever-growing need of inventors and industry for worldwide patent protection, will in future years continue to occupy the Assembly as further changes are needed to the PCT and its Regulations. That the past amendments caused a wider use of the PCT is evidenced by the continuous increase in the number of international applications filed. Since the entry into force in 1985 of the comprehensive review of the Regulations, the annual growth rate has consistently been more than 10%.

The growing use of the PCT system and the steady rise in the number of PCT Contracting States from all parts of the world show that the needs of both applicants and Contracting States are being met and that the objectives of the PCT are being achieved. However, the PCT system is not and cannot be static if its success is to continue. The system will need to be subject to ongoing review and further development in order to adapt it to new needs and to improve its effectiveness.

¹ Such a declaration was deposited by the following States in the years indicated hereafter: Armenia (1994), Belarus (1993), Czech Republic (1992), Georgia (1994), Kazakhstan (1993), Kyrgyzstan (1994), Republic of Moldova (1994), Slovakia (1992), Tajikistan (1994), Turkmenistan (1995), Ukraine (1992), Uzbekistan (1993).

Chapter VI

DOCUMENTARY AND TECHNICAL ASPECTS OF THE PATENT COOPERATION TREATY



by Paul Claus,
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Introduction

The present article deals with the documentary and technical aspects of the Patent Cooperation Treaty (PCT) as addressed by the competent bodies of the PCT during the period from the conclusion of the 1970 Washington Diplomatic Conference to date.

The article is divided into two Parts.

Part I deals with the period from the conclusion of the Washington Diplomatic Conference to the entry into force of the PCT (January 24, 1978). It contains a thematic review of the main achievements of the PCT Interim Committee for Technical Cooperation, its standing subcommittee and the

PCT Interim Advisory Committee for Administrative Questions.

Part II deals with the period from the entry into force of the PCT to the present day and consists of a thematic review of the work carried out during the said period by the successor body of the PCT Interim Committee for Technical Cooperation, that is, the PCT Committee for Technical Cooperation.

For detailed information on the mandate and conditions of membership of the above-mentioned bodies, as well as on their various meetings, reference is made to the corresponding parts of the present book's chapter, "PCT Meeting Profiles."

PART I

FROM JUNE 17, 1970, TO JANUARY 24, 1978 (FROM THE ADOPTION TO THE ENTRY INTO FORCE OF THE PCT)

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- 1.6 Patent Documents Service (INPADOC)
- 1.7 Minimum Documentation: Non-Patent Literature; Cooperation With the International Atomic Energy Agency (IAEA)
- 1.8 Isolated Searches
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- 1.10 Guidelines
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- 1.13 Concluding Remarks

1.1 Introductory Remarks

During the period from the conclusion of the 1970 Washington Diplomatic Conference to the date of entry into force of the PCT, the technical work required to prepare the entry into force of the PCT was mainly dealt with by the PCT Interim Committee for Technical Cooperation (hereinafter referred to as "the Interim Committee"). As described in the corresponding parts of the above-mentioned "PCT Meeting Profiles," the Interim Committee was established by the Assembly, the Conference of Representatives and the Executive Committee of the Paris Union pursuant to the "Resolution Concerning Preparatory Measures for the Entry Into Force of the Patent Cooperation Treaty" adopted by the Washington Diplomatic Conference on June 17, 1970. As stated in the said Resolution, whose full text appears in the "profile" of the Washington Diplomatic Conference, the main task of the Interim Committee was to "prepare the establishment of the Committee for Technical Cooperation

referred to in Article 56 of the Treaty and advise the prospective International Searching and Preliminary Examining Authorities on the questions which will require solutions when the Treaty enters into force."

The above-mentioned Resolution defined the mandate of the Interim Committee only in very general terms. Consequently, at its first meeting, held in Geneva from February 8 to 11, 1971, the Interim Committee reviewed a document prepared by the International Bureau in which the suggested tasks of the Interim Committee were defined in detail (document PCT/TCO/I/2). On the basis of the said document, the Interim Committee adopted the following conclusions:

(a) *Generally*

The Interim Committee should:

- (i) carry out studies and formulate recommendations to the prospective Searching Authorities so that their search reports, as to their substance, would be of the highest possible quality and the greatest possible uniformity and, as to their form, would be of the greatest possible clarity and uniformity;
- (ii) do likewise with respect to the prospective International Preliminary Examining Authorities and the preliminary examining reports they would prepare;
- (iii) study and recommend the best methods for providing copies of documents cited in the said reports.

(b) *Minimum Documentation*

The International Bureau, under the guidance of the Interim Committee, should:

- (i) prepare a detailed inventory of the patent documents to be included in the minimum documentation, this inventory to comprise also the status of abstracts of Japanese and Russian language documents and those English, French and German language documents which, under Rule 34.1(c)(vi) of the PCT Regulations, may be expected to be included in the minimum documentation;
- (ii) carry out a survey on the question which of the patent documents and of the minimum documentation are missing in any of the prospective Authorities and recommend measures (exchange of documents, microfilms,

- etc.), to fill the gaps by the time the Treaty comes into effect;
- (iii) carry out a survey of existing abstracting services--whether government-operated--offered for sale to the general public (for example, *Chemical Abstracts* and Derwent), or private and restricted (as in the case of some industry groups) and of their plans for the future;
 - (iv) study the possibilities of cooperation and coordination among the abstracting services and the use of such services by the prospective Authorities;
 - (v) study the most efficient methods by which the prospective Authorities may acquire patent documents and abstracts in the most practical form from national Offices, public or private documentation services, and other possible sources, on a continuing basis before and after the entry into force of the Treaty;
 - (vi) carry out, with a view to establishing the list referred to in Rule 34.1(b)(iii) of the PCT Regulations, a survey to identify the kind of non-patent literature items which are now used by the prospective Authorities;
 - (vii) work with a view to formulating proposals as to what should be included in the list referred to in the preceding item and in what form (abstracts, etc.);
 - (viii) study the possibilities of alerting prospective Authorities to enable them to exchange or otherwise acquire non-patent literature items which might be included in the said list but which are presently missing from the collections of the prospective Authorities.

(c) *Information meetings on searching techniques*

The Interim Committee deemed it desirable to familiarize the examiners of any prospective Authority with the searching and examination techniques of all the other prospective Authorities. Mutual awareness of these matters seemed, indeed, an almost indispensable prerequisite to any discussion on how to achieve uniform standards. It was therefore proposed that information meetings be organized, and that each meeting would deal with a different major branch of technology and each prospective Authority would be represented therein by examiners well informed on all the details of searching techniques in such branch. Finally, it was decided that, following a proposal made by the German Patent Office, an attempt should be made to carry out a certain number of test searches at the prospective International Searching Authorities.

(d) *Computerized or computer-aided storage and retrieval of patent documents*

The Interim Committee considered it useful to become a forum in which information would be exchanged--not only between Offices but also between the said Offices and private undertakings operating in this field--in the plans for computerized or computer-aided storage and retrieval systems of scientific documents, particularly patent documents.

(e) *Patent families and bibliographic data*

The Interim Committee decided to take stock of the existing and planned facilities--whether government-operated or privately operated--for indexing bibliographic data appearing on patent documents, particularly as an aid to identifying those which relate to the same invention and some of which for that very reason certain prospective Authorities wished to eliminate from their active search files. In particular, it was decided that the possibilities of creating standardized, compatible--and, consequently, exchangeable and mutually usable--computer tapes carrying such bibliographic data would be studied.

As reported in the corresponding "PCT Meeting Profiles," the Interim Committee met eight times in the period from February 1971 to January 1978. At its first session, it established a Standing Subcommittee, which met four times in the period from December 1971 to April 1973.

Although the major thrust of the efforts of the Interim Committee was in the fields of minimum documentation problems, patent families and bibliographic data, the preparation of guidelines and the streamlining of procedures also involved considerable efforts. The paragraphs below review the main achievements of the Interim Committee in these areas.

1.2 Minimum Documentation: National Patent Documents

Article 15(4) of the PCT provides that any International Searching Authority shall consult the "documentation specified in the Regulations" and Rule 34.1(b) of the PCT Regulations provides that the documentation referred to in Article 15(4) ("minimum documentation") shall include, among other things, the "national patent documents" as specified in paragraph (c) of the same Rule.

It is recalled that according to the provisions of the said Rule 34.1(c), subject to paragraphs (d) and (e), the national patent documents shall be the following:

- "(i) the patents issued in and after 1920 by France, the former *Reichspatentamt* of Germany, Japan, the Soviet Union, Switzerland (in French and German languages only), the United Kingdom, and the United States of America,
- (ii) the patents issued by the Federal Republic of Germany,
- (iii) the patent applications, if any, published in and after 1920 in the countries referred to in items (i) and (ii),
- (iv) the inventors' certificates issued by the Soviet Union,
- (v) the utility certificates issued by, and the published applications for utility certificates of, France,
- (vi) such patents issued by, and such patent applications published in, any other country after 1920 as are in the English, French, German [or Spanish]¹ language and in which no priority is claimed, provided that the national Office of the interested country sorts out these documents and places them at the disposal of each International Searching Authority."

According to the work program adopted by the Interim Committee at its first session, the International Bureau:

- (i) prepared a detailed inventory of the patent documents referred to in PCT Rule 34.1(c)(i) to (v);
- (ii) contacted the national Offices of Austria, Australia, Belgium, Canada, India, Ireland, Israel, Luxembourg, Monaco, New Zealand, Pakistan, the Philippines, South Africa, Sri Lanka and the African and Malagasy Industrial Property Office (OAMPI, now OAPI) in order to prepare an inventory of those English, French and German language documents which, under PCT Rule 34.1(c)(vi), might be expected to be placed at the disposal of each International Searching Authority.

With respect to the first inventory referred to above, very detailed information was obtained from the seven countries whose documents are part of the PCT minimum documentation, that is, France, Germany (Federal Republic of), Japan, the Soviet Union, Switzerland, the United Kingdom and the United States of America. The inventory also indicated whether, for certain numbers in a number series, no documents were issued.

With respect to the preparation of the second inventory, Australia, Austria and Canada decided to put at the disposal of each International Searching Authority a sorted collection of documents published by their Offices which did not invoke a priority under the Paris Convention for the Protection of Industrial Property.

On several sessions, the Interim Committee improved and expanded the above-mentioned inventories, so that by the time the PCT entered into force, it was absolutely clear to everybody, including the International Searching Authorities, which documents physically constituted the "PCT Minimum Documentation: Patent Documents."

Parallel with the drawing up of these inventories, the International Bureau played an active role in helping some International Searching Authorities to acquire those documents from the minimum list which were missing from their collections.

1.3 Minimum Documentation: Non-Patent Literature

The work to establish the "PCT Minimum Documentation: Non-Patent Literature" proved much more difficult to undertake. Indeed, starting off with a list of 6,680 different periodicals that, as a whole, were held by the then seven prospective International Searching Authorities (more particularly, the Patent Offices of Austria, Germany (Federal Republic of), Japan, the Soviet Union, Sweden, the United States of America and the International Patent Institute (IIB)),² the Interim Committee had gradually to find its way through many divergent opinions and differing emphases put on the non-patent literature by the various prospective authorities.

To have an idea of the problems involved, here are some figures. Only 11 titles of periodicals appeared on the lists of all seven prospective International Searching Authorities, 41 on the lists of six or seven Searching Authorities, 106 on the lists of five, six or seven Searching Authorities, 191 on the lists of four, five, six or seven Searching Authorities and 245 on the lists of three, four, five, six or seven Searching Authorities.

Nevertheless, it was decided in a first approach that the said list of 6,680 titles should be narrowed down to the

¹ The bracketed part was added in 1993.

² In this and similar paragraphs of the present article, certain countries are identified by the official name which they had at the time to which the facts reported on refer.

number of periodicals which were listed by three or more prospective authorities. The number of such periodicals was 594 (11 + 41 + 106 + 191 + 245).

Further, a study was made on the basis of the said short list of 594 periodicals, regarding their distribution over the various technical fields and the following results were found: the chemical field was represented by 43% of the periodicals, the electrical field by 28.5% and the mechanical and general fields by 28.5%. One of the further concerns was to cover adequately, possibly by cover-to-cover translations, some of the important Russian and Japanese journals.

A further detailed study by the International Bureau concluded that out of the 594 periodicals, 580 were to be considered as primary publications and 14 as secondary publications, i.e., those which preponderantly or exclusively contained abstracts of articles published in other periodicals or books or conference papers and the like.

At its third session, the Standing Subcommittee of the PCT Interim Committee for Technical Cooperation (hereinafter referred to as "the Standing Subcommittee") studied the results of a questionnaire proposed by the German Patent Office which aimed at reducing further the above-mentioned short list of 594 periodicals. The following two basic questions were asked in that questionnaire:

(i) which primary publications and which secondary publications (among the 594) should be considered for inclusion in the minimum documentation and,

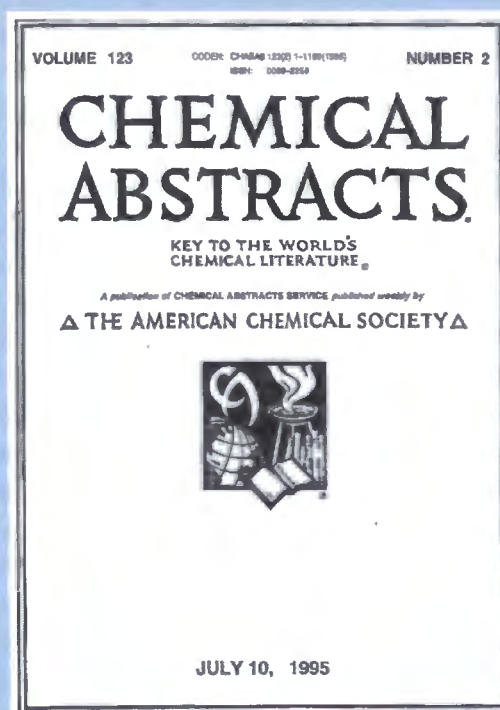
(ii) which periodicals, if any, not indicated in the said short list (of 594) should be further considered for inclusion in the minimum documentation.

As expected, the replies varied considerably since Austria identified 80 such periodicals, Brazil 233, Germany (Federal Republic of) 293, the IIB 395, Japan 150, the Netherlands 388, the Soviet Union 594, Sweden 209 and the United States of America 367. However, 42 additional primary publications were suggested by Austria, 11 by the IIB, 6 by Japan, 106 by the Netherlands, 26 by the Soviet Union, 5 primary publications and 1 secondary publication by Sweden, 2 primary publications by the United Kingdom and 25 primary and 3 secondary publications by the United States of America. Brazil and Germany (Federal Republic of) did not suggest any additional publications.

At the said third session of the Standing Subcommittee, a further attempt to rationalize the drawing up of the minimum list was made by following up a decision of the Standing

Subcommittee, which invited the International Bureau to collect or establish statistics, based on sample batches of limited numbers of searched or examined patent documents pertaining to different fields of technology, concerning the number of citations in respect of each of them of non-patent literature items and their proportion to the number of citations of published patent documents. Only the United States of America and Japan gave some indications regarding the "citation frequency" of non-patent literature items.

Seeing that the above-mentioned approaches did not yield useful results, the Standing Subcommittee decided to change radically its focus and invited its members to indicate (Request No. 1) 42 periodicals in the chemical field, 36 periodicals in the electrical and physical fields and 22 periodicals in the mechanical field that, on the basis of the experience of their examiners, were the most useful for search and examination. Secondly (Request No. 2), each member of the Standing Subcommittee was invited to indicate, in each of the three groups, in the order in which they were considered to be useful in the sense indicated above, the 30 most outstandingly important periodicals published in the language of their own country.



The "Chemical Abstracts" periodical

The Interim Committee itself needed another two meetings to finally come to grips with this question. Indeed, the survey undertaken with the aim of identifying the 100 periodicals from all the world literature that the examiners of each prospective Authority considered to be most useful in

that they were most likely to contain disclosures not available in the patent literature available at that time, and of identifying, in addition, about 30 periodicals considered to be the most outstanding in the language of the country of the respective authority, resulted in a total of 434 periodical titles cited in response to Request No. 1, and 355 thereof were contained in the above-mentioned first list of 594 periodicals. A total of 155 further periodical titles were cited in response to Request No. 2, 108 of which were also contained in the list of 434 periodicals obtained in response to Request No. 1.

In submitting their replies to the above-mentioned two requests, several Offices made detailed proposals to further refine the list. These were the Patent Offices of Austria, Germany (Federal Republic of), Japan, the Netherlands, the Soviet Union and the IIB. Eventually, the Interim Committee adopted the proposal made by the IIB, which resulted in a list of 169 periodicals, i.e., 168 primary publications and one secondary publication, namely, *Chemical Abstracts*. This decision was expressly endorsed by each of the prospective International Searching Authorities present at the fourth session of the Interim Committee in November 1974.

In taking this decision, the Interim Committee noted that it was understood that the prospective International Searching Authorities would start including in their documentation any of the 169 periodicals which, at that time, they did not collect. It was also understood that the list now agreed upon would not, unless absolutely necessary, be revised before the entry into force of the PCT. When the PCT came into force, the decision on a final list would be a matter of agreement among the International Searching Authorities. However, it might and should be assumed, said the Interim Committee, that that list would be essentially the same as the one agreed upon then.

It was finally understood that any International Searching Authority would have to keep the above-mentioned non-patent literature for a minimum of five years, and that it was naturally permitted to keep documents without any time limit as to their age and that any international search report might cite pertinent articles however old they were. Further, it was noted that, consequently, the five-year time limit did not call for the elimination from the documentation of items older than five years.

Apart from the PCT minimum documentation non-patent literature studies mentioned above, some statistical studies were carried out that did not have any influence on the content of the "minimum list." However, at the time of these studies, the Patent Associated Literature (PAL) project was developed. More detailed information on the PAL project is given below.

1.4 Patent Associated Literature (PAL) Project

On May 21, 1971, the International Bureau received proposals from the Institution of Electrical Engineers (INSPEC), a United Kingdom professional society, to develop a range of specialized products from its INSPEC data base in the fields of physics, electrical and electronics engineering, computers and control with an extension into mechanical engineering. INSPEC argued that since the major abstracts services were obliged in any case to scan large areas of the world literature for their own data bases, it was relatively easy and certainly less costly for an additional selection to be made at this level in order to identify documents that were likely to be relevant for patent searches, and thus to define a subset of Patent Associated Literature or "PAL." INSPEC proposed that the selection, which they would make, would be made according to criteria established by WIPO together with the national industrial property offices. The PAL services outlined in the proposals by INSPEC would contain abstracts, indexes and magnetic tape data bases with each PAL item bearing the appropriate International Patent Classification (IPC) symbols.

The Standing Subcommittee at its first, third and fourth sessions studied the INSPEC proposals and defined the basic PAL services as follows:

- (i) the selection of all relevant patent items from an agreed list of publications, which list should be the one referred to in Rule 34.1(b) of the Regulations under the PCT;
- (ii) classification of these items according to the IPC to the finest subdivision and provision of materials that can be incorporated in the examiner's search files which bear sufficient information to enable him to assess the relevance of the item to his search needs (abstract sheet).

On March 1, 1974, INSPEC started the PAL full text copy service by mailing the PAL material to the Patent Offices of Brazil, Germany (Federal Republic of), Japan and the United States of America and continued to do so for another three years. However, at the seventh session of the Interim Committee, held in October 1977, INSPEC announced that it had decided to discontinue the PAL system as of April 1977. In doing so, INSPEC stated that the PAL services had been conceived and based upon the principle of centralized processing of non-patent literature with the aim of saving effort and expenditure in individual patent offices by freeing examining staff from the need to carry out this work. However, it had become clear that a number of patent offices had encountered insurmountable resistance to the idea of centralized processing and had found it necessary to allow their examining staff to continue to review and process the

non-patent literature themselves. As a consequence, the number of subscriptions to the PAL services had diminished in such a way that INSPEC could no longer offer the PAL services without considerable losses. Proposals by INSPEC to continue the PAL system as a current awareness service of potential interest to patent offices and also to industry and commerce, however, never took off, and the discussion of the PAL services disappeared from the Interim Committee's agenda.

1.5 PCT Minimum Documentation: Abstracting and Translating Services for Patent Documents

The Standing Subcommittee and the Interim Committee devoted a certain amount of time to discussing the availability of abstracting and translating services for patent documents, mainly for documents in the Russian and Japanese languages.

As a result, inventories of available abstracts, abstracting and translating services were drawn up in addition to inventories of existing English language abstracts. It should be noted that, in this respect, the services of JAPATIC (now JAPIO) and Derwent were mainly cited in respect of Japanese and Russian language documents, respectively.

1.6 Patent Documents Service (INPADOC)

The Executive Committee of the Paris Union, in its September/October 1971 session, conferred on the Standing Subcommittee the power to advise the Director General of WIPO in his negotiations concerning an international patent documents service and to approve any arrangement that could result from such negotiations.

At the same time, the Executive Committee of the Paris Union laid down the principles and considerations which would guide the Director General of WIPO and the Standing Subcommittee in discussing the above-mentioned matters.

The Executive Committee also:

(i) instructed the International Bureau to prepare, by mid-October 1971, a set of questions, addressed to the Government of Austria, to the IIB and to Derwent Publications Limited, London--hereinafter referred to as "Austria," the "IIB" and "Derwent," respectively--on the various aspects of the system under consideration;

(ii) invited the three parties to send the replies to the International Bureau by the end of October 1971;

(iii) instructed the International Bureau to communicate to the members of the Standing Subcommittee the replies received and to prepare a comparative analysis thereof.

At the outset, it was decided that the patent documents service should provide the following three basic services: (i) a so-called patent family service; (ii) a so-called patent copy service; and (iii) an international classification service.

As a further consideration, the Executive Coordination Committee decided that an arrangement should be looked for which entailed no risk or cash outlay by any national industrial property office, and that it should make the submission of data in machine-readable form by national offices merely highly desirable but not indispensable.

As a result of the first round of discussions on the merits of the respective proposals, the Standing Subcommittee unanimously adopted the following decisions:

(i) the Director General of WIPO should continue negotiations with all parties, i.e., Austria, IIB and Derwent;

(ii) the patent documents service should be undertaken to the greatest possible extent in cooperation with the IIB and be operated by an institute to be established by, and under the responsibility of, the Austrian Government in Vienna;

(iii) the question should be explored whether the proposed institute and the IIB could not come to an arrangement with Derwent, particularly, in the marketing of these services.

At its second session, in April 1972, the Standing Subcommittee considered the plans for the proposed Vienna Institute (which now has gone into history as "INPADOC"). On this occasion, the discussions in the Standing Subcommittee were greatly helped by the availability of a certain number of "Agreed Notes of Discussions" held between the representatives of the Austrian Government and WIPO on the one hand, and the representatives of various national patent offices (including the IIB), on the other. More particularly, such notes were available from discussions with the Patent Offices of Austria, France, Germany (Federal Republic of), Japan, the Soviet Union, Switzerland and the United Kingdom, as well as with the IIB. Notes on conversations held between representatives of the Austrian Government and Derwent were also at hand.

Delegations present at the said second session of the Standing Subcommittee generally approved the proposals

made by the Government of Austria in cooperation with the International Bureau of WIPO. As a consequence, the Standing Subcommittee approved the text of a draft agreement between WIPO and the Austrian Government for the establishment of the *IN*ternational *PAT*ent *DO*ocumentation Center (INPADOC) in Vienna, Austria.

In this respect, it is noted that according to Article 8(v) of the said draft agreement, the services of the said Center should be established not later than January 1, 1974, failing which WIPO could denounce the agreement in writing, the said denunciation becoming effective six months after its notification.

At its further sessions, the Interim Committee mainly noted the progress made in establishing the patent documentation services by INPADOC in Vienna. It should be noted that INPADOC was, following the signing of the agreement between WIPO and the Austrian Government in May 1972, in existence for almost 20 years.

During its existence, INPADOC provided the basic three services for which it was originally created, namely, a patent copy service, an international classification service and a patent family service. Cooperation with the IIB as desired by the Standing Subcommittee was effectively put into place since the IIB became the provider of the basic bibliographic data to INPADOC for all its member States. Cooperation with Derwent was, however, never achieved.

In early 1991, INPADOC was integrated into the European Patent Organisation (EPO) under an agreement between the Austrian Government and the Administrative Council of the EPO and with the consent of WIPO.

1.7 Minimum Documentation: Non-Patent Literature; Cooperation with the International Atomic Energy Agency (IAEA)

In its attempts to provide standardized access to non-patent literature, at its first and second sessions the Standing Subcommittee considered whether, in the area of atomic energy, cooperation could not be established for using the INIS services, i.e., the abstracting services provided by the International Atomic Energy Agency (IAEA) in Vienna. In this context, a detailed study of the INIS system was proposed and discussed with the representatives of the IAEA. However, it was unanimously concluded that the INIS services were not satisfactory for the purposes of search and examination by patent offices.

1.8 Isolated Searches

In order to achieve uniformity in documentation and working methods, the German Patent Office and the IIB prepared reports on their experience with so-called isolated searches and noted in this respect that within the framework of ICIREPAT (*I*nternational *C*ooperation in *I*nformation *R*etrieval among *E*xamining *PAT*ent *O*ffices) (the predecessor body (1963-77) of the Permanent Committee on Patent Information (PCPI)) information on the search methods of various examining offices had been gathered and was available. The Standing Subcommittee felt that this information as available within ICIREPAT might be useful in connection with the exploration of the possibilities of establishing uniform search methods among prospective International Searching Authorities.



The cover page of the WIPO publication
"International Patent Classification (IPC):
General Information"

The third session of the Interim Committee approved a questionnaire entitled "Questionnaire on Current Search Techniques and Prospective PCT Search Techniques." It consisted of the following chapters: (a) Patent documentation and its storage; (b) Procedural checks of requirements of an application prior to search; (c) Methods of searching and retrieval of documentation: (i) Area of search, (ii) Orientation of search; (d) Preparation of the International Search Report by the International Searching Authority: (i) Classification, (ii) Citations, (iii) Field of search.

At its fourth session, the Interim Committee further discussed the question of searching under the PCT and split this topic into four different parts as follows: (a) isolated searches; (b) searching techniques; (c) test searches; and (d) preparation of a model search report. However, not much progress was made in any of the said parts.

At its fifth session, in November 1975, the Interim Committee considered the replies received from seven prospective International Searching Authorities. It was decided that the results of the comparative analysis made in the survey should be taken into account in further work concerning "Guidelines for Searches under the PCT." It was reported that no major problems had been encountered in completing the search report forms, and the Interim Committee indicated that the said Guidelines were of the utmost importance to the PCT Interim Advisory Committee for Administrative Questions (hereinafter referred to as "Interim Advisory Committee") in its work on the forms and administrative instructions and should, therefore, be considered by that Committee as well.

1.9 Processing of Patent Families

The Interim Committee also devoted considerable time to the question of how to process so-called patent families both in search files and in drawing up international search reports. However, it agreed that the question of which member or members of a patent family should be included in the search files of International Searching Authorities should be left to the discretion of the said Authorities, and that the question of which member or members of the patent family had to be cited in the international search report should be left to the judgment and the good sense of each International Searching Authority, taking into account the language convenience.

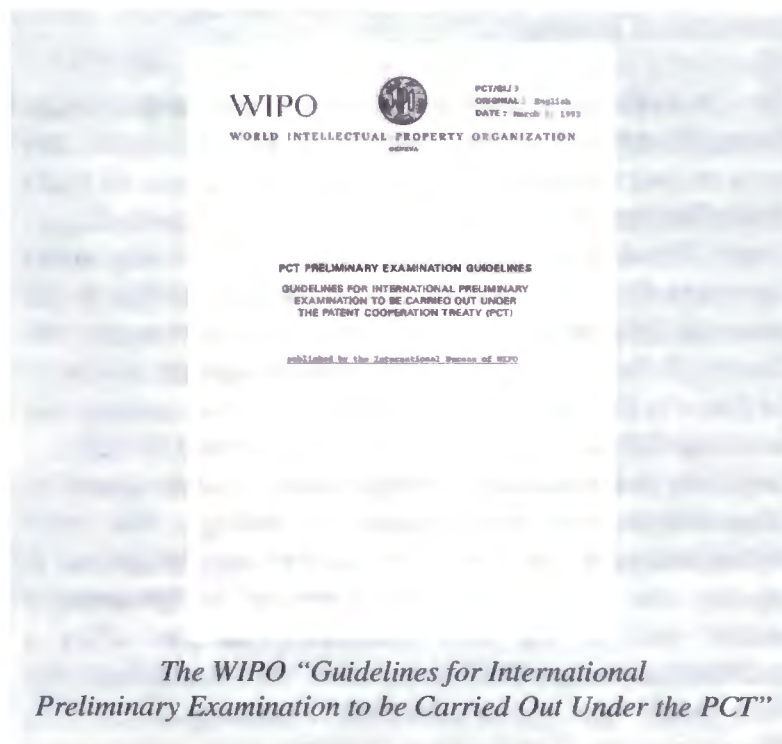
1.10 Guidelines

As a spin-off from the global study on searching methods, the International Bureau produced draft "Guidelines for International Search to be Carried Out Under the PCT." The Interim Committee decided to entrust the preparation of the final version of the said "Guidelines to the PCT Working Group on Guidelines for International Search and for International Preliminary Examination." For more detailed information on the said Working Group, reference is made to the corresponding "PCT Meeting Profiles."

Also, draft "Guidelines for International Preliminary Examination to be Carried Out Under the PCT" were prepared by the International Bureau, commented upon by the Interim Committee and referred to the above-mentioned Working Group for final consideration.

At its seventh session, the Interim Committee provisionally adopted the "Guidelines for International Search

to be Carried Out Under the PCT." The same was done for the "Guidelines for International Preliminary Examination to be Carried Out Under the PCT." Following their adoption, the question of time limits under the PCT was discussed in a joint session of the Interim Committee and the Interim Advisory Committee.



1.11 Guidelines for the Preparation of Abstracts

A first attempt to prepare "Guidelines for the Preparation of Abstracts" was made at the fourth session of the Interim Committee. The work was basically done taking into account the existing ICIREPAT "Guidelines for the Preparation of Abstracts," which had been established in order to be used as widely as possible, taking into account the specific needs of certain national patent offices or the PCT. Some differences however remained between the ICIREPAT-proposed text and the principles contained in the PCT, and the International Bureau therefore proposed--and this was approved--that the competent technical committee of ICIREPAT should be asked to review the Guidelines on the basis of proposals for amendments made by the International Bureau. The proposal would also be accompanied by a compilation of rules existing in national offices on the drafting of abstracts, and a checklist would be prepared and included in the new draft Guidelines for assisting an abstractor in carrying out his work.

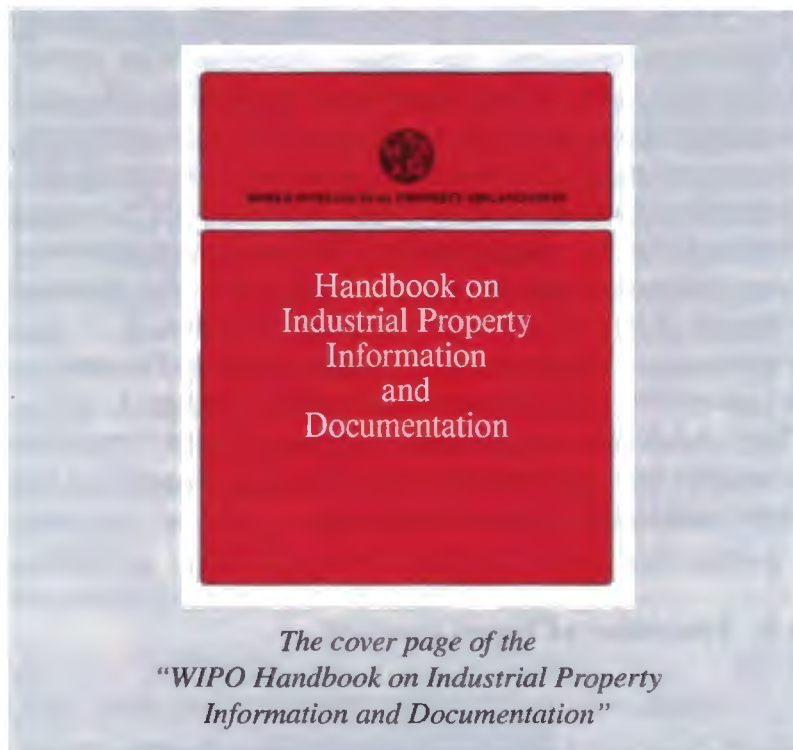
The final text of the "Guidelines for the Preparation of Abstracts" was approved by the Interim Committee at its fifth session.

1.12 Forms under the PCT Administrative Instructions and Memorandum on the Utilization of the Said Forms

The draft forms to be used under the PCT were discussed for the first time by the third session of the Standing Subcommittee on the basis of detailed proposals made by the International Bureau.

At its fourth session, the Standing Subcommittee again discussed exhaustively the draft forms and the explanatory notes on their utilization. Further, work was started on drafts of the "Request Form" and the "International Search Report Form." The discussions on these forms and the accompanying documentation took almost the entire time of the fourth session of the Standing Subcommittee. On that occasion, the Standing Subcommittee expressed the opinion that the use of the forms by the various international authorities (namely, the receiving Office, the International Searching and Preliminary Examining Authorities and the International Bureau) should be either obligatory or non-obligatory according to the nature and importance of the form. "Obligatory" use was defined as meaning that if an international authority, in performing a certain step of the PCT procedure, had to effect a communication for which a form had been established, that form would have to be used. Offices acting as receiving Offices and as International Searching or International Preliminary Examining Authorities would, however, be free not to use obligatory forms for their communications within the Office. "Non-obligatory" use was defined as meaning that use of the form so designated was merely recommended and its actual use left to the discretion of the International Authorities. Consequently, only three of the forms examined by the Standing Subcommittee were categorized as "non-obligatory," whereas all others were considered to be of sufficient importance to be designated as "obligatory."

Further, it was agreed that the obligatory and non-obligatory forms should be annexed to the draft of the Administrative Instructions to be presented to the next session of the Interim Advisory Committee. Interestingly, on that occasion, the question arose of the abbreviation to be used to designate the International Bureau of WIPO and, for this purpose, WIPO proposed that it use the abbreviation, "IB." At that time, the IIB not having yet been "reformatted" to become the EPO, objected to the use of "IB" since that code had for many years been the code used for its own purposes. The International Bureau pointed out that the "IB" code used by the IIB would have to be changed once the IIB became the European Patent Organisation and, therefore, it was accepted that during the transitional period, "IB" could be used by both organizations, i.e., by WIPO and the IIB.



From then onwards, the question of the forms to be used under the PCT did not appear again on the agenda of the Interim Committee, it being understood that the Interim Advisory Committee had taken over. Notwithstanding this, it should be said here that the work undertaken on the forms by the prospective International Searching and Preliminary Examination Authorities as well as by the national patent offices was tremendous and that many pitfalls had had to be avoided.

1.13 Concluding Remarks

The last meeting of the Interim Committee took place on January 5, 1978, i.e., a few weeks before the PCT actually came into force. This last meeting was a joint meeting with the newly created Permanent Committee on Patent Information (PCPI). On that occasion, the Interim Committee noted a "Summary Report" on the activities undertaken by it and its Standing Subcommittee on the various subjects it had dealt with during its seven years of existence and noted in each case the results achieved, the references to the documents and agreed that the said "Summary Report" reflected adequately the activities it had undertaken during its "interim existence."

It is recalled that the successor committee of the Interim Committee is the PCT Committee for Technical Cooperation which, since the entry into force of the PCT, has always held its meetings jointly with the PCPI and, since October 1987, with the newly created Permanent Committee on Industrial Property Information (PCIPI).

PART II

FROM JANUARY 25, 1978, TO DATE

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2.1 Introductory Remarks

From the date of the entry into force of the PCT to the present, the documentary and technical aspects of the PCT have been dealt with mainly within the successor body of the PCT Interim Committee for Technical Cooperation, which, as stated above, is the PCT Committee for Technical Cooperation (hereinafter referred to as "the Committee").

For detailed information on the mandate and conditions of membership of the Committee, as well as its various meetings, reference is made to the corresponding "PCT Meeting Profiles."

For the purposes of this article, it is however recalled that at its first session, in September 1978, the Committee decided that all the ongoing tasks which had been previously dealt with by the PCT Interim Committee for Technical Cooperation should be considered by the Working Group on Planning of the WIPO Permanent Committee on Patent Information (hereinafter referred to as "the Planning Group") at its next session for possible action in 1979 or the years thereafter. This meant that from that date, the Planning Group acted in respect of the Committee as a working group in charge of preparing its decisions and recommendations.

Those tasks were as follows:

- as regards PCT Minimum Documentation "Patents":

(a) the exploration of methods of maintaining the inventory of patent documents issued since January 1, 1920, up to date as regards recently published patent documents;

(b) the maintenance of the inventory of previously reported gaps in the search files of PCT International Searching Authorities and measures to remove the said gaps;

(c) the exploration of the feasibility of establishing and regularly updating the list of patent documents according to PCT Rule 34.1(c)(vi) in machine-readable form with a view to obtaining computer listings of such documents, e.g., on microfiche, at regular intervals;

(d) the continuation and, if possible, completion of a machine-readable inventory (starting with the year 1970) of English language abstracts of patent documents according to PCT Rule 34.1(e) and proposal of a method of regularly updating such an inventory;

- as regards PCT Minimum Documentation "Non-Patent Literature":

(e) consideration of measures to keep the list of minimum "non-patent literature" up to date both as regards the current specific details of each technical journal, e.g., title, publishing authority, as well as steps necessary to maintain the minimum list truly comprehensive in coverage as a useful source of technical references, so as to take account of possible changes of the editorial policy associated with the technical journals and assessing the need to add any newly published technical journal title to the list;

(f) assessing the feasibility of studying the benefits of cooperation among the PCT International Searching Authorities and other interested organizations in the exchange of information, e.g., in machine-readable form, concerning:

- (i) bibliographic identification data of disclosures contained in the PCT minimum documentation "non-patent literature" relating to suitable technological information for incorporation in search files,
- (ii) IPC information appropriate to the disclosures under (i),
- (iii) possible ways in which the work involved in (i) and (ii) can be shared between the PCT International Searching Authorities and other

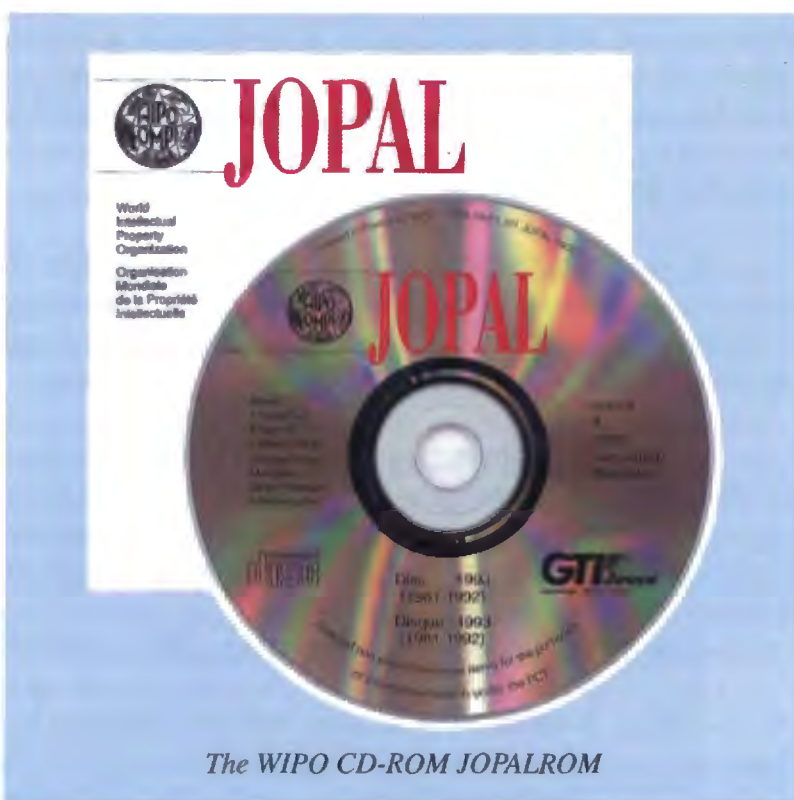
- interested organizations, e.g., on the basis of different organizations being responsible for defined technical areas or on the basis of country of publication of the technical journal,
- (iv) an inventory of disclosures contained in the PCT minimum documentation "non-patent literature" organized according to the IPC.

The following paragraphs present a thematic review of the main achievements of the Committee in the above areas in the period from 1978 to the present.

2.2 Minimum Documentation: National Patent Documents

The question of the inventories of national patent documents which fall within the definition of Article 15(4) of the PCT was regularly discussed by the Committee and the inventories were regularly updated using contributions from its members and basing them on the activities undertaken by the International Bureau itself.

At the fourth session of the Committee, the decision was made to publish the above-mentioned inventory in the *WIPO Handbook on Industrial Property Information and Documentation*. A proposal to publish the said list on CD-ROM was never successfully implemented. Today, the responsibility for updating the inventory at three-year intervals belongs to the International Bureau.



2.3 Minimum Documentation: Non-Patent Literature

The work to keep up to date and revise the minimum documentation "non-patent literature" (the so-called minimum list) was actively pursued by the Committee, as shown by the fact that this item was on the agenda of almost all of its sessions. The list was first revised in 1988 and it was decided that the deletion of 17 titles of periodicals from the said list would come into effect on December 31, 1988.

Further revision work on the list resulted in a completely revised list which came into effect on January 1, 1994. At the time of writing this article, the said list is still valid. The minimum list that originally contained 168 titles now contains 135 titles.

2.4 The JOPAL Project

Following the discontinuance of the PAL project which is reported on in 1.4 above, the International Bureau started a more limited initiative in the area of collecting relevant items of non-patent literature selected by examiners of the International Searching and Preliminary Examining Authorities by successfully proposing a joint publication which was called *JOPAL*, standing for *Journal Of Patent Associated Literature*.

JOPAL was published for the first time in March 1981 and after one year's trial, which was then prolonged, became a permanent publication of the International Bureau.

In 1992, the International Bureau took the initiative of publishing the complete *JOPAL* data on CD-ROM. The CD-ROM was actually issued in 1994 and contained all the *JOPAL* data which had appeared in all the printed *JOPAL* bulletins since February 1981 up to the end of 1992. A plan has been developed to phase out completely the paper publication of *JOPAL* and to replace it by regular CD-ROM issues, each one being, at the time of issue, a complete file.

2.5 English Language Abstracts

The Interim Committee for Technical Cooperation had discussed, on several occasions, the availability of English language abstracts, more particularly of documents that were usually published in the Russian and Japanese languages. Several sessions of the Committee spent time in discussing the availability of English language abstracts and at a certain moment, it was even considered to publish a consolidated list of existing abstracts in the form of microfiches or on magnetic

tape. The idea was, however, abandoned since it was not thought to be viable or necessary.

2.6 Cut-Off Date of the PCT Minimum Documentation

At its fifth, fourteenth and fifteenth sessions, the Committee discussed in depth whether the 1920 cut-off date mentioned in Rule 34 of the PCT could not be replaced, for instance, by the 1940 or 1945 date. Detailed discussions took place based on a major study done by the International Bureau on the basis of the citations in the PCT pamphlets. These studies were considered by the Committee which finally decided that no change in the cut-off date of 1920 should be made.

2.7 Format of PCT Pamphlets

At its eighth session, the Committee considered a proposal submitted to it by the Assembly of the PCT Union concerning the question whether the format of the PCT pamphlets should be changed to make them less voluminous. The proposal was not supported by the Committee and hence rejected.

2.8 Questions Related to the Use of the International Patent Classification (IPC)

At its eighth session, the Committee agreed that a recommendation be included in the "Guidelines for International Search to be Carried Out Under the PCT," to the effect that the International Searching Authorities should allot the non-obligatory classification and indexing codes of the IPC to the international applications classified by them.

At its eleventh session, the Committee agreed that the printing of IPC indexing codes on the patent documents forming the minimum documentation defined in PCT Rule 34 would greatly improve search efficiency and accordingly urged the industrial property offices publishing the said patent documents to allocate IPC indexing codes to all patent documents published by them.

2.9 Statistics Concerning the Number of Patents Granted on the Basis of International Applications Filed Under the PCT

At its twelfth session, the Committee discussed the question of collecting reliable statistics concerning the number of patents granted on the basis of international applications filed under the PCT and asked the International Bureau to investigate how such statistics could be gathered in a more efficient way. The International Bureau passed this request to all national offices of, or acting for, the PCT Contracting States, and is continuing its efforts to obtain such statistics.

2.10 Appointment of Additional International Searching and Preliminary Examining Authorities

At its fourteenth session, the Committee considered draft agreements between the Chinese Patent Office and WIPO regarding the possibility of the Chinese Patent Office becoming an International Searching and Preliminary Examination Authority under Articles 16 and 32 of the PCT and unanimously made a positive recommendation on that subject to the Assembly of the PCT Union.

At its sixteenth session, a similar recommendation was made regarding the appointment of the Spanish Patent and Trademark Office as an International Searching Authority under the PCT.

Chapter VII

OFFICIAL STATEMENTS CONCERNING ARTICLES OF, AND RULES OF THE REGULATIONS UNDER, THE PATENT COOPERATION TREATY

Introduction

1. This chapter reproduces official statements which were made at the first and only session of the PCT Preparatory Committee (Geneva, February 6 to 10, 1978), the 22 sessions of the Assembly of the PCT held between 1978 and 1994, and the five sessions of the PCT Committee for Administrative and Legal Matters held between 1982 and 1994, concerning Articles of the Treaty and Rules of the Regulations under the PCT.
2. The expression "official statements" should be read to include: (i) official interpretations adopted by the Assembly of the PCT of Articles of the Treaty and/or Rules of the Regulations under the PCT; (ii) clarifications and other statements made by the International Bureau on the said Articles and/or Rules; and (iii) conclusions by the Chairman and any other statements concerning the way in which a certain Article of the Treaty or a certain Rule of the Regulations under the PCT should be understood, which were either agreed to, or noted by, the sessions of the above-mentioned bodies.
3. Statements relating to Articles of the Treaty are presented in Part I below. Part II contains statements relating to Rules. Both Parts refer only to Articles and/or Rules which were in force on January 1, 1995.
4. The said statements are reproduced literally from the corresponding official reports. The source of each statement is indicated at the end of the corresponding paragraph.
5. The square brackets indicate the addition or deletion of text, for the convenience of the reader.



*Zhendud Yan, "Scenic Guilin," oil on canvas.
Gift of the Government of China to WIPO*

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**STATEMENTS CONCERNING
ARTICLES OF THE PCT**

Article 9

[In June and July 1981,] [t]he Assembly [of the PCT (hereinafter referred to as "the Assembly")] adopted the interpretation that Article 9 is not concerned with the capacity in which a person who as applicant files an international application is acting when filing the application. In other words, even if, in fact, the applicant is acting in a representative capacity (e.g., the applicant is a person who is administering the estate of a deceased person or is a person in whom the law vests property and/or rights of another person in a particular situation, such as in the case of the insanity of the person properly entitled) it is not for the receiving Office to attempt to go behind the person who is the applicant and to treat some other person as being the applicant when it is determining the right to file the international application (Article 9 and Rule 4.8 and 18.4) or the competent receiving Office (Articles 10 and 11(1)(i) and Rule 19.1(a)) by reference to the nationality or residence of the applicant. (PCT/A/VII/15, pg. 4, para. 30).

Article 22(2)

[In January and February 1984,] [w]hen the Assembly adopted the amendment to the time limit under Article 22(2), it agreed that the extended time limit would apply as from its entry into force to all pending international applications to which Article 22(2) was applicable. Where the International Searching Authority had made a declaration, under Article 17(2)(a), that no international search report would be established, and where the present two-month time limit was applicable on the date of the notification of the said declaration but had not expired on the date of entry into force of the modification of the time limit under Article 22(2), the two-month time limit would automatically be extended to 20 months from the priority date. (PCT/A/XI/9, pg. 9, para. 56).

Article 29

[During the first and only session of the PCT Preparatory Committee, in February 1978,] [i]n response to a question by the Delegation of Japan as to the legal effect, under Article 29, of the publication of the international application in the case

where a priority claim was withdrawn prior to publication but the publication took place on the basis of the time limit computed according to the original priority date, it was explained that Article 29 would be applicable in each case of international publication whether or not that publication took place shortly after the withdrawal of a priority claim made during the 15 days preceding the expiration of the time limit of 18 months. (PCT/PREP/I/6, page 4, para. 27). See also Rule 76.5(iv), below.

Article 30

[See Rule 19.1, below].

Article 31

[In July 1991,] [. . .] [t]he Assembly agreed that the deletion of Rule 54.3 was consistent with amendments adopted to Rule 18 whereby two or more applicants could jointly file an international application and decide upon the distribution among them of the designations, provided that at least one of them was a national or resident of a Contracting State, with no restriction that there be such an applicant for each designated State. The Assembly agreed that the adopted minimum requirements for filing a demand were consistent with Article 31. (PCT/A/XVIII/9, pg. 7, para. 49). See also Rule 54.2, below.

Article 38

[See Rule 61.4, below.]

Article 39(1)(a)

[In January and February 1984,] [w]hen the Assembly adopted the amendment to the time limit under Article 39(1)(a), it agreed that the extended time limit would apply as from its entry into force to all pending international applications to which Article 39(1)(a) was applicable. Where, on the date of entry into force of the extended time limit of 30 months from the priority date, the present time limit of 25 months from the priority date had not expired with respect to such applications, the new time limit of 30 months would apply. In respect of the amended time limit under Rule 69.1 for the establishment of the international preliminary examination report, it was understood that the new time limit of 28 months from the priority date would apply in all cases where, on the date of its entry into force, the international preliminary examination report had not yet been established. (PCT/A/XI/9, pg. 9, para. 57).

Article 48

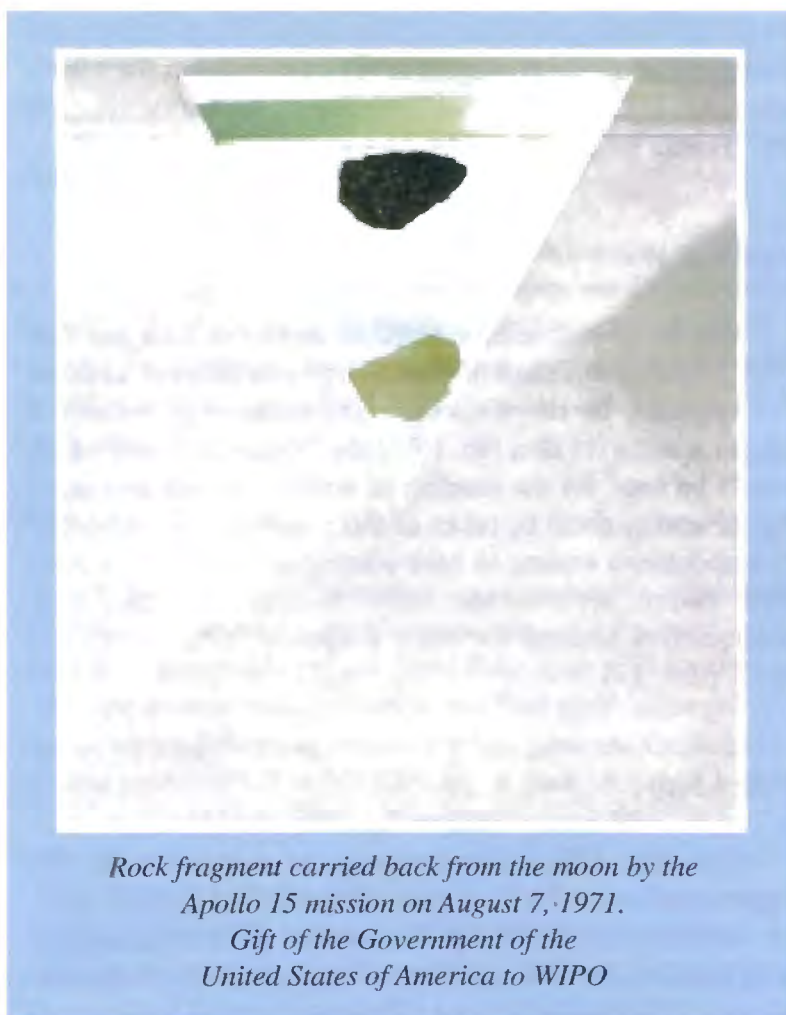
[See Rule 82.1(d) and (e) and Rule 82*bis*.1, below.]

Article 67(1)(b)

[In September 1978,] [u]pon a proposal by the International Bureau, the Assembly designated Arabic as a language in which the Director General shall establish, under Article 67(1)(b), an official text of the PCT. (PCT/A/II/5, pg. 7, para. 47).

[Also in September 1978,] [t]he Assembly [. . .] designated Italian as a language in which the Director General shall establish under Article 67(1)(b), an official text of the PCT [. . .]. (PCT/A/II/5, pg. 7, para. 50).

[In September 1993,] [t]he Assembly designated Chinese as a language in which an official text of the PCT shall be established pursuant to Article 67(1)(b). (PCT/A/XXI/5, pg. 6, para. 42).



PART II

STATEMENTS CONCERNING PCT RULES

Rules 4.1(b)(vi) and 4.14bis

[In May 1993,] [t]he [PCT] Committee [for Administrative and Legal Matters] agreed that, where no indication or an unclear indication of the choice of the International Searching Authority was made in the request part of the international application, the receiving Office would be in a position, in most cases, to deduce from the amount of the international search fee paid--or at least from the amount indicated in the fee calculation sheet--which was the International Searching Authority chosen by the applicant. The receiving Office would then simply make an *ex officio* correction in the request. [. . .]

For those cases where the applicant's choice of International Searching Authority could not be established, it was agreed that the invitation under Rule 16bis to pay missing fees would be complemented by asking the applicant to make his choice of International Searching Authority within the same time limit as that fixed in the invitation. Such a procedure would guarantee that there would be no more delay than there could be at present in the transmittal of the search copy to the International Searching Authority. [. . .] (PCT/CAL/V/6, pg. 3, paras. 18 and 19).

Rule 4.4(d)

[At the seventh session of the Assembly, in June and July 1991,] [t]he amendment of Rule 4.4(d) was adopted to allow the applicant or the common representative to indicate a second address (in Box No. IV of the "Request" form) which would be used for the sending of notices. It was envisaged that advantage could be taken of this possibility, in particular, by corporations wishing to have correspondence addressed to their patent departments while wishing to retain their headquarters address for other purposes. (PCT/A/VII/15, pg. 3, para. 17).

Rule 4.5(d)

[In July 1991,] [i]n response to a question by the Representative of the [European Patent Office (EPO)] EPO, the Assembly agreed that this Rule enabled different applicants to be indicated for different States designated for a European patent. (PCT/A/XVIII/9, pg. 3, para. 17).

Rule 4.9(a)

[At the first part of the third session of the PCT Committee for Administrative and Legal Matters, in July 1990,] [i]n connection with the proposed use under Rule 4.9(a) of two-letter codes as an abbreviated method of indicating countries, it was agreed that the use of such codes alone should be permissible, but that the printed forms should show both the country names in full and the codes in order to minimize mistakes which might otherwise occur. (PCT/CAL/III/5, pg. 3, para. 17).

Rule 4.9(b) and (c)

[In July 1991,] [i]n response to a question by the Representative of the EPO whether the receiving Office was required to make a declaration under Article 14(3)(b) if designation and confirmation fees were not paid within the time limit under Rule 4.9(b)(ii), the Assembly noted that, because of the wording of the applicant's statement under Rule 4.9(b)(ii), the designation concerned would be withdrawn by the applicant in such a case, rather than be "considered withdrawn" in the terms of Article 14(3)(b), so that no declaration under that Article would be required. [. . .] (PCT/A/XVIII/9, pg. 3, para. 18).

Rule 4.15

[See Rule 90bis.5, below.]

Rule 8.2

[In January and February 1984,] [w]hen adopting the amendment to Rule 8.2, the Assembly agreed that the applicant would, where he considered that none of the figures of the drawings was useful for the understanding of the abstract, have the possibility to indicate in the check list of the request form referred to in Rule 3.3(a) that no figure of the drawings was suggested to accompany the abstract for publication. (PCT/A/XI/9, pg. 3, para. 21).

Rule 13

[In July 1991,] [i]t was agreed by the Assembly that the unity of invention provisions of Rule 13 governed the practice to be followed in processing international applications during both the international phase before the international authorities and the national phase before the designated and elected Offices. (PCT/A/XVIII/9, pg. 4, para. 25).

Rule 13ter

[In July 1991,] [i]n adopting Rules 13ter.1 and 13ter.2, the Assembly agreed, with the concurrence of the International Bureau, the International Searching Authorities and the International Preliminary Examining Authorities, that no Administrative Instructions would be promulgated which included a standard for nucleotide and/or amino acid sequence listings in machine readable form without the prior agreement of all International Searching and Preliminary Examining Authorities. Pending the establishment of such a standard in the Administrative Instructions, each International Searching Authority, International Preliminary Examining Authority and designated Office could require sequence listings to be furnished in a machine readable form acceptable to it. The Assembly recommended that a WIPO standard for a machine readable format for sequence listings be developed, and the International Bureau was requested to put the matter to the WIPO Permanent Committee on Industrial Property Information (PCIPI) for development of such a standard as soon as possible. (PCT/A/XVIII/9, pg. 4, para. 26).

Rule 15.1

[In September and October 1978,] [t]he Assembly agreed to adopt, with effect on and from October 3, 1978, the amendment of Rule 15.1(ii) set out in paragraph 4 of document PCT/A/II/3 which would take into account, for the purposes of the calculation of designation fees, a "double designation," in an international application, of certain Contracting States, namely, as a State for which a national patent is desired, and also as a State for which a European patent is desired. The Assembly noted that this amendment and a related modification of the Administrative Instructions submitted for consultations with the interested Offices [. . .] clarified the obligation of the applicant, in the case of such "double designation," to pay one designation fee in respect of the designation of the State for the purposes of a national patent and another fee for the designation of that State for the purposes of a European patent, provided that, where more than one State is designated for the purposes of a European patent, only one fee would be payable in respect of the several designations of States for the purposes of a European patent. (PCT/A/II/5, pg. 4, para. 28).

Rule 15.5

[At the first part of the third session of the PCT Committee for Administrative and Legal Matters, in July 1990,] [. . .], [t]here was general agreement that the fee, and the surcharge referred to in Rule 15.5, should be paid to the receiving Office and in national currency instead of to the International Bureau in Swiss francs. It was further generally

agreed that the fee and the surcharge of 50% would be due for each additional designation, no matter how many. (PCT/CAL/III/5, pg. 5, para. 33).

[. . .] [In July 1991, the Assembly noted that] [t]he confirmation fee under Rule 15.5 was not a fee prescribed under Article 14(3)(a) and (b) (see Rule 27.1). (PCT/A/XVIII/9, pg. 3, para. 18).

Rule 15.5(b)

[In July 1991,] [i]n adopting Rule 15.5(b), the Assembly agreed that any specification by the applicant for the allocation of moneys under that Rule to certain designations under Rule 4.9(b) could be taken into account only if it had been received by the receiving Office within the time limit under Rule 4.9(b)(ii), and that the Administrative Instructions should make this clear. (PCT/A/XVIII/9, pg. 4, para. 27).

Rule 15.6 (and 57.6)

[In July 1991,] [i]n adopting the amendments to these Rules, the Assembly agreed that refunds of the international fee and the handling fee could also be made by the International Bureau, on a case-by-case basis, where justified in special circumstances, but that no specific enabling provision in the Regulations was needed to this effect. [. . .] (PCT/A/XVIII/9, pg. 4, para. 28).

Rule 16.2

[In July 1991,] [i]n adopting the amendment to this Rule, the Assembly agreed that the receiving Office would be entitled to apply the Rule by first inviting the applicant to make a request for a refund and then refunding the fee only after receipt of such a request from the applicant. (PCT/A/XVIII/9, pg. 5, para. 29).

Rule 16bis.2

[In July 1991,] [i]n adopting the amendment to this Rule, the Assembly agreed that, if separate invitations were made under both paragraphs (a) and (b) of Rule 16bis.1 (for example, where the international application was filed early in the priority year or without claiming priority), a late payment fee could be payable twice. (PCT/A/XVIII/9, pg. 5, para. 30).

Rule 18.1

[At the fifth session of the PCT Committee for Administrative and Legal Matters, in May 1993,] [t]he International Bureau noted that [. . .] consultation with the

national Office would, depending on the circumstances, take place either before or after notification of the applicant under Article 11(2) that Article 11(1)(i) had not been complied with. The International Bureau as receiving Office would always be obliged to apply the decision of the national Office relating to residence or nationality. (PCT/CAL/V/6, pg. 3, para. 22).

Rule 19.1

[At the fifth session of the PCT Committee for Administrative and Legal Matters, in May 1993,] [s]everal delegations expressed concern about the effect of the proposed amendments on national security provisions. The majority of the [said] Committee agreed that compliance with such provisions should be the responsibility of applicants and agents filing international applications with the International Bureau as receiving Office, just as for any other filing abroad. The International Bureau was not in a position to enforce national security provisions, noting particularly that Article 30 prohibited disclosure of any international application by the receiving Office to any Office which was not a designated Office.[. . .]

[During the same session of the said Committee,] [i]n response to a question by the Delegation of Sweden, the International Bureau explained that the establishment of the International Bureau as receiving Office in proposed Rule 19.1(a)(iii) offered advantages over a series of bilateral agreements which might be made under Rule 19.1(b). The International Bureau noted that Rule 19.1(b) provides for a national Office or intergovernmental organization to act as receiving Office instead of, rather than as an alternative to, the national Office of the State concerned. (PCT/CAL/V/6, pg. 4, paras. 24 and 25).

Rule 19.4

[At the fifth session of the PCT Committee for Administrative and Legal Matters, in May 1993,] [i]n response to a question by the Delegation of Sweden, the International Bureau confirmed that, if a fee required under Rule 19.4(b) was not paid to the national Office, the international application would not need to be transmitted to the International Bureau.

In response to a request for clarification by a delegation, the International Bureau stated that the proposed amendments were intended to be so interpreted that the national Office would not transmit an international application to the International Bureau as receiving Office if the national Office had made a finding that none of the applicants was a resident or national of a Contracting State. If any indications of residence or nationality had been omitted, the receiving Office would first invite the applicant to correct the request by furnishing the prescribed indications concerning the applicant

before making such a finding. (PCT/CAL/V/6, pg. 4, paras. 29 and 30).

[At the twenty-first session of the Assembly, in September 1993,] [i]n response to a question by the Delegation of the Netherlands in connection with the operation of proposed Rule 19.4 in relation to Article 11(2), the International Bureau stated that proposed Rule 19.4 was intended to be so interpreted that a national Office would not transmit an international application to the International Bureau as receiving Office under Rule 19.1(a)(iii) if the national Office had made a finding that no applicant was a resident or national of any PCT Contracting State. In such a case, Article 11(2) would apply. However, if it appeared that any applicant was a resident or national of a PCT Contracting State, but the national Office was not competent to act as receiving Office, then the international application would be transmitted under Rule 19.4 to the International Bureau as receiving Office.

The Assembly agreed that an applicant should not be obliged to make a special request that the Office transmit the international application under Rule 19.4 to the International Bureau as receiving Office, and the text contained in square brackets in proposed Rules 4.1(c)(iii) and 19.4(b) should therefore be omitted. However, the PCT Receiving Office Guidelines should be revised to include details of a procedure whereby the Office concerned would contact the applicant to inform him that it intended to transmit the international application to the International Bureau as receiving Office. (PCT/A/XXI/5, pg. 4, paras. 25 and 26).

Rule 20.4(c)

[At the first part of its fourth session, in December 1990,] [t]he [PCT] Committee [for Administrative and Legal Matters] generally agreed that, in the context of Article 11(1)(ii), "international application" should be interpreted on the basis of the minimum contents of an international application for according a filing date, as set out in Article 11(1)(iii), rather than on the more specific enumeration found in Article 3(2). This approach was consistent with the purpose behind Article 11 and was necessary to ensure that Article 11 (notably Article 11(2)) was internally consistent. The requirement of Article 11(1)(ii) that the international application be in the prescribed language thus did not preclude the Regulations from treating the request, drawings and abstract (none of which are mentioned in Article 11(1)(iii) among the necessary minimum elements of an international application) outside the confines of Article 11(2) if they did not comply with language requirements.

[. . .]

[During the same session,] [. . .] it was agreed that, whatever mechanism was used [in respect of the possibility of

an extension of the original disclosure by way of an incorrect translation and whether the use of the concept of "obvious error" was appropriate or necessary to require a faithful translation with no change in the meaning and scope of the disclosure], the filing of a translation should not enable the original disclosure to be extended. It was also noted that the PCT procedure, generally, is based on the requirement that rights accrue in designated Offices from the international filing date, notwithstanding that translations are only required to be filed with designated Offices upon entry into the national phase or that translations are prepared under Rule 48.3(b) under the responsibility of the International Searching Authority. Finally, it was noted that the rectification of an obvious language error in a drawing would require authorization by the International Searching Authority. (PCT/CAL/IV/6, pg. 8, paras. 51 and 52).

Rule 22.1

[In January and February 1984,] [w]hen adopting the amendments to Rule 22.1, the Assembly agreed that, as long as measures for the preservation of national security prevented the international application from being treated as such, the procedure under Rules 20.5(c) and 22 would not apply. (PCT/A/XI/9, pg. 4, para. 27).

Rule 22.3

[At the second session of the PCT Committee for Administrative and Legal Matters, in April 1983], [. . .], the proposed amendments to Rule 22.3 were approved, subject to the reservation of the Delegation of the United States of America [. . .] on the understanding that that Rule would apply without prejudice to the obligation of the applicant to enter the national phase within the time limit applicable under Article 22 or Article 39(1). It was also understood that any designated Office may, if, by the expiration of the said time limit, the International Bureau was not in possession of the record copy, consider the international application withdrawn unless evidence was produced that the international application in question had been filed with the receiving Office on the international filing date and that the necessary national security clearance had been provided. (PCT/CAL/II/9, pg. 3, para. 21).

[In January and February 1984,] [w]hen adopting the amendment to Rule 22.3, the Assembly agreed that, unless the international application was considered withdrawn, the applicant would, irrespective of whether the time limit prescribed by Rule 22.3 had expired or not, have to enter the national phase before the designated (or elected) Offices within the time limit applicable under Article 22 (or Article 39(1)), failing which he would lose his rights under Article 24(1)(iii)

(or Article 39(2)). It was furthermore understood that where the international application was considered withdrawn under Article 12(3) after the applicant had performed the acts referred to in Article 22(1), it was a matter for the designated Office to decide whether the effect of the international application under Article 11(3) should be maintained under Article 24(2) or Article 25 or should cease in the designated State for which the designated Office acts as national Office. (PCT/A/XI/9, pgs. 4 and 5, para. 28).

Rule 26.3ter(a)

[In July 1991,] [t]he Assembly [. . .] agreed that, when filing a translation to effect a correction under Rule 26.3ter(a), it was not permitted to change the substance of the international application. If the filing of such a translation were to result in a broadening of the scope of the international application, sanctions under national law would apply. (PCT/A/XVIII/9, pg. 4, para. 23).

Rule 28.1

[In January and February 1984,] [w]hen adopting the deletion in Rule 28.1(a) of the reference to the International Searching Authority, the Assembly agreed that the deletion of that reference would not prevent the International Searching Authority from bringing a previously overlooked defect to the attention of the receiving Office. (PCT/A/XI/9, pg. 5, para. 30).

Rule 29.2

[See Rule 48.6, below.]

Rule 38.2(b)

[At the first part of the fourth session of the PCT Committee for Administrative and Legal Matters, in December 1990,] [t]he proposed amendment was accepted with the understanding that the abstract would be republished if it were established by the International Searching Authority and not available to the International Bureau before publication of the international application. [. . .] (PCT/CAL/IV/6, pg. 10, para. 66).

Rule 40.2(e) (and 68.3(e))

[At the same session,] [t]he [PCT] Committee [for Administrative and Legal Matters] did not support a suggestion that the protest fee could be established by way of setting different additional fees under Rules 40.2 and 68.3 depending on whether or not a protest was filed. (PCT/CAL/IV/10, pg. 4, para. 24).

Rule 42

[In January and February 1984,] [w]hen the Assembly adopted the amendment to Rule 42.1, it was understood that where, due to the late payment of the search fee, the remaining time of the three-month period for the establishment of the international search report did not allow the timely establishment of that report, its transmittal could be effected exceptionally after the expiration of the three-month period, but not later than one month after that expiration. (PCT/A/XI/9, pg. 6, para. 41; see also PCT/CAL/II/9, pg. 5, para. 35).

[In September 1993,] [t]he Assembly agreed not to amend Rule 42. However, the Assembly recognized that there may be special circumstances, such as where time is needed to resolve matters arising under Rule 13^{ter} (nucleotide and/or amino acid sequence listings) or Rule 40 (lack of unity of invention), in which it may not be possible to establish the international search report within the time limit under Rule 42. In such a case, the international search report must be established as soon as possible after the expiration of that time limit. The report should be established prior to international publication. (PCT/A/XVIII/9, pg. 5, para. 34).

Rule 43.6(c)

[At the first part of the fourth session of the PCT Committee for Administrative and Legal Matters, in December 1990,] [t]he proposal [to amend Rule 43.6 as indicated in Annex III of document PCT/CAL/IV/6] was generally accepted, noting that the indication in the international search report of the name of the data base and/or the search terms used was optional.[. . .] (PCT/CAL/IV/6, pg. 11, para. 74).

Rule 43.8

[In September 1993,] [i]n response to a question raised by the Delegation of Japan as to the difference in meaning between "an authorized Officer" in present Rule 43.8 and "the officer [. . .] responsible" in that Rule as amended, the Assembly agreed that "the officer [. . .] responsible" meant the person who actually performed the search work and prepared the search report. (PCT/A/XVIII/9, pg. 5, para. 37).

Rule 46.1

[In January and February 1984,] [w]hen adopting the amendment to Rule 46.1, the Assembly agreed that the Guidelines for Receiving Offices for the Processing of International Applications under the PCT and the Guidelines for International Search to be Carried Out under the PCT should state that, in those cases where amendments under

Article 19 would be submitted by the applicant to the receiving Office or to the International Searching Authority, instead of being directly filed with the International Bureau, that Office or Authority should transmit them promptly to the International Bureau. (PCT/A/XI/9, pg. 6, para. 42).

Rule 47

[In September and October 1978,] [r]eplying to the questions which had been raised, the International Bureau recalled that the idea of using the pamphlet for the communication of the international application, under Article 20, was not new; indeed, the suggestion had been first made even before the Washington Diplomatic Conference and had been consistently maintained by the International Bureau. The most important concerns militating in favor of using the pamphlet for communication were that this form of communication allowed important economies to be made, facilitated and streamlined the administrative procedure and constituted a safer system than individual reproduction of the international application. The International Bureau was only aware of one item of bibliographic information which was of interest to the designated Offices and which did not, at present, appear on the front page of the pamphlet. If the lack of necessary data on the front page was an obstacle to the acceptance of the pamphlet for communicating the international application, steps could easily be taken to overcome that obstacle. So far as drawings were concerned, it was felt that, having regard to the different methods which would be used in the case of the printing of the pamphlet and the separate reproduction of the international application if it were not possible to use the pamphlet for communication of the application, the designated Offices would receive reproductions of a higher quality if they were to accept the pamphlet. It was true that the pamphlet did not reproduce the request as such and, indeed, reproduced the bibliographic data in a form which would take into account actions taken during the international phase, for example, corrections invited by the receiving Office, but from an Office viewpoint this would be an advantage as against the receipt of a request form which would have been subject to correction in the international phase. Moreover, the PCT system gave to the receiving Offices, supported by notifications as to formal deficiencies from the International Searching Authorities and the International Bureau, responsibilities in relation to matters of formalities which removed the need for the designated Offices to go into these questions. This was evidenced by the fact that on certain questions the receiving Office was given the responsibility of making final decisions. Since the pamphlet reflected the results of the performance of these responsibilities, the designated Offices would be better served by receiving the pamphlet rather than the request. As regards the wish to receive the

communication under Article 20 in a reproduction on one side only, there was no provision in the PCT obliging the International Bureau to provide the copies prepared for communication in that form. The omission of the check list was of no legal significance since, even though it was required to appear on the request form, it was not one of the items which form part of the request. While appreciating the concerns and practical needs of the designated Offices from a practical viewpoint, acceptance of the proposed interpretation by the designated Offices was of supreme importance, having regard to the concern, already expressed by the Observer of the [Council of European Industrial Federations (CEIF)] CEIF, that the applicant should have an assurance that the communication by the International Bureau was accepted by the designated Office as satisfying the requirements of Articles 20 and 22. (PCT/A/II/5, pgs. 5 and 6, para. 38).

[In January and February 1984,] [i]n the course of the discussion of the proposal to amend Rule 47, the Assembly, notwithstanding an earlier proposal for amendment by the International Bureau which would have allowed to use the pamphlet for the purposes of communication under Article 20 in all cases, decided not to amend the present text of Rule 47.2(c). However, it was understood that the International Bureau could ask at any time for a reconsideration of that provision if the exceptions to the general rule that copies of the pamphlet under Rule 48 may be used for the purposes of the communication of the international application under Article 20 were to increase to such an extent that they would put a substantial additional burden on the International Bureau. (PCT/A/XI/9, pg. 7, para. 43).

Rule 47.3

[In September and October 1978,] [i]n response to a question from the Delegation of Japan as to application of the [. . .] interpretation [proposed by the International Bureau in respect of Rule 47] in the case where the language in which the international application was published was different from that in which it was filed, the International Bureau said that, under Rule 47.3, the International Bureau was required primarily to communicate the international application in its language of publication. The designated Offices, nevertheless, had the option, under the said Rule, of specially requesting the communication of the international application in the language in which it was filed or in both the language in which it was published and the language in which it was filed. The communication in the language in which the application was filed would, in the event of such a request, be one of the exceptional cases to which it had already referred. (PCT/A/II/5, pg. 5, para. 32).

Rule 48.3(b)

[At the first session of the Assembly, in April 1978,] [t]he International Bureau expressed the view that PCT Rule 48.3(b), and in particular the words "The translation shall be prepared under the responsibility of the International Searching Authority" should not be interpreted to mean that the work involved should always be carried out by the International Searching Authority itself. However, the ultimate responsibility for the said translation, particularly with respect to its accuracy, would rest with that Authority. On the other hand, any broadening of the language coverage of the International Searching Authorities would be welcome. (PCT/A/I/14, pg. 10, para. 61).

[During the same session,] [t]he International Bureau said that PCT Rule 48.3(b) did not allow the International Searching Authority to require the applicant to prepare an English translation of the international application. However, there was nothing in the PCT that would prevent the International Searching Authority or the receiving Office to accept an English translation submitted by the applicant himself. This, then, would be used by the International Searching Authority but would not relieve it from its responsibility under the said Rule.

The Assembly concluded that PCT Rule 48.3(b) should be interpreted as stated by the International Bureau. [. . .] (PCT/A/I/14, pg. 10, paras. 63 and 64).

[At its second session, in September and October 1978,] [. . .] the Assembly adopted the following interpretation of [. . .] [Rule 48.3(b)]:

"1. PCT Rule 48.3(b) does not prevent the International Searching Authority from leaving the preparation of the required translation to the applicant and/or to the receiving Office, provided that the International Searching Authority ensures to have the translation ready in time to permit communication under PCT Article 20 by the prescribed date, or, if the international publication is due at an earlier date than the said communication, to permit international publication by the prescribed date."

"2. PCT Rule 48.3(b) contains no ground for the applicant or third parties to hold the International Searching Authority liable for damages caused by inaccuracy of the translation." (PCT/A/II/5, pg. 7, para. 45).

Rule 48.6 (and 29.2 [. . .])

[In June and July 1981,] [t]he Assembly endorsed the interpretation of Rule 48.6 and of Rule[s] 29.2 [. . .] according to which it would suffice if the information required under Rule[s] 29.2 [. . .] would be supplied by the designated and elected Offices on an annual basis in the form of statistical data. The Assembly noted the intention of the International Bureau

to send a circular to all Offices concerned outlining the manner in which, the period for which and the date by which such data will be required to be given. The combined data would then be published in the PCT Gazette. (PCT/A/VII/15, pg. 5, para. 38).

Rule 49.5(a)(iii)

[In January and February 1984,] [w]hen the Assembly adopted new Rule 49.5(a)(iii), it agreed that the designated Office may require the translation of the international application to be accompanied by a copy of the drawing but it may not require the translation to be accompanied by a drawing executed anew. It was furthermore understood that, if the applicant amended his application during the national phase, it might be necessary to furnish new drawings but that such case was to be distinguished from the cases covered by the new Rule 49.5 which dealt with what the applicant was required to furnish or may not be required to furnish as a condition for entering the national phase. (PCT/A/XI/9, pg. 10, para. 60).

Rule 49.5(c)

[In January and February 1984,] [w]hen the Assembly adopted new Rule 49.5(c), it was understood that the designated Office would not be obliged to disregard the statement if not translated; it could take it into account, for instance, if it was drafted in a language which was understood by its examiners. On the other hand, disregarding the statement would be the only possible sanction in case of failure to furnish a translation thereof. (PCT/A/XI/9, pg. 10, para. 61).

Rule 49.5(c-bis)

[At the first part of the fourth session of the PCT Committee for Administrative and Legal Matters, in December 1990,] [t]he International Bureau stressed that the proposed provision did not deny the right of the designated Offices to require a translation of the claims both as filed and as amended. Rather, the proposal provided a safeguard for applicants who overlook the requirement of furnishing both translations by giving them the opportunity, upon invitation by the designated Office, to comply with it. (PCT/CAL/IV/6, pg. 11, para. 79).

[In July 1991,] [t]he Assembly agreed that Rule 49.5(c-bis), in permitting the designated Office to "consider the international application withdrawn," was referring only to the loss of effect of the international application in the designated State referred to in Article 24. (PCT/A/XVIII/9, pg. 6, para. 41).

Rule 49.5(g)

[In January and February 1984,] [w]hen the Assembly adopted new Rule 49.5(g), it agreed that, where the copy of the drawing, or the drawing executed anew, which was furnished by the applicant did not comply with the physical requirements referred to in Rule 11 (for instance, because the translation of the text matter had been furnished separately whereas it resulted from Rule 11.11 that the text matter of a drawing must be contained in the drawing and could not be furnished separately), the designated Office had the right to request the applicant to correct such defect. On the other hand, since this was merely a defect concerning a physical requirement under Rule 11, it should not consider the international application withdrawn and it should not disregard the drawing. It was to be noted, however, that the international application may be considered withdrawn in case of a failure to furnish the translation of any text matter contained in a drawing. (PCT/A/XI/9, pg. 10, para. 59).

Rule 51bis.1(a)(v)

[In January and February 1984,] [w]hen the Assembly adopted new Rule 51bis.1(a), it agreed that the documents referred to under item (v) of that Rule, namely those which contained proof of the right of the applicant to claim priority where that applicant was different from the applicant having filed the earlier application the priority of which was claimed, included any document relating to the identity of the applicant having filed that earlier application. (PCT/A/XI/9, pg. 10, para. 62).

Rule 51bis.1(a)(vi)

[In January and February 1984,] [i]t was [. . .] agreed by the Assembly that item (vi) of new rule 51bis.1(a) would only cover the evidence required in support of a statement concerning non-prejudicial disclosures or exceptions to lack of novelty but not the statement itself. The statement, if not contained in the description, could be required to be furnished in the request. That could be achieved by adding a new optional box to the request form or by adding the case of non-prejudicial disclosures among the cases in which the supplemental box may be used, as would be possible with the new text of Rule 4.17(a). Thus, the evidence would fall under Article 27(2)(ii) as a document constituting proof of a statement made in the international application which, under Article 27(2)(ii), may be required only once the processing of the international application had started in the designated Office. (PCT/A/XI/9, pg. 10, para. 63).

Rule 51bis.2

[In January and February 1984,] [w]hen the Assembly adopted new Rule 51bis.2, it was understood that there were various possibilities by which the opportunity to comply with national requirements after the entry into the national phase could be granted to the applicant. For instance, the national Office may invite the applicant to comply with the requirement in question within a certain reasonable time limit fixed in the invitation; the national Office may remind the applicant of the said requirement which had to be complied with within a certain time limit or before a certain event (e.g., decision to grant a patent) occurred; the national law may fix a grace period for the compliance or determine a certain event by which the requirement must be complied with after national processing had started; the national Office may, unless the national law expressly provided otherwise, simply accept a later compliance with the requirement or excuse a late compliance, etc. (PCT/A/XI/9, pg. 11, para. 65).

Rule 53.4

[At the second part of the third session of the PCT Committee for Administrative and Legal Matters, in September 1990,] [t]he proposed amendment was agreed by the [said] Committee, subject to a drafting change in the last sentence of the Rule so that the emphasis would be on which applicants should be listed rather than on what the demand should contain. (PCT/CAL/III/10, pg. 3, para. 15).

Rule 53.8

[See Rule 90bis.5, below.]

Rule 53.9

[At the second part of the third session of the PCT Committee for Administrative and Legal Matters, in September 1990,] [t]here was [. . .] general agreement that it should be the applicant's responsibility to submit to the International Preliminary Examining Authority copies of amendments, other than amendments under Article 19 which had already been published in the pamphlet, and that no reference should be made in Rule 53.9 to the expiration of the time limit for the filing of such amendments. (PCT/CAL/III/10, pg. 4, para. 23).

[In July 1991,] [. . .], in adopting Rule 53.9, the Assembly took the view that the making of amendments under Articles 19 and 34 resulted in the amendment of the international application itself; that amendments under Article 19 made prior to the filing of the demand continued to be applicable in the international preliminary examination procedure unless

superseded, or considered as reversed, by amendments under Article 34; and that what constituted the international application for the purposes of the national phase before the elected Offices was, unless further amended under Article 41, the application as amended by any amendments annexed to the international preliminary examination report (see Rule 76.5(iv)).

In response to a question from the Delegation of the Netherlands, the International Bureau explained that each designated or elected Office was entitled to require a translation of both the international application as filed and the international application as amended. In view of this entitlement, a designated or elected Office would have the right to require less than both translations; for example, it could require a translation only of the international application as filed.

The Assembly agreed that the amendments under Article 34 were made for the purposes of the international preliminary examination in the sense that they did not affect the international application for the purposes of designated Offices which were not elected, and that amendments under Article 19 which were subsequently superseded, or considered as reversed, by amendments under Article 34 continued to be applicable for the purposes of designated Offices not elected.

As regards the concept that amendments under Article 19 were considered as reversed by an amendment under Article 34 (see Rule 53.9(a)(ii)), the Assembly agreed that what was meant was that the claims were thereby amended under Article 34 so as to revert to the claims as originally filed, with effect from the time when the demand was filed. (PCT/A/XVIII/9, pgs. 6 and 7, paras. 44 to 47).

Rule 54.2

[At the second part of the third session of the PCT Committee for Administrative and Legal Matters, in September 1990,] [i]t was recognized that Rule 54.2, as proposed to be amended, represented a liberalization of the present restrictive requirements for filing a demand. Some delegations expressed hesitation as to whether the proposal was consistent with Article 31(2)(a), but it appeared that such a proposal would be within the scope of the provisions of Article 9(3) or could be pursued as an exercise of the PCT Assembly's power to make a decision under Article 31(2)(b) by way of an amendment to the Regulations. [. . .] (PCT/CAL/III/10, pg. 4, para 25).

Rules 54.2 and 54.3

[At the second part of the fourth session of the PCT Committee for Administrative and Legal Matters, in March 1991,] [t]he International Bureau observed that the Assembly was entitled under Article 31(2)(b) to extend the right to make

a demand to persons other than those specified in Article 31(2)(a) even if they were residents or nationals of a State not party to the Treaty or not bound by Chapter II. The proposal approved by the Committee did not, however, go as far as Article 31(2)(b) permitted. (PCT/CAL/IV/10, pg. 5, para. 33).

[In July 1991,] in adopting the amendments to Rule 54.2 and the deletion of Rule 54.3, the Assembly agreed that Rule 54.2 as adopted would not permit a sole applicant who was not a national or resident of a Contracting State bound by Chapter II to file a demand. (PCT/A/XVIII/9, pg. 7, para. 48). (See also Article 31, above).

Rule 56.1

[See Rule 90*bis*.5, below.]

[At the second part of the third session of the PCT Committee for Administrative and Legal Matters, in September 1990,] [t]he Committee generally accepted the proposal [submitted to it in respect of the amendment of Rule 56.1]. Although it was recognized that proposed Rule 56.1(b) represented a duplication of provisions of the Treaty itself, it was also felt desirable that the Regulations make the importance of the 19-month time limit clear for the benefit of applicants. [. . .] The [said] Committee was not persuaded by a suggestion that proposed Rule 56.1(c) contravened Article 31(6)(b). (PCT/CAL/III/10, pg. 4, para. 28).

[In July 1991,] [i]n adopting the amendments to this Rule, the Assembly noted the concerns of the Delegations of Japan and the Netherlands as to the qualifications needed to file a later election, similar to those outlined above in relation to Rules 54.2 and 54.3. However, the Assembly decided that the provisions for filing a later election should place any applicant making a later election in no worse a position than he would have been if he had been indicated in the demand and had made the election in that demand. (PCT/A/XVIII/9, pg. 7, para. 50).

Rule 57.3

[In January and February 1984,] [. . .], [t]he Assembly agreed on the principle that, in the rare cases where the amount of [the handling fee] changed between the date of making the demand [. . .] and the date of actual payment of [the handling fee], the amount payable was the changed amount, that is, the amount in force on the date of payment. An express provision in Rule 57.3 [comparable to Rule 15.4(c)], however, was not felt to be necessary, the more so as the applicant would, in case of insufficient payment, receive an invitation to pay the missing amount without having to pay any surcharge. (PCT/A/XI/9, pg. 4, para. 25).

Rule 57.6

[See Rule 15.6, above.]

Rule 58

[At its first and only session, in February 1978, the PCT Preparatory Committee dealt with the obligation to carry out international preliminary examination of an international application (or part of such application) not covered by the international search report.] In the ensuing discussion, the Chairman [of the said Committee] concluded that the International Preliminary Examining Authority was not required to carry out an international search which had not yet been performed, but that, on the other hand, the said Authority was required to carry out the international preliminary examination even in cases where there was no international search report. Moreover, under Rule 58, it was the sole responsibility of the International Preliminary Examining Authority to fix the amount of a preliminary examination fee payable to it and the said Authority could charge a differential fee for the work performed or subcontracted by it, depending on whether or not an international search not performed earlier had to be carried out at this stage of the procedure. (PCT/PREP/I/6, pg. 8, para. 62).

Rule 60.1(g)

[At the eighteenth session of the Assembly, in July 1991,] [t]he Delegation of the United States of America indicated that the invitation procedure provided for in the Rule would unduly delay the start of the international preliminary examination. The Assembly noted that any delay resulting from that invitation procedure would be caused by the applicant and could not be attributed to the International Preliminary Examining Authority. (PCT/A/XVIII/9, pg. 7, para. 52).

Rule 61.4

[In July 1991,] [i]n response to a concern expressed by the Delegation of Japan, the Assembly agreed that the requirement of confidentiality imposed by Article 38 in relation to the file of the international preliminary examination did not extend to the mere fact that a demand had been made or that certain States had been elected. This view was consistent with the provisions of Article 31(7) which, in requiring that each elected Office be notified of its election, did not impose an obligation on that Office to keep the fact of its election confidential. (PCT/A/XVIII/9, pg. 8, para. 54).

Rule 66.1(a),(b) and (c)

[At the second part of the third session of the PCT Committee for Administrative and Legal Matters, in September 1990,] [t]here was general agreement with the principle that international preliminary examination should be able to commence before the expiration of the time limit for making amendments under Article 19.

A majority of the [said] Committee believed that the international preliminary examination procedure should not necessarily take into account amendments under Article 19 made prior to the start of the international preliminary examination; rather, the applicant should have the choice (and the responsibility) of deciding what claims would form the basis of the international preliminary examination report. (PCT/CAL/III/10, pg. 6, paras. 44 and 45).

Rules 66.1(d) and 66.4bis

[At the second part of the third session of the PCT Committee for Administrative and Legal Matters, in September 1990,] [. . .] [i]t was noted that the International Preliminary Examining Authority should have a discretion whether or not to examine claims in respect of which no international search report had been established. It was suggested that the Guidelines for International Preliminary Examination could contain details as to how the International Preliminary Examining Authority should proceed in cases where it disagreed with the International Searching Authority on questions of subject matter under Rule 39.1 and 67.1 or unity of invention. (PCT/CAL/III/10, pg. 6, para. 46).

[In July 1991,] [t]he Assembly agreed that the effect of these Rules was that any amendments which were received by the International Preliminary Examining Authority before it had begun to draw up a written opinion or the international preliminary examination report would always be taken into account for the purposes of that opinion or report. [. . .] (PCT/A/XVIII/9, pg. 8, para. 56).

Rule 66.1(e)

[In July 1991,] [i]n adopting Rule 66.1(e), the Assembly agreed that the International Preliminary Examination Guidelines should clarify that, where a claim has been only partly searched by the International Searching Authority, that claim should be subjected to international preliminary examination to the extent possible. (PCT/A/XVIII/9, pg. 8, para. 58).

Rule 66.4bis

[See Rule 66.1(d), above.]

Rule 66.7(a)

[In January and February 1984,] [w]hen adopting the amendment to Rule 66.7(a), the Assembly agreed that where, through no fault of the applicant, the International Preliminary Examining Authority had not received a copy of the priority document prior to the establishment of the international preliminary examination report, it was left to the International Preliminary Examining Authority to decide whether or not, when establishing the said report, the priority claim would be disregarded. (PCT/A/XI/9, pg. 7, para. 45).

Rule 67.1

[At the second part of its third session, in September 1990,] [t]he [PCT] Committee [for Administrative and Legal Matters] agreed that the proposal for a new subparagraph (vii) for this Rule should not proceed, observing that the provision of sequence listings in computer readable form was important only for the International Searching Authority for the purposes of international search and was sufficiently covered by the proposed amendment to Rule 39.1. The International Preliminary Examining Authority would be provided with any sequence listing which had been provided to or prepared by the International Searching Authority and should not specially require such a listing in computer readable form if the International Searching Authority had conducted the international search without one. Where no such listing had been provided and the international search report had not been established, the International Preliminary Examining Authority would, pursuant to proposed Rule 66.1(d), not be obliged to examine the claims concerned. (PCT/CAL/III/10, pg. 6, para. 48).

Rule 68.3(e)

[See Rule 40.2(e), above.]

Rule 69.1

[In January and February 1984, the Assembly agreed that] [. . .], [i]n respect of the amended time limit under Rule 69.1 for the establishment of the international preliminary examination report, it was understood that the new time limit of 28 months from the priority date would apply in all cases where, on the date of its entry into force, the international preliminary examination report had not yet been established. (PCT/A/XI/9, pg. 9, para. 57).

Rule 74.1

[In January and February 1984,] [w]hen adopting the amendments to Rule 74.1, the Assembly agreed that the furnishing of a translation of the annexes to the international preliminary examination report was not governed by Article 39(1). That Article applied only to the furnishing of a translation of the international application as filed or, where amended under Article 19(1), as amended. The translation of the annexes to the international preliminary examination report must be furnished pursuant to Article 36(3)(b). The sanction provided for the non-furnishing of a translation of the international application in Article 39(2) did not apply to the failure to furnish a translation of the annexes to the international preliminary examination report. As a consequence, the sanction for the non-furnishing of a translation of those annexes was left to the national law applied by the elected Office. (PCT/A/XI/9, pg. 11, para. 66).

Rule 76.5(iv)

[At the second part of the third session of the PCT Committee for Administrative and Legal Matters, in September 1990,] [i]t was generally agreed that the effect and extent of provisional protection after international publication was a matter for the national law and should be distinguished from the question of the content of the translation of the international application to be furnished under Article 39(1)(a). (PCT/CAL/III/10, pg. 8, para. 61).

[In July 1991,] [t]he Assembly noted that Rule 76.5(iv) related only to the requiring of translations for the purposes of entry into the national phase under Article 39(1). The Assembly agreed, noting the provisions of Article 29, that the Rule did not preclude national law from requiring, for the purposes of provisional protection, a translation of amendments made under Article 19 even where the amendments were not annexed to the international preliminary examination report. (PCT/A/XVIII/9, pg. 8, para. 60).

Rule 82.1(d) and (e)

[In July 1991,] [. . .], the Assembly took the view that the word "mail" in Article 48 was not limited to the service of postal authorities. (PCT/A/XVIII/9, pg. 9, para. 61).

Rule 82bis.1

[In January and February 1984,] [w]hen the Assembly adopted new Rule 82bis.1, it was understood that the excusing of the delay in meeting a time limit may take place, under Article 48(2), only during the national phase, independent of

whether the delay to be excused concerned a time limit pertaining to the international phase or a time limit pertaining to the national phase. It was further understood that, for the purposes of Article 48(2), the provisions referred to in Rule 81bis.2 may be applied only under the conditions set forth by the national law. For example, if the applicant failed to pay a fee or to correct a defect within a certain time limit and if such failure could be excused under the national law of a Contracting State, it must be excused for international applications. [. . .] (PCT/A/XI/9, pg. 11, para. 67).

Rule 84.1

[In September 1993,] [t]he Assembly agreed to suspend the application of Rule 84.1 in relation to its own sessions and the sessions of the PCT Committee for Administrative and Legal Matters, to the extent that the travel and subsistence expenses of one delegate of each PCT Contracting State for the sessions of those bodies be paid from the budget of the PCT Union. The Assembly also agreed that, if such suspension could not be continued at any time beyond 1995 because of lack of sufficient funds, the Director General would make proposals to end the suspension. (PCT/A/XXI/5, pg. 5, para. 35).

Rule 89.2(a)

[In April 1978,] [i]t was understood in the consultations [with the receiving Offices and the International Searching and Preliminary Examining Authorities] and noted by the Assembly that the promulgation of the Administrative Instructions by the Director General in accordance with PCT Rule 89.2(a) would be upon the understanding that, as regards Section 103(a), as long as a receiving Office does not yet have available forms in the language of the international application, the applicant may use for the purposes of his international application forms available from the receiving Office in another language and the receiving Office and the competent International Searching and Preliminary Examining Authority may also use forms in that language for the purposes of their communications with the applicant. (PCT/A/I/14, pg. 18, para. 117).

Rule 90.1(d)

[At the second part of the fourth session of the PCT Committee for Administrative and Legal Matters, in March 1991,] [i]n response to a question from the Delegation of the EPO, it was clarified that there was nothing in the proposal to prevent sub-agents from appointing further sub-agents, if they were so authorized. (PCT/CAL/IV/10, pg. 7, para. 49).

Rule 90.4

[At the second part of the fourth session of the PCT Committee for Administrative and Legal Matters, in March 1991,] [t]he International Bureau pointed out that the proposed Rule did not affect the relationship between the applicant and his agent, but rather dealt with the recognition of agents by Offices and authorities under the PCT. In the latter connection, a renunciation would be effective at the time when it was received by the authority concerned (see proposed Rule 90.4(e) which would apply proposed Rule 90.3(b) and (c) *mutatis mutandis*). (PCT/CAL/IV/10, pg. 8, para. 55).

Rule 90bis.5 (and 4.15, 53.8 and 56.1)

[At the second part of the fourth session of the PCT Committee for Administrative and Legal Matters, in March 1991,] [t]he International Bureau, supported by several delegations, noted that, where the demand or elections were withdrawn, the international phase ended for the States concerned, and that forcing the applicant to obtain a result of the international preliminary examination which he expressly no longer wanted would amount to depriving him of his right to effect such withdrawal. The International Bureau reiterated that, even under the present system, it was not aware of any abuses by applicants trying to avoid a negative international preliminary examination report. Furthermore, as a practical consideration, the International Preliminary Examining Authority did not have any way of knowing whether national processing has started in an elected Office. In addition, the International Bureau noted that using the last written opinion as a report, in the way suggested, would be inconsistent with Article 38, and that, in any case, if the report were to contain only the information appearing in the last written opinion, the report would in most cases not comply with Article 35 and Rule 70. Moreover, the applicant would be deprived of the right to take action to improve the international application before preparation of the final report--a right which was a cornerstone of the international preliminary examination procedure.

[At the same session,] [t]he International Bureau compared the withdrawal of the international application before the establishment of the international search report with the withdrawal of the demand before the establishment of the international preliminary examination report. It noted that, in the first instance, the international search report would not be established, even though it would seem that that report would be of great value to the applicant and to any national Office in which the applicant had entered the national phase. (PCT/CAL/IV/10, pgs. 9 and 10, paras. 67 and 69).

[In July 1991,] [t]he Assembly noted, in response to a concern expressed by the Representative of the EPO, that the amended Rules simply provided a procedural mechanism for handling international applications in certain cases where an applicant-inventor was unwilling or unavailable to sign the documents referred to, but agreed that the situation in which the applicant was unwilling to sign should not apply to the provisions of Rule 90bis.5. The questions of entitlement to apply for a patent and ownership of the invention would not be affected by these amended Rules and would continue to be matters for national law. (PCT/A/XVIII/9, pg. 3, para. 20).

Rule 91.1

[In June 1980,] [d]uring the discussion [of new Rule 91.2,] the Assembly agreed that, the *ex officio* correction, without formal request by the applicant of obvious errors of transcription by the receiving Office, the International Searching Authority, the International Preliminary Examining Authority or the International Bureau was already permitted under Rule 91.1, thus obviating the need for a specific provision enabling such correction. [. . .]. (PCT/A/V/17, pg. 4, para. 31).

[At the second part of the second session of the PCT Committee for Administrative and Legal Matters, in March 1991, during the discussion on the proposed Amendment of Rule 91.1] [i]t was noted that the receiving Office was responsible for authorizing rectifications in the request, and that rectifications in the description, claims and drawings required the authorization of the International Searching Authority or the International Preliminary Examining Authority, which was a clear protection against the introduction of new matter. (PCT/CAL/IV/10, pg. 10, para. 75).

Rule 91.1(f)

[In January and February 1984,] [w]hen adopting the amendment to Rule 91.1(f), the Assembly agreed that the publication by the International Bureau of a request for rectification where the rectification had been refused during the international phase would not relieve the applicant from the need to request, during the national phase, the designated Offices to authorize the rectification. [. . .]. (PCT/A/XI/9, pg. 7, para. 47).

Rule 92.4

[In July 1991,] [i]n adopting the amendment to this Rule, the Assembly noted that the Rule as amended would enable a national Office or intergovernmental organization, if it wished, to require the furnishing of the originals of signed documents.

This could be done by way of a general requirement under Rule 92.4(d) (e.g., by providing that the original of any filed document signed by the applicant was required to be furnished) or by taking action, in specific cases, under Rule 92.4(f). (PCT/A/XVIII/9, pg. 9, para. 65).

In September 1984, [. . .] the Assembly agreed that an international application which is received by telecopier by the receiving Office is to be accorded an international filing date if all the requirements listed in items (i) to (iii) of Article 11(1) are complied with and that any formal defect, such as the lack of signature or of fitness for reproduction, may be corrected upon an invitation issued by the receiving Office under Article 14(1). It was understood, however, that no receiving Office would be obliged to make telecopier facilities available to applicants. [. . .] (PCT/A/XII/4, pg. 3, para. 18).

Rule 92.4

[At the second part of the fourth session of the PCT Committee for Administrative and Legal Matters, in March 1991,] [i]t was noted, in connection with proposed paragraphs (d) and (e), that it would be optional for an Office to establish any confirmation requirements at all under paragraph (d). Any Office would be free to choose not to require automatic confirmation and to require the sending of an original upon invitation. Moreover, such an Office would not

need to wait for the expiration of the period set out in paragraph (d) before issuing an invitation under paragraph (e).

It was noted that problems could arise where a tele-transmission spanned two calendar days. It was suggested that the PCT Receiving Office Guidelines or the Administrative Instructions could provide for national Offices to apply their usual national practice in such cases.

[In relation to a statement of] [t]he representatives of the non-governmental organizations [, which] felt that the sanction which would be provided under paragraph (f)(i) was too harsh in a case where only an insignificant part of an international application was not confirmed by sending the original [and that] [t]his should not lead to a loss of the international application, [t]he International Bureau explained that paragraph (f)(i) was consistent with the provisions of Article 14(1)(b) and Rule 26 and that no other sanction could apply in such a case. However, it was agreed that the International Bureau would study whether Rules 26.3*bis* and/or 26.5 should be applied by the receiving Office when deciding whether an international application should be considered withdrawn.

The proposal to amend paragraph (g) was approved with the understanding that an Office or intergovernmental organization could specify the kind of documents which it was prepared to receive by any of the means referred to in paragraph (a) when making its notification to the International Bureau under paragraph (g) for publication in the PCT Gazette. (PCT/CAL/IV/10, pgs. 11 and 12, paras. 78, 80, 82 and 83).

Chapter VIII

THE AGREEMENTS BETWEEN THE INTERNATIONAL BUREAU OF WIPO AND THE INTERNATIONAL SEARCHING AND PRELIMINARY EXAMINING AUTHORITIES

I. Background

1. The Patent Cooperation Treaty (PCT) provides that the international search referred to in Article 15, and the international preliminary examination referred to in Article 33, shall be carried out by the International Searching Authorities provided for in Article 16 and the International Preliminary Examining Authorities provided for in Article 32, respectively.

2. In accordance with the provisions of Articles 16(3)(b) and 32(3) of the Treaty, the appointment of the said Authorities is conditional on the consent of the national Office or intergovernmental organization to be appointed and the conclusion of an agreement, subject to approval by the Assembly of the PCT Union, between the Office or organization and the International Bureau.

3. The Assembly of the PCT Union, at its first session, held in Geneva from April 10 to 14, 1978, after having approved the requisite Agreements with the International Bureau, appointed (a) as International Searching and Preliminary Examining Authorities, the Austrian Patent Office, the Japanese Patent Office, the U.S.S.R. State Committee for Inventions and Discoveries, the Royal Patent and Registration Office of Sweden and the European Patent Office; (b) as International Searching Authority, the United States Patent and Trademark Office; (c) as International Preliminary Examining Authority, the Patent Office of the United Kingdom. The said Agreements were concluded for a period of 10 years. The Agreement with the Patent Office of the United Kingdom was concluded for a period of 15 years.

4. The Assembly of the PCT Union, at its third session, held in Geneva from April 25 to May 1, 1979, having approved the requisite Agreement, appointed the Australian Patent Office as International Searching and Preliminary Examining Authority. The said Agreement was concluded for a period of 10 years.

5. The Assembly of the PCT Union, at its fourteenth session, held in Geneva from September 8 to 12, 1986, decided to provisionally appoint the United States Patent and Trademark Office (USPTO) as International Preliminary Examining Authority and to approve in advance the required amendments to the existing Agreement between the International Bureau and the USPTO. It was understood that the appointment would become effective when the United States of America becomes bound by the provisions of Chapter II of the PCT.¹ The existing Agreement between the International Bureau and the USPTO was then amended on May 20, 1987, with effect on July 1, 1987.

6. The Assembly of the PCT Union, at its fifteenth session, held in Geneva from September 21 to 30, 1987, decided to extend until December 31, 1997, the appointment of the seven International Searching and Preliminary Examining Authorities named below and approved the requisite Agreements. The Authorities were the following: the Australian Patent Office,² the Austrian Patent Office, the Japanese Patent Office, the U.S.S.R. State Committee for Inventions and Discoveries,³ the Royal Patent and Registration Office of Sweden,⁴ the United States Patent and Trademark Office and the European Patent Office. The said Agreements entered into force on

January 1, 1988, and, as from that date, superseded the earlier Agreements concluded with the said Authorities.

7. The Assembly of the PCT Union, at its twentieth session, held in Geneva from September 21 to 29, 1992, having approved the requisite Agreement, appointed the Chinese Patent Office as International Searching and Preliminary Examining Authority, with effect on the date on which China became bound by the PCT.⁵

8. The Assembly of the PCT Union, at its twenty-first session, held in Geneva from September 20 to 29, 1993, having approved the requisite Agreement, appointed the Spanish Patent and Trademark Office as International Searching Authority, with effect from September 22, 1993.

¹ The United States of America became bound by Chapter II on July 1, 1987.

² At present, the "Australian Industrial Property Organisation (AIPO)."

³ At present, the "Committee of the Russian Federation for Patents and Trademarks (ROSPATENT)."

⁴ At present, the "Patent and Registration Office" of Sweden.

⁵ China became bound by the PCT on January 1, 1994.

II. The Text of the Agreements

9. The text below is a model (consolidated) version of the current Agreements.

10. The Annexes referred to in the Agreements are not reproduced in this book. However, it is to be noted that:

- (i) Annex A of each Agreement specifies the States for which the Authority concerned shall act under Article 3 of the Agreement, and/or the languages referred to in the Agreement;
- (ii) Annex B specifies the subject matter set forth in Rule 39.1 or, where applicable, Rule 67.1 of the Regulations under the PCT which, under the relevant Article of the Agreement, is not excluded from search or, where applicable, preliminary examination;
- (iii) Annex C contains the fees and charges for international search and, where applicable, preliminary examination carried out by the Authority under the terms of the Agreement.

11. A table, showing the PCT Contracting States for which each Authority acts (as of June 1, 1995) and the language(s) accepted by each of the said Authorities for search and examination, appears at the end of this chapter.

MODEL

**Agreement between the [Government of . . .]¹
and the World Intellectual Property Organization
in relation to the functioning of the [name of Office]
as an International Searching and International
Preliminary Examining² Authority under the
Patent Cooperation Treaty**

Preamble³

The [Government of . . .]¹ and the World Intellectual Property Organization

hereby agree as follows:

Article 1

Terms and Expressions Used in the Agreement

- (1) For the purposes of this Agreement:
- (a) "Treaty" means the Patent Cooperation Treaty;
 - (b) "Regulations" means the Regulations under the Treaty;
 - (c) "Administrative Instructions" means the Administrative Instructions under the Treaty;
 - (d) "Article" (except where a specific reference is made to an Article of this Agreement) means an Article of the Treaty;
 - (e) "Rule" means a Rule of the Regulations;
 - (f) "Contracting State" means a State party to the Treaty;
 - (g) "Authority" means the [name of Office].⁴

(2) All other terms and expressions used in this Agreement which are also used in the Treaty, the Regulations or the Administrative Instructions have, for the purposes of this Agreement, the same meaning as in the Treaty, the Regulations and the Administrative Instructions.

Article 2

Basic Obligations

(1) The Authority shall carry out international search and international preliminary examination² in accordance with,

and perform such other functions of an International Searching and International Preliminary Examining² Authority as are provided under the Treaty, the Regulations, the Administrative Instructions and this Agreement. In carrying out international search and international preliminary examination,² the Authority shall be guided by the Guidelines for International Search and for International Preliminary Examination² to be Carried Out under the Patent Cooperation Treaty. The Authority shall apply and observe all the common rules of international search and of international preliminary examination.^{2, 5}

(2) The Authority and the International Bureau shall, having regard to their respective functions under the Treaty, the Regulations, the Administrative Instructions and this Agreement, render, to the extent possible,⁶ mutual assistance in the performance of their functions thereunder.⁷

Article 3

Competence of Authority

(1) The Authority shall act as an International Searching Authority for all international applications filed with the receiving Office of, or acting for, any Contracting State indicated in Annex A of this Agreement,⁸ provided that the receiving Office specifies the Authority for that purpose and that such applications are in one of the languages specified in Annex A of this Agreement.⁹

(2) The Authority shall act as an International Preliminary Examining Authority for all international applications filed with the receiving Office of, or acting for, any Contracting State indicated in Annex A of this Agreement,⁸ provided that the receiving Office specifies the Authority for that purpose and that such applications are in one of the languages specified in Annex A of this Agreement.^{2, 10, 11, 12}

Article 4

Subject Matter Not Required to be Searched or Examined²

The Authority shall not be obliged to search, by virtue of Article 17(2)(a)(i), or shall not be obliged to examine, by virtue of Article 34(4)(a)(i),² any international application to the extent that it considers that the international application relates to subject matter set forth in Rule 39.1 or Rule 67.1, as the case may be,² with the exception of the subject matter specified in Annex B¹³ of this Agreement.

Article 5 Fees and Charges

(1) A schedule of all fees of the Authority, and all other charges which the Authority is entitled to make, in relation to its function as an International Searching and International Preliminary Examining² Authority, is set out in Annex C¹⁴ of this Agreement.

(2) The Authority shall, under the conditions and to the extent set out in Annex C¹⁴ of this Agreement, refund the whole or part of the search fee paid where an international search report can be wholly or partly based on the results of an earlier search made by the Authority (Rules 16.3 and 41.1) or where the international application is withdrawn or considered withdrawn before the start of the international search.¹⁵

(3) The Authority shall, under the conditions and to the extent set out in Annex C of this Agreement, refund the whole or part of the preliminary examination fee paid where the demand is considered as if it had not been submitted (Rule 58.3) or where the demand or the international application is withdrawn by the applicant before the start of the international preliminary examination.^{2, 16}

Article 6 Classification

For the purposes of Rules 43.3(a) and 70.5(b),² the Authority shall indicate solely the International Patent Classification.¹⁷

Article 7 Languages of Correspondence Used by the Authority

For the purposes of correspondence, including forms, other than with the International Bureau,¹⁸ the Authority shall use the [specified language(s)].¹⁹

Article 8²⁰ International-Type Search

The Authority shall carry out international-type searches to the extent decided by it.

Article 9 Entry Into Force of the Agreement

(1) This Agreement shall enter into force on January 1, 1988.²¹

(2) This Agreement supersedes, as from the date of its entry into force, the Agreement which was concluded on [date of previous Agreement].²²

Article 10 Duration and Renewability of the Agreement

This Agreement shall remain in force until December 31, 1997.²³ Latest in January 1997, the parties to this Agreement shall start negotiations for its renewal.²⁴

Article 11 Amendment

(1) Without prejudice to paragraphs (2) and (3), amendments may, subject to approval by the Assembly of the International Patent Cooperation Union, be made to this Agreement by agreement between the parties hereto; they shall take effect on the date agreed upon by them.

(2) Without prejudice to paragraph (3), amendments may be made to the Annexes of this Agreement by agreement between the Director General of the World Intellectual Property Organization and the Authority,¹ they shall take effect on the date agreed upon by them.

(3) The Authority¹ may, by notice in writing given to the Director General of the World Intellectual Property Organization:

(i) add to the States²⁵ and languages listed in Annex A of this Agreement,²⁶

(ii) amend the schedule of fees and other charges contained in Annex C¹⁴ of this Agreement.

(4) Any amendment notified under paragraph (3) shall take effect on the date specified by the Authority,¹ provided that, for any increase of fees or other charges contained in Annex C,¹⁴ that date is at least one month later than the date on which the notification is received by the International Bureau.

Article 12 Termination of the Agreement

(1) This Agreement shall terminate before December 31, 1997.²⁷

(i) if the [Government of . . .]¹ gives the Director General of the World Intellectual Property Organization written notice to terminate this Agreement; or

(ii) if the Director General of the World Intellectual Property Organization gives the [Government of . . .]¹ written notice to terminate this Agreement.

(2) The termination of this Agreement under paragraph (1) shall take effect one year after receipt of the notice by the other party, unless a longer period is specified in such notice or unless both parties agree on a shorter period.

IN WITNESS WHEREOF the parties hereto have executed this Agreement.

DONE at [city], this [date], in two originals in the [specified language(s), each text being equally authentic].²⁸

For the [Government of . . .]¹ by: For the World Intellectual Property Organization by:

(signed) (signed) A. Bogsch
 Director General

¹ The Agreements were made, variously, with the Government of the Contracting State concerned, with the responsible Minister or with the industrial property Office or State Committee and, in the case of the European Patent Organisation, with that Organisation. The Agreements also vary in their stipulations as to who is to exercise certain powers and functions under the Agreements; see the Agreements themselves for details.

² The Agreement with the Spanish Patent and Trademark Office does not provide for that Office to function as an International Preliminary Examining Authority, and references related to such functions do not appear in that Agreement.

³ See the various Agreements for additional text, if any, of the Preamble in each case.

⁴ The Agreement with the European Patent Organisation also contains the following definition:

"'Convention' means the Convention on the Grant of European Patents (European Patent Convention)."

⁵ The Agreement with the United States Patent and Trademark Office does not contain the last sentence in this paragraph.

⁶ The Agreement with the United States Patent and Trademark Office contains, instead of the word "possible," the words "considered to be appropriate by both the Authority and the International Bureau."

⁷ The Agreement with the Spanish Patent and Trademark Office also contains a paragraph (3) as follows:

"The Authority undertakes to comply with the conditions laid down in Rule 36.1(i) within three years from the entry into force of this Agreement."

⁸ The Agreements with the U.S.S.R. State Committee for Inventions and Discoveries (at present, the Committee of the Russian Federation for Patents and Trademarks) and with the European Patent Organisation each provide that the Authority shall act as an International Searching and Preliminary Examining Authority for international applications filed with the receiving Office of, or acting for, any Contracting State (that is, without any restriction).

⁹ Article 3 of the Agreement with the Spanish Patent and Trademark Office reads as follows: "The Authority shall act as an International Searching Authority for all international applications filed in the Spanish language with the receiving Office of, or acting for, any Contracting State where that Office has specified the Authority for that purpose."

¹⁰ The Agreement with the European Patent Organisation contains, instead of the words "such applications are in one of the languages specified in Annex A of this Agreement," the words "for such applications, the international search is or has been performed by the Authority or the industrial property office of a State party to the Convention."

¹¹ The Agreement with the United States Patent and Trademark Office also contains the following words at the end of the paragraph: ", and that any other requirements regarding such applications as specified in Annex A of this Agreement have been met."

¹² Article 3 of the Agreement with the European Patent Organisation also contains the following paragraph (3):

"(a) Notwithstanding paragraphs (1) and (2), if the workload of the Authority reaches such a level that, because of its then existing facilities, it cannot perform the tasks assumed by it under this Agreement without risks for its proper functioning under the Convention, the Authority may:

(i) entrust any industrial property office of a State party to the Convention with work in respect of international search or international preliminary examination to be carried out under the responsibility of the Authority;

(ii) notify the International Bureau that it will limit the acceptance of international applications, either for international search or for international preliminary examination, to a given number each year of international applications filed with specific receiving Offices. Any such limitation shall take effect, where a date has been agreed upon with the receiving Office, on that date; otherwise, it shall take effect nine months from the date on which the Authority notified the International Bureau of the limitation.

(b) The initial duration of any limitation under subparagraph (a)(ii) shall not exceed a period of two years. The limitation may be extended one or more times for a period of not more than two years each, provided that notice of four months is given prior to the expiration of the preceding period.

(c) Before applying or modifying any measure under subparagraph (a)(ii), including any extension under subparagraph (b), the Authority shall enter into consultations with the International Bureau with the view to finding solutions other than a limitation under subparagraph (a)(ii)."

¹³ Annex A, in the case of the Agreement with the Spanish Patent and Trademark Office.

14. Annex B, in the case of the Agreement with the Spanish Patent and Trademark Office.

15. Article 5(2) of the Agreement with the United States Patent and Trademark Office reads as follows:

"The Authority shall, under the conditions and to the extent set out in Annex C of this Agreement, reduce the search fee where an international search report can be wholly or partly based on the results of an earlier search made by the Authority (Rules 16.3 and 41.1), or refund the search fee where the international application is withdrawn or considered withdrawn before the start of the international search."

16. In the Agreement with the United States Patent and Trademark Office, paragraph (3) reads as follows:

"The Authority shall refund the whole or part of the preliminary examination fee paid under the conditions and to the extent set out in Annex C of this Agreement."

17. In the Agreement with the United States Patent and Trademark Office, Article 6 reads as follows:

"The Authority shall indicate the International Patent Classification for the purposes of Rules 43.3(a) and 70.5(b) and may also apply the United States Patent Classification."

18. The Agreements with the Government of Australia and the United States Patent and Trademark Office do not contain the words "other than with the International Bureau."

19. See the various Agreements for the languages to be used in correspondence.

20. Article 8 does not appear in the Agreement with the Japanese Patent Office. The subsequent Articles in that Agreement are renumbered accordingly.

21. The Agreement with the Chinese Patent Office provides for that Agreement to enter into force on the day on which China becomes bound by the PCT. The Agreement with the Spanish Patent and Trademark Office provides for that Agreement to enter into force upon approval by the Assembly of the International Patent Cooperation Union and subsequent signature.

22. Paragraph (2) does not appear in the Agreements with the Chinese Patent Office and the Spanish Patent and Trademark Office.

23. The Agreement with the Chinese Patent Office provides for that Agreement to remain in force for five years.

24. In the Agreement with the Government of Australia, the second sentence is worded slightly differently. In the Agreement with the Chinese Patent Office, the second sentence provides that negotiations for renewal of that Agreement shall start at the latest four years after its entry into force.

25. The reference to adding to the States appears only in the Agreements with the Federal Minister for Economic Affairs of the Republic of Austria, the Chinese Patent Office and the United States Patent and Trademark Office.

26. Subparagraph (i) does not appear in the Agreement with the Spanish Patent and Trademark Office.

27. The Agreement with the Chinese Patent Office provides that that Agreement shall terminate before the expiration of the five-year period referred to in Article 10 of that Agreement in the cases referred to in the rest of the Article.

28. See the various Agreements for details concerning the languages of their texts.

THE HEADS OF THE CURRENT AND FORMER PCT INTERNATIONAL AUTHORITIES IN 1995

Australia



Andrew A. Bain

Austria



Otmar Rafeiner

China



Gao Lulin

*European Patent Office
(EPO)*



Paul Braendli

Japan



Akira Takashima

Russian Federation



Vitaly P. Rassokhin

Spain



Julián Alvarez Alvarez

Sweden



Carl Anders Ifvarsson

United Kingdom



Paul R. S. Hartnack

United States of America



Bruce A. Lehman

**PCT CONTRACTING STATES FOR WHICH
EACH AUTHORITY ACTS (AS OF JUNE 1, 1995)
(AND LANGUAGE(S) ACCEPTED BY
EACH AUTHORITY FOR SEARCH AND/OR EXAMINATION)**

AUTHORITY	CONTRACTING STATES	LANGUAGE(S)
Australian Patent Office	Australia, Kenya, Liberia, New Zealand, Republic of Korea, Singapore, Sri Lanka, Viet Nam	English
Austrian Patent Office	Barbados, Benin, Brazil, Burkina Faso, Cameroon, Central African Republic, Chad, Congo, Côte d'Ivoire, Democratic People's Republic of Korea, Gabon, Guinea, Hungary, Kenya, Liberia, Madagascar, Malawi, Mali, Mauritania, Niger, Republic of Korea, Romania, Senegal, Singapore, Sudan, Swaziland, Togo, Trinidad and Tobago, Uganda, Viet Nam	English, French, German
Chinese Patent Office	China, Kenya, Liberia	Chinese, English
European Patent Office	Armenia, Austria, Barbados, Belarus, Belgium, Benin, Brazil, Bulgaria, Burkina Faso, Cameroon, Canada, Central African Republic, Chad, Congo, Côte d'Ivoire, Czech Republic, Denmark, Estonia, Finland, France, Gabon, Georgia, Germany, Greece, Guinea, Hungary, Iceland, Ireland, Italy, Japan, Kazakhstan, Kenya, Kyrgyzstan, Latvia, Liberia, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Mali, Mauritania, Mexico, Monaco, Mongolia, Netherlands, New Zealand, Niger, Norway, Poland, Portugal, Republic of Moldova, Romania, Russian Federation, Senegal, Singapore, Slovakia, Slovenia, Spain, Sri Lanka, Sudan, Swaziland, Sweden, Switzerland, Tajikistan, Togo, Trinidad and Tobago, Turkmenistan, Uganda, Ukraine, United Kingdom, United States of America, Uzbekistan, Viet Nam	Dutch, English, French, German
Japanese Patent Office	Japan, Republic of Korea	Japanese
Russian Patent Office	Armenia, Belarus, Benin, Bulgaria, Burkina Faso, Cameroon, Central African Republic, Chad, Congo, Côte d'Ivoire, Democratic People's Republic of Korea, Gabon, Georgia, Guinea, Hungary, Kazakhstan, Kyrgyzstan, Latvia, Lithuania, Madagascar, Mali, Mauritania, Mongolia, Niger, Republic of Moldova, Romania, Russian Federation, Senegal, Tajikistan, Togo, Turkmenistan, Ukraine, Uzbekistan, Viet Nam	English, French, German, Russian
Spanish Patent and Trademark Office	Mexico, Spain	Spanish
Swedish Patent Office	Barbados, Benin, Brazil, Burkina Faso, Cameroon, Central African Republic, Chad, Congo, Côte d'Ivoire, Denmark, Finland, Gabon, Guinea, Iceland, Kenya, Liberia, Madagascar, Malawi, Mali, Mauritania, Niger, Norway, Senegal, Sri Lanka, Sudan, Swaziland, Sweden, Togo, Trinidad and Tobago, Uganda, Viet Nam	Danish, English, Finnish, French, Norwegian, Swedish
United States Patent and Trademark Office	Barbados, Brazil, Mexico, Trinidad and Tobago, United States of America	English

Chapter IX

PCT MEETING PROFILES

Introduction

In the present chapter, all the meetings—altogether 120—which were held in the period from 1966 to 1994 under, or in relation to, the Patent Cooperation Treaty (PCT) are reviewed.

The chapter is divided into three parts.

Part I, entitled "BIRPI Meetings Held Between 1966 and 1970 and Leading to the 1970 Washington Diplomatic Conference on the PCT," contains, in chronological order, the profiles (24) of

- (i) four meetings of the official organs of the Paris Union for the Protection of Industrial Property which, in the said period, took decisions or adopted recommendations leading to the diplomatic conference adopting the PCT,
- (ii) 19 meetings of experts and consultants (whether government-appointed or representing selected international intergovernmental and non-governmental organizations), as well as of representatives of the legal profession, which were convened by BIRPI to discuss the first plans for, and the successive drafts of, what would eventually become the Patent Cooperation Treaty and its Regulations,
- (iii) the 1970 Washington Diplomatic Conference which adopted the PCT.

Part II, entitled "PCT Interim Committee and Working Group Meetings Held Between the Adoption (June 19, 1970) and the Entry Into Force (January 24, 1978) of the PCT," contains the profiles (34) of the meetings of the three Interim Committees established pursuant to a resolution of the Diplomatic Conference to prepare the entry into force of the Treaty, as well as of the meetings of the subcommittees and working groups under two of the Interim Committees. The meetings are listed by interim committees and the subcommittees and working groups under each.

Part III, entitled "PCT Assembly, Committee, Working Group and Other Meetings Held Between the Entry Into Force of the PCT (January 24, 1978) and December 31, 1994," contains the profiles (62) of

- (i) the one and only meeting of what was called the PCT Preparatory Committee,
- (ii) the meetings (22) of the PCT Union Assembly,
- (iii) the meetings (17) of the PCT Committee for Technical Cooperation,
- (iv) the meetings (seven) of the PCT Committee for Administrative and Legal Matters,
- (v) other (15) meetings held for various purposes, including meetings organized for actual and potential users of the PCT system, and meetings between the International Bureau and the International Searching and Preliminary Examining Authorities.

The profile of each meeting provides information on

- (i) the meeting's date and venue,
- (ii) the name of each participant and, for the head of delegations, his title,
- (iii) the name of the officers and of the members of the International Bureau who provided the secretariat of the meeting,
- (iv) the BIRPI or WIPO document series number of the working papers and report of the meeting,
- (v) a summary of the main decisions and recommendations adopted by the meeting, or, in the case when no decision or recommendation was adopted, a summary of the main topics discussed.

The profile of the first session of a given meeting or a given series of meetings also contains information on the legal authority on the basis of which the said meeting or series of meetings were convened, and the conditions of its membership. The said information appears in subsequent profiles of a given series of meetings only if, and when, the said legal authority and/or conditions of membership underwent changes.

The names of countries appearing in the profiles are the names that the countries had at the time of the holding of the meeting. The same applies to the names of intergovernmental and non-governmental organizations.

The meeting profiles are intended as a reference material on the history and development of the PCT system. Details of the legal, administrative and technical development of the PCT system are contained in other chapters of the book.

The profiles should be read in conjunction with the statistical, financial, legal, staff and other relevant

information presented in the chapter of the book entitled "Facts and Figures Concerning the PCT."

At the beginning of each Part of this chapter, the meetings covered by the Part are listed. Each of those (three) lists presents the serial number, title, venue and date of the meetings reviewed.

An alphabetical index of names of the participants in the said 120 meetings appears at the end of the book. The above-mentioned serial numbers allow to link the name of a given participant to the meeting, or meetings, in which he or she participated in the period from 1966 to 1994.



John Maudson, "Beach painting." Gift of the Government of Australia to WIPO

PART I

**BIRPI Meetings Held Between 1966 and 1970 and
Leading to the 1970 Washington Diplomatic Conference on the PCT**

Serial Number of Meeting	Title of Meeting	Venue and Dates of Meeting
1	Executive Committee of the Conference of Representatives of the International (Paris) Union for the Protection of Industrial Property (Second Session)	Geneva, September 26 to 29, 1966
2	BIRPI Meeting of Consultants on International Cooperation in the Granting of Protection to Inventions	Geneva, February 22 to 24, 1967
3	Committee of Experts on the BIRPI Plan for Facilitating the Filing and Examination of Applications for the Protection of the Same Invention in a Number of Countries: Plan for a Patent Cooperation Treaty (PCT)	Geneva, October 2 to 10, 1967
4	Conference of Representatives of the International (Paris) Union for the Protection of Industrial Property (Second Session)	Geneva, December 18 to 21, 1967
5	BIRPI Meeting of Consultants on a Plan for a Patent Cooperation Treaty (PCT)	Geneva, January 23 to 25, 1968
6	Working Group on the BIRPI Plan for Facilitating the Filing and Examination of Applications for the Protection of the Same Invention in a Number of Countries: Plan for a Patent Cooperation Treaty (PCT)	Geneva, March 25 to 29, 1968
7	BIRPI Meeting of Consultants on a Plan for a Patent Cooperation Treaty (PCT)	Geneva, April 22 and 23, 1968
8	BIRPI Meeting of Consultants on a Plan for a Patent Cooperation Treaty (PCT)	Geneva, April 25 and 26, 1968
9	BIRPI Meeting of Consultants on a Plan for a Patent Cooperation Treaty (PCT)	Geneva, April 29 to May 3, 1968
10	BIRPI Meeting of Consultants on a Plan for a Patent Cooperation Treaty (PCT)	Geneva, June 25 to 27, 1968
11	Patent Cooperation Treaty (PCT) One-Day Information Meeting Organized by BIRPI	Geneva, July 1, 1968
12	Executive Committee of the International (Paris) Union for the Protection of Industrial Property (Fourth Session)	Geneva, September 24 to 27, 1968
13	BIRPI Meeting of Consultants on a Plan for a Patent Cooperation Treaty (PCT)	Geneva, October 22 and 23, 1968
14	BIRPI Meeting of Consultants on a Plan for a Patent Cooperation Treaty (PCT)	Geneva, November 5 and 6, 1968
15	Committee of Experts on the BIRPI Plan for Facilitating the Filing and Examination of Applications for the Protection of the Same Invention in a Number of Countries: Plan for a Patent Cooperation Treaty (PCT)	Geneva, December 2 to 10, 1968
16	BIRPI Meeting of Subconsultants on a Plan for a Patent Cooperation Treaty (PCT)	Geneva, February 25 and 26, 1969
17	BIRPI Meeting of Consultants on a Plan for a Patent Cooperation Treaty (PCT)	Geneva, April 21 to 24, 1969
18	BIRPI Meeting of Consultants on a Plan for a Patent Cooperation Treaty (PCT)	Geneva, April 28 and 29, 1969
19	BIRPI Meeting of Consultants on a Plan for a Patent Cooperation Treaty (PCT)	Geneva, May 1 and 2, 1969
20	BIRPI Meeting with United States Patent Attorneys	Geneva, May 5 to 8, 1969
21	BIRPI Meeting of Consultants on a Plan for a Patent Cooperation Treaty (PCT)	Geneva, June 16 and 17, 1969
22	Executive Committee of the International (Paris) Union for the Protection of Industrial Property (Fifth Session)	Geneva, September 22 to 26, 1969
23	BIRPI Preparatory Study Group on the Draft Patent Cooperation Treaty (PCT) Regulations	Geneva, March 9 to 20, 1970
24	Washington Diplomatic Conference on the Patent Cooperation Treaty	Washington, May 25 to June 19, 1970

**Executive Committee of the Conference of Representatives of the International (Paris) Union for the Protection of Industrial Property (Second Session)
Geneva, September 26 to 29, 1966**

Participants: The meeting of the Executive Committee was attended by 15 member States (with 38 delegates). 14 observer States (with 17 representatives) and one observer intergovernmental organization (with two representatives), as follows:

Member States: **Czechoslovakia:** František Křístek, President, Office of Patents and Inventions; Oldřich Fabián; Jiri Kordač; Joseph Conk; Miloš Všeček; **France:** François Savignon, Deputy Director, National Institute of Industrial Property; Roger Labry; Charles Rohmer; **Germany (Federal Republic of):** Kurt Haertel, President, German Patent Office; Albrecht Krieger; Klaus Pfanner; **Hungary:** András Kiss, Vice-President, National Office of Inventions; Róbert Radnóti; **Italy:** Giuseppe Talamo Atenolfi, Ambassador, Ministry of Foreign Affairs; Valerio de Sanctis; Paul Marchetti; Giuseppe Trotta; Alberto M. Ferrari; Roberto Messerotti-Benvenuti; **Japan:** Benkichi Jinbo, Director, Trial Division, Japanese Patent Office; Kenshiro Akimoto; **Mexico:** Maria de los Angeles Lopez-Ortega (Miss), Second Secretary, Permanent Mission in Geneva; **Netherlands:** C.J. de Haan, President of the Patents Council; Willem M.J.C. Phaf; **Soviet Union:** Yevgeny Artemiev, Vice-President, State Committee on Inventions and Discoveries; Eduard P. Gavrilov; **Spain:** Antonio Fernández-Mazarambroz, Head, Industrial Property Registry; **Sweden:** Åke von Zweigbergk, Director General, Royal Patent and Registration Office; Claës A. Uggla; **Switzerland:** Hans Morf, former Director of the Swiss Federal Intellectual Property Office; Joseph Voyame; Rodolphe Bühler; **United Kingdom:** Gordon Grant, Comptroller-General, Patent Office; Ronald Bowen; **United States of America:** Edward J. Brenner, Commissioner of Patents; Harvey J. Winter; Gerald D. O'Brien; **Yugoslavia:** Vladimir Savič, Director, Patent Office.

Observer States: **Algeria:** Salah Bouzidi, Head, Trademark Office; **Australia:** Warwick E. Weemaes, Third Secretary, Permanent Mission in Geneva; **Austria:** Thomas Lorenz, Ratssekretär, Austrian Patent Office; **Belgium:** Gérard Lambert de San, Director General, Legal Counsellor to the Ministry of National Education and Culture; **Democratic Republic of the Congo:** Victor Nkoinzale, Deputy Director, Ministry of Cultural Affairs; Christophe Katuku; **Denmark:** Torben Lund, Professor, University of Aarhus; **Greece:** Anastassios Ioannou, Advocate at the Supreme Court; **India:** Lalit Mansingh, Third Secretary, Permanent Mission in Geneva; **Poland:** Ignacy Czerwinski, President, Polish Patent Office; Natalie Lissowska (Mrs.); **Romania:** Ion Anghel, Chief Legal Advisor, Ministry of Foreign Affairs; Lucian Marinete; **San Marino:** Jean-Charles Munger, Chancellor, Permanent Mission in Geneva; **Thailand:** Pradeep Sochiratna, Secretary, Embassy in Berne; **United Arab Republic:** Mohamed I. Shaker, Second Secretary, Permanent Mission in Geneva; **Viet Nam:** Nguyen Quoc Dinh, Permanent Delegate to Unesco, Paris.

Observer intergovernmental organization: International Patent Institute (IIB): Guillaume Finnis, Director General, The Hague; L. Feyereisen.

Officers: Chairman: François Savignon (France); Vice-Chairmen: Yevgeny Artemiev (Soviet Union) and Benkichi Jinbo (Japan); Secretary: Arpad Bogsch (BIRPI).

BIRPI Secretariat: Georg H.C. Bodenhausen, Director; Arpad Bogsch, Deputy Director; Ross Woodley, Counsellor; Bernard A. Armstrong, Counsellor.

BIRPI Document Series: CEP/II

Matters Concerning the Plan Which Became the Patent Cooperation Treaty (PCT): On a proposal presented by the Delegation of the United States of America, the Executive Committee of the Paris Union adopted, on September 29, 1966, the following recommendation:

"The Executive Committee of the International (Paris) Union for the Protection of Industrial Property,"

"Having noted:

that all countries issuing patents, and particularly the countries having a preliminary novelty examination system, have to deal with very substantial and constantly growing volumes of applications of increasing complexity,

that in any one country a considerable number of applications duplicate or substantially duplicate applications concerning the same inventions in other countries thereby increasing further the same volume of applications to be processed, and

that a resolution of the difficulties attendant upon duplications in filings and examination would result in more economical, quicker, and more effective protection for inventions throughout the world thus benefiting inventors, the general public and Governments,"

"Recommends:

that the Director of BIRPI undertake urgently a study on solutions tending to reduce the duplication of effort both for applicants and national patent offices in consultation with outside experts to be invited by him and giving due regard to the efforts of other international organizations and groups of States to solve similar problems, with a view to making specific recommendations for further action, including the conclusion of special agreements within the framework of the Paris Union."

In accordance with the said recommendation, the Director of BIRPI organized the Meeting of Consultants referred to below.

BIRPI Meeting of Consultants on International Cooperation in the Granting of Protection to Inventions Geneva, February 22 to 24, 1967

Membership: Invitations to attend the Meeting were addressed to the six States which, at the time, had the highest number of applications for patents or inventors' certificates, and to the International Patent Institute (IIB).

Participants: The Meeting of Consultants was attended by 16 experts from six States and one intergovernmental organization, as follows:

States: **France:** François Savignon, Director, National Institute of Industrial Property; Roger Labry; **Germany (Federal Republic of):** Kurt Haertel, President, German Patent Office; Romuald Singer; Heribert Mast; **Japan:** Tsukasa Sakai, First Secretary, Permanent Mission in Geneva; **Soviet Union:** Yury Maksarev, Chairman, State Committee for Inventions and Discoveries; Vladimir Roslov; **United Kingdom:** Gordon Grant, Comptroller-General, Patent Office; Edward Armitage; **United States of America:** Eugene M. Braderman, Deputy Assistant Secretary for Commercial Affairs and Business Activities, Department of State; Edward J. Brenner, Commissioner of Patents; Gerald D. O'Brien; Harvey J. Winter.

Intergovernmental organization: International Patent Institute (IIB): Guillaume Finnis, Director General, The Hague; Pieter van Waasbergen.

BIRPI Secretariat: Georg H.C. Bodenhausen, Director; Arpad Bogsch, Deputy Director; Charles-Louis Magnin, Deputy Director; Klaus Pfanner, Head, Industrial Property Division.

BIRPI Document Series: PCT/C

Summary: The Meeting was convened by the Director of BIRPI in accordance with the recommendations adopted by the Executive Committee of the Paris Union on September 29, 1966. The Meeting considered a document consisting of an introduction and a draft treaty with annexes (document PCT/C of January 31, 1967). The said draft treaty had, at that time, no specific title. The Meeting did not adopt a report.

Committee of Experts on the BIRPI Plan for Facilitating the Filing and Examination of Applications for the Protection of the Same Invention in a Number of Countries: Plan for a Patent Cooperation Treaty (PCT)

Geneva, October 2 to 10, 1967

Membership: Those 23 countries in which, according to the latest available statistics, more than 5,000 applications for patents or inventors' certificates had been filed in 1965, were invited to attend as members of the Committee. India, which fell under the above definition but was not a member of the Paris Union, was invited as observer. Hungary, whose National Office for Inventions acted, at the time, as secretariat for studying problems of international industrial property cooperation between the national patent offices of the Council for Mutual Economic Assistance (CMEA) and other patent offices, was invited as observer. Certain intergovernmental and non-governmental organizations were invited as observers.

Participants: The meeting of the Committee of Experts was attended by 24 member States (with 55 delegates), two observer States (with five representatives), seven intergovernmental organizations (with 14 representatives) and 10 non-governmental organizations (with 28 representatives), as follows:

Member States: **Argentina:** Luis M. Laurelli, Third Secretary, Permanent Mission in Geneva; **Australia:** George Henshilwood, Deputy Commissioner of Patents, Patents, Trade Marks, Designs and Copyright Offices; **Austria:** H. Gottfried Thaler, President, Austrian Patent Office; Thomas Lorenz; **Belgium:** Louis Hermans, Counsellor, Ministry for Economic Affairs; Jacques D.P. Degavre; **Brazil:** Jorge C. Ribeiro, Second Secretary, Permanent Mission in Geneva; Emanuel Massarani; **Canada:** Finlay W. Simons, Assistant Commissioner of Patents; **Czechoslovakia:** František Křístek, Chairman, Office for Patents and Inventions; Miloš Všeček; Luboš Lacina; **Denmark:** Erik Tuxen, Director, Danish Patent Office; Dagmar Simonsen (Mrs.); **France:** François Savignon, Director, National Institute of Industrial Property; Roger Labry; Pierre Fressonnet; **Germany (Federal Republic of):** Kurt Haertel, President, German Patent Office; Heribert Mast; Romuald Singer; Peter Schönfeld; **Italy:** Giuseppe Trotta, Counsellor at the Court of Appeal, Ministry for Foreign Affairs; Mosé Angel Pulsinelli; Antonio Ferrante; Roberto Messerotti-Benvenuti; Giulio Caselli; Tito Ivaldi; **Japan:** Manabu Sasaki, Director, General Division, Japanese Patent Office; Kotaro Otani; Tsukasa Sakai; **Mexico:** Roberto Palencia Salcido, Director General for Industrial Property; Carlos E. Mainero; Hector Cardenas-Rodriguez; **Netherlands:** Willem M.J.C. Phaf, Head, Division of Legislation and Legal Affairs, Ministry for Economic Affairs; J. Bob van Benthem; Martin van Dam; **Norway:** Leif Nordstrand, Director, Norwegian Patent Office; **Poland:** Marian Flisiak, Polish Patent Office; Natalie Lissowska (Mrs.); **South Africa:** A.A.F. Keeton, Registrar of Patents, Designs, Trade Marks, Companies and Copyright; **Soviet Union:** Yevgeny Arteniiev, Deputy Chairman, State Committee for Inventions and Discoveries; **Spain:** Antonio Fernández-Mazarambroz, Director, Industrial Property Registry; **Sweden:** Göran Borggård, Director General, National Patent and Registration Office; Saul Lewin; **Switzerland:** Joseph Voyame, Director, Swiss Federal Intellectual Property Office; Walter Stamm; Walter Winter; **United Kingdom:** Gordon Grant, Comptroller-General, Patent Office; Edward E. Armitage; **United States of America:** Eugene M. Braderman, Deputy Assistant Secretary of State for Commercial Affairs and Business Activities, Department of State; Edward J. Brenner, Commissioner of Patents; Edward F. McKie; Gerald D. O'Brien; John Schulman; Harvey J. Winter.

Observer States: **Hungary:** Emil Tasnádi, President, National Office for Inventions; Gabriel Ürmösi; Georges Pálos; Ottó Somorjai; **India:** R. Vasudeva Pai, Joint Controller of Patents and Designs.

Intergovernmental organizations: **African and Malagasy Industrial Property Office (OAMPI):** Richard Raparson, Head, Patent Service, Yaoundé; **Commission of the European Communities (CEC):** Jean-Pol Lauwers, Principal Administrator, Directorate for Unification of Laws, Brussels; Bertold Schwab; **Council of Europe:** Roland Muller, Head of Service, Department of Legal Affairs, Strasbourg (France); Per von Holstein; **European Free Trade Association (EFTA):** Barbro Sellden-Beer (Mrs.), Head, General and Legal Department, Geneva; A. Gaeta; Günther Latzel; **International Patent Institute (IIB):** Guillaume Finniss, Director General, The Hague; Pieter van Waasbergen; Robert Weber; **Organization of American States (OAS):** William E. Schuyler, Technical Advisor, Washington; **United Nations (UN):** Karl E. Lachmann, Chief, Fiscal and Financial Branch, Department of Economic and Social Affairs; Henri Cornil.

Non-governmental organizations: **Committee of National Institutes of Patent Agents (CNIPA):** Eckchart von Pechmann, Patent Attorney, Munich; Frederik S. Muller; J. Ellis; **Council of European Industrial Federations (CEIF):** Marcel Meunier, Head, Patent Department, Ateliers de Constructions Electriques (ACEC), Charleroi (Belgium); John M. Aubrey; Sten Finne; **European Industrial Research Management Association (EIRMA):** Fernand L. Picard, Director-Advisor, Régie nationale des Usines Renault, Billancourt (France); André van der Auweraer; François P. Panel; Hans-Herbert Schubert; **Inter-American Association of Industrial Property (ASIPI):** Eric H. Waters, Attorney-at-Law, New York; **International Association for the Protection of Industrial Property (AIPPI):** Stephen P. Ladas, Attorney-at-Law, New York; Eric H. Waters; **International Chamber of Commerce (ICC):** Stephen P. Ladas, Attorney-at-Law, New York; Pierre J. Pointet; Leslie A. Ellwood; **International Federation of Patent Agents (FICPI):** René Jourdain, Patent Agent, Paris; Paul O. Langballe; Casimir Massalski; **Union of European Patent Agents (UNEPA):** Cornelis M.R. Davidson, Patent Counsel, The Hague; Casimir Massalski; **Union of Industries of the European Economic Community (UNICE):** Gillis Oudemans, Patent Attorney, Vught (Netherlands); Ernst Fischer; Jean-Paul Simon; Karl J. Heimbach; **United States National Association of Manufacturers (NAM):** Frederic O. Hess, Selas Corporation of America, Dresher (United States of America); R. Frank Smith; Reynold Bennett.

Officers: Chairman: Joseph Voyame (Switzerland); Vice-Chairmen: Yevgeny Artemiev (Soviet Union) and Eugene M. Braderman (United States of America); Secretary: Arpad Bogsch (BIRPI).

BIRPI Secretariat: Georg H.C. Bodenhausen, Director; Arpad Bogsch, Deputy Director; Klaus Pfanner, Counsellor, Head, Industrial Property Division; Richard Wipf, Counsellor, Industrial Property Division; Ivan Morozov, Industrial Property Division; Gillian Davies (Miss), Legal Assistant, Industrial Property Division.

BIRPI Document Series: PCT/I

Topics Discussed: The Committee of Experts was convened to discuss, Article by Article, a preliminary--the first--draft of a treaty which was for the first time referred to as the "Patent Cooperation Treaty (PCT)" ("the 1967 Draft") (document PCT/I/3 and related documents PCT/I/1, 2, 4 and 5, all dated May 31, 1967). With the exception of the experts from Mexico, all the experts expressed the view that the PCT draft was highly worthwhile examining further and, after appropriate changes, completing within the shortest possible time. The Director of BIRPI indicated that he would report on the outcome of the meeting to the competent organs of the Paris Union and that, subject to their approval, he would convene a second Committee of Experts in the course of the year 1968.

Conference of Representatives of the International (Paris) Union for the Protection of Industrial Property (Second Session) Geneva, December 18 to 21, 1967

Participants: The meeting of the Conference of Representatives was attended by 43 member States (with 83 delegates), two observer States (with four representatives) and one intergovernmental organization (with four representatives), as follows:

Member States: **Algeria:** A. Bendiab, Head, Industrial Property Division, Ministry of National Economy; **Argentina:** Luis M. Laurelli, Secretary, Permanent Mission in Geneva; **Australia:** P.C.J. Curtis, Chargé d'Affaires, Permanent Mission in Geneva; June H. Barnett (Miss); Warwick E. Weemaes; **Austria:** Thomas Lorenz, Ratssekretär, Austrian Patent Office; **Belgium:** Jan Verlinden, Administrator, Industrial and Commercial Property Service, Ministry of Economic Affairs; **Brazil:** Jorge C. Ribeiro, Secretary, Permanent Mission in Geneva; **Bulgaria:** D. Stamboliev, Counsellor, Permanent Mission in Geneva; **Cameroon:** G. Dieng, Head, Trademarks and Designs Service, African and Malagasy Industrial Property Office (OAMPI); **Canada:** Finlay W. Simons, Assistant Commissioner of Patents, Patent Office; R. McKinnon; Jacques Corbeil; **Czechoslovakia:** František Křístek, Chairman, Office for Patents and Inventions; Oldřich Fabián; Joseph Conk; **Denmark:** W. Weincke, Head of Department, Ministry of Cultural Affairs; Torben Lund; G. Jensen; **Finland:** Berndt Godenhjelm, Professor of Law, University of Helsinki; **France:** François Savignon, Director, National Institute of Industrial Property; Roger Labry; Charles Rohmer; **Germany (Federal Republic of):** Albrecht Krieger, Ministerialrat, Ministry of Justice; Heribert Mast; Romuald Singer; Elisabeth Steup (Mrs.); Peter Schönfeld; **Greece:** Georges Pilavachi, Legal Advisor, Permanent Mission in Geneva; **Hungary:** Emil Tasnádi, President, National Office for Inventions; **Iran:** Mehdi Naraghi, Head of Department of Registration of Companies and Industrial Property; **Ireland:** Michael J. Quinn, Controller of Patents, Patents Office; **Israel:** Ze'ev Sher, Registrar of Patents, Designs and Trade Marks, Patent Office; R. Cohn; **Italy:** G. Galtieri, Inspector General, Presidency of the Council of Ministers; Giuseppe Trotta; Aldo Pelizza; Mosé Angel Pulsinelli; G. Giglioli; **Japan:** Tsukasa Sakai, First Secretary, Permanent Mission in Geneva; **Kenya:** M.K. Mwendwa, Solicitor General, Office of the Attorney General; David J. Coward; **Lebanon:** Ruby Homsy (Mrs.), First Secretary, Permanent Mission in Geneva; **Luxembourg:** Jean-Pierre Hoffmann, Head, Industrial Property Service; **Malta:** O. Grech, Higher Executive Officer, Department of Trade; **Mexico:** Hector Cardenas-Rodriguez, Third Secretary, Permanent Mission in Geneva; **Monaco:** Jean-Marie Notari, Director, Industrial Property Service; **Morocco:** Abderrahin H'ssaïne, Director General, Moroccan Copyright Office; **Netherlands:** C.J. de Haan, President of the Patent Board, Netherlands Patent Office; Willem M.J.C. Phaf; H.J.A.M. Vrouwenvelder; **Norway:** Leif Nordstrand, Director, Norwegian Patent Office; **Poland:** Tadeusz Jarno, Vice-Chairman, Polish Patent Office; J. Dalewski; Natalie Lissowska (Mrs.); **Portugal:** José de Oliveira Ascensão, Professor, Faculty of Law, University of Lisbon; J. van Zeller Garin; José Mota Maia; **Romania:** Constantin Stanescu, Ambassador, Ministry of Foreign Affairs; Lucian Marinete; **San Marino:** Jean-Charles Munger, Chancellor, Permanent Mission in Geneva; **Soviet Union:** Yury Maksarev, Chairman, State Committee for Inventions and Discoveries; Igor Tcherviakov; V. Pertchik; **Spain:** Antonio Fernández-Mazarambroz, Director, Industrial Property Registry; J. Raya Mario; **Sweden:** Torvald Hesser, Justice of the Supreme Court; Claës A. Ugglä; **Switzerland:** Hans Morf, former Director, Swiss Federal Intellectual Property Office; Joseph Voyame; F. Pochon; Paul Ruedin; **Turkey:** M. Sirman, Deputy Permanent Representative in Geneva; **United Arab Republic:** Mohamed I. Shaker, Second Secretary, Permanent Mission in Geneva; O.A. Amer; **United Kingdom:** William Wallace, Assistant Comptroller, Industrial Property and Copyright Department, Board of Trade; Ronald Bowen; **United States of America:** Edward J. Brenner, Commissioner of Patents; Gerald D. O'Brien; Harvey J. Winter; Warren E. Hewitt; **Yugoslavia:** Vladimir Savič, Director, Federal Patent Office.

Observer States: Congo (Democratic Republic of): E. Witahnkenge, Director, Head of the Literary Property Section, Ministry of Culture and Tourism, G. Mulenda; India: R.S. Gae, Secretary, Ministry of Law; T.S. Krishnamurti.

Intergovernmental organization: International Patent Institute (IIB): Guillaume Finniss, Director General; Pieter van Waasbergen; Robert Weber; Gwilym J. Phillips.

Officers: Chairman: Joseph Voyame (Switzerland); Vice-Chairmen: Tsukasa Sakai (Japan) and Edward J. Brenner (United States of America); Secretary: Arpad Bogsch (BIRPI).

BIRPI Secretariat: Georg H.C. Bodenhausen, Director; Arpad Bogsch, Deputy Director; Klaus Pfanner, Counsellor, Head, Industrial Property Division; Bernard A. Armstrong, Counsellor, Head, Division of Finance, Personnel and General Administration; Ivan Morozov, Counsellor, Industrial Property Division; Gillian Davies (Miss), Legal Assistant, Industrial Property Division.

BIRPI Document Series: CR/II

Matters Concerning the Plan Which Became the Patent Cooperation Treaty (PCT): Within the framework of its discussions on the Program and Budget for the years 1968, 1969 and 1970, the Conference dealt with the question of the financing of the preparatory work of the plan then already commonly referred to as the Patent Cooperation Treaty (PCT) Plan. The Conference took note of the contents of a document in which the Director of BIRPI stated that the cost of the said preparatory work could not be covered by the mandatory contributions of member States towards the expenses of the Paris Union and suggested that such cost should be financed through voluntary contributions by member States of the Paris Union belonging to Contribution Classes I or II, in accordance with certain criteria which included the number of patent applications filed in those countries, and the fact that those countries did or did not provide, in their patent legislation, for substantive examination. The said preparatory work mainly consisted of statistical, financial and legal studies, as well as studies of office procedure. The pledges made, and/or the position expressed, by the participating countries on this question, are recorded in the report of the Conference (document CR/II/15). In conclusion, the Conference expressed the view that preparatory work for the PCT should be vigorously pursued and recommended that voluntary contributions to the PCT plan, if not already pledged, should be pledged as soon as possible by the concerned countries and, in any case, at the 1968 session of the Executive Committee of the Paris Union.

BIRPI Meeting of Consultants on a Plan for a Patent Cooperation Treaty (PCT) Geneva, January 23 to 25, 1968

Membership: Invitations to attend the Meeting were sent according to the same criteria as for the Meeting held from February 22 to 24, 1967.

Participants: The Meeting of Consultants was attended by 16 experts from five States and one intergovernmental organization, as follows:

States: France: François Savignon, Director, National Institute of Industrial Property; Roger Labry, Germany (Federal Republic of): Romuald Singer, Leitender Regierungsdirektor, German Patent Office; Heribert Mast; Karl-Heinz Hofmann; Japan: Tsukasa Sakai, First Secretary, Permanent Mission in Geneva; United Kingdom: Gordon Grant, Comptroller-General, Patent Office; Edward Armitage; United States of America: Richard A. Wahl, Assistant Commissioner, United States Patent Office; Alfred C. Marmor; Rene D. Tegtmeier; Ernest A. Faller; Warren E. Hewitt.

Intergovernmental organization: International Patent Institute (IIB): Guillaume Finniss, Director General, The Hague; Pieter van Waasbergen; Robert Weber

BIRPI Secretariat: Arpad Bogsch, Vice Director; Klaus Pfanner, Counsellor, Head, Industrial Property Division; Ivan Morozov, Counsellor, Industrial Property Division; Yoshiro Hashimoto, Consultant, Industrial Property Division.

Topics Discussed: The Meeting was convened within the framework of the preparation of a new--second--draft of the Patent Cooperation Treaty (PCT). It considered, in particular, questions related to the "international search" system proposed under the above-mentioned 1967 Draft. The Meeting did not adopt a report.

Working Group on the BIRPI Plan for Facilitating the Filing and Examination of Applications for the Protection of the Same Invention in a Number of Countries: Plan for a Patent Cooperation Treaty (PCT)

Geneva, March 25 to 29, 1968

Membership: Invitations to attend the meeting of the Working Group were sent according to the same criteria as for the Committee of Experts held from October 2 to 10, 1967.

Participants: The meeting of the Working Group was attended by 20 member States (with 49 delegates), one observer State (with three representatives), five intergovernmental organizations (with 10 representatives) and 10 non-governmental organizations (with 31 representatives), as follows:

Member States: **Argentina:** Luis M. Laurelli, Third Secretary, Permanent Mission in Geneva; **Austria:** Thomas Lorenz, Counsellor, Austrian Patent Office; **Belgium:** Arthur Schurmans, Director, Industrial Property Service, Jacques D.P. Degavre; **Brazil:** Roberto Soares de Oliveira, Secretary, Permanent Mission in Geneva; Emanuel Massarani; **Canada:** Finlay W. Simons, Assistant Commissioner of Patents, Department for Consumer and Corporate Affairs; Gordon A. Asher; Jacques Corbeil; **Czechoslovakia:** Miloš Všečeka, Head, Legal and International Department, Office for Patents and Inventions; Luboš Lacina; **Denmark:** Erik Tuxen, Director, Danish Patent Office; Dagmar Simonsen (Mrs.); **France:** François Savignon, Director, National Institute of Industrial Property; Roger Labry; **Germany (Federal Republic of):** Kurt Haertel, President, German Patent Office; Romuald Singer; Heribert Mast; Karl-Heinz Hofmann; Peter Schönfeld; **Italy:** Giuseppe Trotta, Counsellor at the Court of Appeal, Ministry for Foreign Affairs; Mosé Angel Pulsinelli; Roberto Messerotti-Benvenuti; Giorgio Omodeo-Salé; **Japan:** Manabu Sasaki, Director, General Administration Division, Japanese Patent Office; Tsukasa Sakai; **Netherlands:** J. Bob van Benthem, Vice-President, Netherlands Patent Office; Jacob Dekker; Martin van Dam; **Norway:** Leif Nordstrand, Director, Norwegian Patent Office; **Poland:** Michal Zoledowski, Head of Section, Polish Patent Office; Maciej Misiewicz; **Soviet Union:** Yevgeny Artemiev, Deputy Chairman, State Committee for Inventions and Discoveries, Ilia Kichkin; **Spain:** Antonio Fernández-Mazarambroz, Director, Industrial Property Registry; Julio Delicado Montero-Ríos; **Sweden:** Göran Borggård, Director General, National Patent and Registration Office; Saul Lewin; **Switzerland:** Joseph Voyame, Director, Swiss Federal Intellectual Property Office; Jean-Louis Comte; Walter Winter; **United Kingdom:** Edward Armitage, Assistant Comptroller, Patent Office; Derek G. Gay; **United States of America:** Gerald D. O'Brien, Assistant Commissioner, United States Patent Office; William O. Quesenberry; Richard L. Kenyon; William R. Woodward; Warren E. Hewitt; Ernest A. Faller.

Observer State: **Hungary:** Emil Tasnádi, President, National Office for Inventions; Gabriel Ürmösi; György Kővári.

Intergovernmental organizations: **Commission of the European Communities (CEC):** Jean-Pol Lauwers, Principal Administrator, Directorate for Unification of Laws, Brussels; Jürgen Weinmiller; **Council of Europe:** Roland Muller, Head of Service, Directorate of Legal Affairs, Strasbourg (France); **European Free Trade Association (EFTA):** Günther Latzel, Assistant, General and Legal Department, Geneva; **International Patent Institute (IPI):** Guillaume Finnis, Director General, The Hague; Pieter van Waasbergen; Lawrence F.W. Knight; Robert Weber; **United Nations (UN):** Henri Cornil, Legal Officer, Commission Affairs and Trade Development Division of the Economic Commission for Europe, Geneva; Vladimir Dolezil.

Non-governmental organizations: **Committee of National Institutes of Patent Agents (CNIPA):** Walter Weston, Chartered Patent Agent, London; Heiuz Bardehle; **Council of European Industrial Federations (CEIF):** Marcel Meunier, Head, Patent Department, Ateliers de Constructions Electriques (ACEC), Charleroi (Belgium); John M. Aubrey; Pierre L. Bertrand; Sten Finne; Piero Trupia; **European Industrial Research Management Association (EIRMA):** Fernand L. Picard, Director, Régie nationale des Usines Renault, Billancourt (France); André van der Auweraer; François Panel; Georges J. Hirt; **Inter-American Association of Industrial Property (ASIPD):** S. Delvalle Goldsmith, Patent Attorney, New York; **International Association for the Protection of Industrial Property (AIPPI):** Cornelis M.R. Davidson, Patent Counsel, The Hague, Jean Monnet; S. Delvalle Goldsmith; Mario Arrigucci; **International Chamber of Commerce (ICC):** Henri Vanderborcht, Head,

Department of Technical Documentation and Patents, Chemische Bedrijven "UCB," Drogenbos (Netherlands); David O. Lewis; Jean Monnet; **International Federation of Patent Agents (FICPI):** Paul O. Langballe, Patent Agent, Copenhagen; Jacques Corré; **Union of European Patent Agents (UNEPA):** Casimir Massalski, Patent Agent, Paris; **Union of Industries of the European Economic Community (UNICE):** Gillis Oudemans, President of Patent Group, Vught (Netherlands); Jakob Willems; C.A. Massart; Jean-Paul Simon; Piero Trupia; Daniel A. Was; **United States National Association of Manufacturers (NAM):** Harold H. Green, Patent Counsel, General Electric Company, New York; Charles S. Phelan; I. Louis Wolk.

Officers: Chairman: Joseph Voyame (Switzerland); Vice-Chairman: Yevgeny Artemiev (Soviet Union); Secretary: Arpad Bogsch (BIRPI).

BIRPI Secretariat: Georg H.C. Bodenhausen, Director; Arpad Bogsch, Deputy Director; Klaus Pfanner, Counsellor, Head, Industrial Property Division; Ivan Morozov, Counsellor, Industrial Property Division; Gillian Davies (Miss), Legal Assistant, Industrial Property Division; Rene D. Tegtmeyer, Consultant from the United States Patent Office; Yoshiro Hashimoto, Consultant from the Japanese Patent Office.

BIRPI Document Series: PCT/II

Topics Discussed: The Working Group considered a number of questions concerning the "international search system" proposed under the above-mentioned 1967 Draft. Discussions were held on the basis of a memorandum prepared by BIRPI (document PCT/II/2), and two documents containing written observations and proposals by the Delegations of the United Kingdom and Canada (documents PCT/II/3 and 5, respectively). The questions dealt with by the Working Group included: (i) the objectives of the proposed international search; (ii) the documents to be considered for the purpose of the said search; (iii) the interests of, and the time allowed for establishing, the proposed international search report; and (iv) which should be, under the proposed system, the International Searching Authorities. The deliberations of the Working Group were recorded in document PCT/II/7.

BIRPI Meeting of Consultants on a Plan for a Patent Cooperation Treaty (PCT) Geneva, April 22 and 23, 1968

Membership: Invitations to attend the Meeting were addressed to five selected non-governmental organizations and the International Patent Institute (IIB).

Participants: The Meeting of Consultants was attended by 17 experts from one intergovernmental organization and five non-governmental organizations, as follows.

Intergovernmental organization: International Patent Institute (IIB): Gwilym J. Phillips, Examiner, The Hague

Non-governmental organizations: Council of European Industrial Federations (CEIF): Pierre I. Bertrand, Legal Counsel, Compagnie de Saint-Gobain, Neuilly-sur-Seine (France); Roberto Messerotti-Benvenuti; Marcel Meunier; Piero Trupia; Martin van Dam; European Industrial Research Management Association (EIRMA): I. Pieter L. Hazelzet, Patent Counsel, Philips, Eindhoven (Netherlands); André van der Auweraer; International Chamber of Commerce (ICC): Henri Vanderborght, Head, Department of Technical Documentation and Patents, Chemische Bedrijven "UCB," Drogenbos (Netherlands); David O. Lewis, Union of Industries of the European Economic Community (UNICE): Gillis Oudemans, Patent Attorney, Vught (Netherlands); Karl J. Heimbach; Jean-Paul Simon; Giulio Caselli; United States National Association of Manufacturers (NAM): Edgar W. Adams, Patent Attorney/Director, Bell Telephone Laboratories, Holmdel (United States of America); Reynold Bennett; Eric H. Waters

BIRPI Secretariat: Arpad Bogsch, Deputy Director; Klaus Pfanner, Counsellor, Head, Industrial Property Division; Ivan Morozov, Counsellor, Industrial Property Division; Yoshiro Hashimoto, Consultant from the Japanese Patent Office.

BIRPI Document Series: PJ/61

Topics Discussed: The Meeting was convened within the framework of the preparation of a new--second--draft of the PCT. It considered, in particular, questions relating to the "international application" and "international preliminary examination" systems proposed under the above-mentioned 1967 Draft. The Meeting did not adopt a report.

**BIRPI Meeting of Consultants on a Plan for a Patent Cooperation Treaty (PCT)
Geneva, April 25 and 26, 1968**

Membership: Invitations to attend the Meeting were addressed to five selected non-governmental organizations and the International Patent Institute (IIB).

Participants: The Meeting of Consultants was attended by 13 experts from one intergovernmental organization and five non-governmental organizations, as follows:

Intergovernmental organization: International Patent Institute (IIB): Robert Weber, Head of Division, The Hague; Gwilym J. Phillips.

Non-governmental organizations: Committee of National Institutes of Patent Agents (CNIPA): Martin van Dam, Patent Agent, Philips, Eindhoven (Netherlands); C.E. Every; Heinz Bardehle; International Association for the Protection of Industrial Property (AIPPI): Walter Winter, Director, Hoffmann-La Roche, Basel (Switzerland); S. Delvalle Goldsmith; International Federation of Patent Agents (FICPI): René Jourdain, Patent Agent, Paris; Jacques Corré; Eric H. Waters; Union of European Patent Agents (UNEPA): Casimir Massalski, Patent Agent, Paris; United States National Association of Manufacturers (NAM): Edgar W. Adams, Patent Attorney/Director, Bell Telephone Laboratories, Holmdel (United States of America); William R. Woodward.

BIRPI Secretariat: Arpad Bogsch, Deputy Director; Klaus Pfanner, Counsellor, Head, Industrial Property Division; Ivan Morozov, Counsellor, Industrial Property Division; Yoshiro Hashimoto, Consultant from the Japanese Patent Office.

BIRPI Document Series: PJ/62

Topics Discussed: The Meeting was convened within the framework of the preparation of a new--second--draft of the PCT. It considered, in particular, questions relating to the "international application" and "international preliminary examination" systems proposed under the above-mentioned 1967 Draft. The Meeting did not adopt a report.

**BIRPI Meeting of Consultants on a Plan for a Patent Cooperation Treaty (PCT)
Geneva, April 29 to May 3, 1968**

Membership: Invitations to attend the Meeting were addressed to the six States which, at the time, had the highest number of applications for patents or inventors' certificates, and to the International Patent Institute (IIB).

Participants: The Meeting of Consultants was attended by 14 experts from six States and one intergovernmental organization, as follows:

States: **France:** François Savignon, Director, National Institute of Industrial Property; **Germany (Federal Republic of):** Romuald Singer, Leitender Regierungsdirektor, German Patent Office; Heribert Mast; **Japan:** Kotaro Otani, Chief, Coordination Section, Japanese Patent Office; Tsukasa Sakai; **Soviet Union:** V. Tsaregorodzev, Deputy Chairman, State Committee for Inventions and Discoveries; V. Pertchik; **United Kingdom:** Edward Armitage, Assistant Comptroller, Patent Office; Derek G. Gay; **United States of America:** Edward J. Brenner, Commissioner of Patents, United States Patent Office; Gerald D. O'Brien.

Intergovernmental organization: International Patent Institute (IIB): Robert Weber, Head of Division, The Hague; Lawrence F.W. Knight; Gwilym J. Phillips.

BIRPI Secretariat: Arpad Bogsch, Deputy Director; Klaus Pfanner, Counsellor, Head, Industrial Property Division; Ivan Morozov, Counsellor, Industrial Property Division; Yoshiro Hashimoto, Consultant from the Japanese Patent Office; Rene D. Tegtmeyer, Consultant from the United States Patent Office.

BIRPI Document Series: PCT/C

Topics Discussed: The Meeting was convened within the framework of the preparation of a new--second--draft of the PCT. It considered, in particular, questions relating to the "international application" and "international preliminary examination" systems proposed under the above-mentioned 1967 Draft. The Meeting did not adopt a report.

BIRPI Meeting of Consultants on a Plan for a Patent Cooperation Treaty (PCT) Geneva, June 25 to 27, 1968

Membership: Invitations to attend the Meeting were addressed to the six States which, at the time, had the highest number of applications for patents or inventors' certificates, and to the International Patent Institute (IIB).

Participants: The Meeting of Consultants was attended by 18 experts from six States and one intergovernmental organization, as follows:

States: **France:** François Savignon, Director, National Institute of Industrial Property; Roger Labry; **Germany (Federal Republic of):** Kurt Haertel, President, German Patent Office; Romuald Singer; Heribert Mast; **Japan:** Yoshito Aratama, Director General, Japanese Patent Office; Tsukasa Sakai; Kotaro Otani; **Soviet Union:** V. Obukhov, Deputy Director, Patent Information Institute, State Committee for Inventions and Discoveries; **United Kingdom:** Gordon Grant, Comptroller General of Patents, Designs and Trademarks, Patent Office; Edward Armitage; **United States of America:** Edward J. Brenner, Commissioner of Patents, United States Patent Office; Gerald D. O'Brien; Harvey J. Winter.

Intergovernmental organization: International Patent Institute (IIB): Guillaume Finnis, Director General, The Hague; Pieter van Waasbergen; Robert Weber; Lawrence F.W. Knight.

BIRPI Secretariat: Georg H.C. Bodenhausen, Director; Arpad Bogsch, Deputy Director; Klaus Pfanner, Counsellor, Head, Industrial Property Division; Ivan Morozov, Counsellor, Industrial Property Division; Yoshiro Hashimoto, Consultant from the Japanese Patent Office; Rene D. Tegtmeyer, Consultant from the United States Patent Office.

Topics Discussed: The Meeting was convened to review, and comment on, the first version of the second draft of the PCT ("the 1968 Draft") and the first full draft of the PCT Regulations which had been prepared by BIRPI, on the basis of the advice of the 1967 Committee of Experts on the BIRPI Plan for Facilitating the Filing and Examination of Applications for the Protection of the Same Invention in a Number of Countries: Plan for a Patent Cooperation Treaty (PCT), as well as of the Meetings of Consultants held in the first half of 1968. The Meeting did not adopt a report.

Patent Cooperation Treaty (PCT) One-Day Information Meeting Organized by BIRPI Geneva, July 1, 1968

Membership: Invitations to attend the Meeting were addressed to all the States which had been invited to the 1967 Committee of Experts on the BIRPI Plan for Facilitating the Filing and Examination of Applications for the Protection of the Same Invention in a Number of Countries: Plan for a Patent Cooperation Treaty (PCT), which were not included in the six States invited to the Meeting of Consultants held from June 25 to 27, 1968, as well as to the International Patent Institute (IIB).

Participants: The Meeting was attended by 15 experts from 10 States and one intergovernmental organization, as follows:

States: **Austria:** Thomas Lorenz, Counsellor, Austrian Patent Office; **Czechoslovakia:** Miloš Všetečka, Head, Legal and International Department, Office for Patents and Inventions; **Denmark:** Erik Tuxen, Director, Danish Patent Office; **Italy:** Giuseppe Trotta, Counsellor at the Court of Appeal, Ministry of Foreign Affairs; Mosé Angel Pulsinelli; **Netherlands:** J. Bob van Benthem, Vice-President, Netherlands Patent Office; **Norway:** Leif Nordstrand, Director, Norwegian Patent Office; **Poland:** Michal Zoledowski, Head of Section, Polish Patent Office; **South Africa:** Heinrich Heese, Secretary, Permanent Mission in Geneva; A.J.W. Roodt; **Sweden:** Göran Borggård, Director General, National Patent and Registration Office; **Switzerland:** Joseph Voyame, Director, Swiss Federal Intellectual Property Office; Walter Winter.

Intergovernmental organization: **International Patent Institute (IIB):** Pieter van Waasbergen, Technical Director, The Hague; Robert Weber.

BIRPI Secretariat: Arpad Bogesch, Deputy Director; Klaus Pfanner, Counsellor, Head, Industrial Property Division; Ivan Morozov, Counsellor, Industrial Property Division; Yoshiro Hashimoto, Consultant from the Japanese Patent Office; Rene D. Tegtmeier, Consultant from the United States Patent Office.

Topics Discussed: The Meeting was convened to discuss the second draft of the PCT and the first draft of the PCT Regulations ("the 1968 Drafts") as revised by the Meeting of Consultants held from June 25 to 27, 1968. The Meeting did not adopt a report.

Executive Committee of the International (Paris) Union for the Protection of Industrial Property (Fourth Session) Geneva, September 24 to 27, 1968

Participants: The meeting of the Executive Committee was attended by 18 member States (with 41 delegates), 13 observer States (with 20 representatives) and two intergovernmental organizations (with five representatives), as follows:

Member States: **Argentina:** Luis M. Laurelli, Secretary, Permanent Mission in Geneva; **Australia:** June H. Barnett (Miss), First Secretary, Permanent Mission in Geneva; **Austria:** Thomas Lorenz, Counsellor, Federal Ministry of Commerce and Industry; **France:** François Savignon, Director, National Institute of Industrial Property; Roger Labry; André Kerever; **Germany (Federal Republic of):** Albrecht Krieger, Ministerialrat, Federal Ministry of Justice; Romuald Singer; Elisabeth Steup (Mrs.); Peter Schönfeld; **Hungary:** András Kiss, Vice-Chairman, National Office for Inventions; Jenő Bobrowszky; **Iran:** Mehdi Naraghi, Head of Department of Registration of Companies and Industrial Property; **Japan:** Tsukasa Sakai, First Secretary, Permanent Mission in Geneva; T. Suzuki; **Kenya:** David J. Coward, Registrar General, State Law Office; **Mexico:** Hector Cardenas-Rodriguez, Second Secretary, Permanent Mission in Geneva; **Netherlands:** J. Bob van Benthem, President, Netherlands Patent Office; Willem M.J.C. Phaf; H.J.A.M. Vrouwenvelder; **Poland:** J. Ciesielski, Director, National Patent Office; Michal Zoledowski; J. Dalewski; **Soviet Union:** Yury Maksarev, Chairman, State Committee for Inventions and Discoveries; V.I. Iljin; Yury Gyrdymov; **Spain:** Antonio Fernández-Mazarambroz, Director, Industrial Property Registry; F. Utray; Isabel Fonseca-Ruiz (Mrs.); **Sweden:** Göran Borggård, Director General, National Patent and Registration Office; Claës A. Uggla; **Switzerland:** J. Humbert, Permanent Representative in Geneva; Joseph Voyame; Walter Stamm; A. Coigny; Paul Ruedin; **United Kingdom:** Gordon Grant, Comptroller-General, Patent Office; Ivor J.G. Davis; **United States of America:** Edward J. Brenner, Commissioner of Patents; Harvey J. Winter; Gerald D. O'Brien.

Observer States: **Algeria:** Salah Bouzidi, Head of Division, National Industrial Property Office, Achehab Abdelouahab; **Belgium:** Gérard-L. de San, Director General and Legal Counsellor, Ministry of National Education and Culture; P. Peetermans; **Brazil:** Jorge C. Ribeiro, Second Secretary, Permanent Mission in Geneva; **Canada:** Finlay W. Simons, Assistant Commissioner of Patents, Patent Office; Jacques Corbeil; **Cuba:** M. Garcia Incháustegui, Permanent Representative in Geneva; Frank Ortiz Rodriguez; **Czechoslovakia:** Miloš Všečeka, Head, Legal and International Department, Office for Patents and Inventions; **Denmark:** Torben Lund, Professor, University of Aarhus; **Holy See:** Rev. Father H.-M. de Riedmatten, Permanent Observer in Geneva; **Israel:** Ze'ev Sher, Registrar of Patents, Designs and Trade Marks, Patent Office; **Italy:** Giuseppe Trotta, Legal Advisor, Ministry of Foreign Affairs; Aldo Pelizza; Mosé Angel Pulsinelli; **Lebanon:** Ruby Homsy (Mrs.), First Secretary, Permanent Mission in Geneva; **Portugal:** F. de Alcambiar-Pereira, Permanent Representative in Geneva; L. Pazos Alonso; **Romania:** Costel Mitran, Second Secretary, Permanent Mission in Geneva.

Intergovernmental organizations: **International Patent Institute (IIB):** Guillaume Finmiss, Director General, The Hague; Pieter van Waasbergen; Robert Weber, **United Nations (UN):** Henri Cornil, Legal Officer, Economic Commission for Europe, Geneva; I. Ivanov.

Officers: Chairman: Gordon Grant (United Kingdom); Vice-Chairmen: Yury E. Maksarev (Soviet Union) and Antonio Fernández-Mazarambroz (Spain); Secretary: Arpad Bogsch (BIRPI).

BIRPI Secretariat: Georg H.C. Bodenhausen, Director; Arpad Bogsch, Deputy Director; Charles-Louis Magnin, Deputy Director; Ross Woodley, Senior Counsellor; Bernard A. Armstrong, Counsellor, Head, Division of Finance, Personnel and General Administration; Claude Masouyé, Counsellor, Head, Copyright Division; Klaus Pfanner, Counsellor, Head, Industrial Property Division.

BIRPI Document Series: CEP/IV

Matters Concerning the Plan Which Became the Patent Cooperation Treaty (PCT): Within the framework of the discussion of the activities of BIRPI since the last ordinary session of the Committee, the Committee reviewed the progress made in the said period in respect of the Plan which became the PCT. In that connection, the Representative of the United States of America expressed his satisfaction at such progress and stated that the United States of America hoped that a signed treaty would soon emerge as the result of the efforts of the member States and the Secretariat, and was considering the possibility of offering to be the host of the negotiating conference of the said treaty. The Executive Committee noted that voluntary contributions would be requested for 1970, and possibly also for 1971, to cover the cost of the planning period of the PCT and established a "PCT Financing Working Group" to study, with the Director of BIRPI, the financial repercussions of the so-called "lead-period" of the PCT. The Executive Committee agreed on the composition of the said Working Group.

BIRPI Meeting of Consultants on a Plan for a Patent Cooperation Treaty (PCT) Geneva, October 22 and 23, 1968

Membership: Invitations to attend the Meeting were addressed to selected non-governmental organizations.

Participants: The Meeting of Consultants was attended by 12 experts from four non-governmental organizations, as follows:

Non-governmental organizations: **Committee of National Institutes of Patent Agents (CNIPA):** Heinz Bardehle, Patent Agent, Munich; C.E. Every; Frederik S. Muller; **International Association for the Protection of Industrial Property (AIPPI):** Rudolf Blum, Patent Agent, Zürich (Switzerland); Cornelis M.R. Davidson; Jean Monnet; **International Federation of Patent Agents (FICPI):** René Jourdain, Patent Agent, Paris; Paul O. Langballe; Jacques Corré; Knud Host-Madsen; **Union of European Patent Agents (UNEPA):** Casimir Massalski, Patent Agent, Paris; Umberto Allioni di Brondello.

BIRPI Secretariat: Arpad Bogsch, Deputy Director; Klaus Pfanner, Counsellor, Head, Industrial Property Division; Gillian Davies (Miss), Legal Assistant, Industrial Property Division; Yoshiro Hashimoto, Consultant from the Japanese Patent Office.

Topics Discussed: The Meeting was convened to discuss the above-mentioned 1968 Drafts, as published on July 15, 1968, as working documents PCT/III/5 and 6, respectively. The Meeting did not adopt a report.

**BIRPI Meeting of Consultants on a Plan for a Patent Cooperation Treaty (PCT)
Geneva, November 5 and 6, 1968**

Membership: Invitations to attend the Meeting were addressed to selected non-governmental organizations.

Participants: The Meeting of Consultants was attended by 20 experts from six non-governmental organizations, as follows:

Non-governmental organizations: **Council of European Industrial Federations (CEIF):** John M. Aubrey, Courtaulds Limited, Coventry (United Kingdom); Marcel Meunier; Clément Payraudeau; Martin van Dam; **European Industrial Research Management Association (EIRMA):** André van der Auweraer, Patent Counsel, Gevaert-Agfa N.V., Mortsel-Antwerp (Belgium); François P. Panel; I. Pieter L. Hazelzet; Georges J. Hirt; **International Chamber of Commerce (ICC):** Daniel A. Was, Patent Agent, Royal Dutch Shell Group, The Hague; Henri Vanderborght; David O. Lewis; **International Federation of Inventors' Associations (IFIA):** Friedrich Burmester, Inventor, Reutlingen (Germany (Federal Republic of)); Harald Romanus; **Union of Industries of the European Economic Community (UNICE):** Gillis Oudemans, Patent Attorney, Vught (Netherlands); Karl J. Heimbach; Roberto Messerotti-Benvenuti; J. Servot; Jean-Paul Simon; **United States National Association of Manufacturers (NAM):** H. Aspden, Director, IBM, Winchester (United States of America); G.V. Eltgroth.

BIRPI Secretariat: Georg H.C. Bodenhausen, Director; Arpad Bogsch, Deputy Director; Klaus Pfanner, Counsellor, Head, Industrial Property Division; Ivan Morozov, Counsellor, Industrial Property Division; Gillian Davies (Miss), Legal Assistant, Industrial Property Division; Yury Gyrdymov, Consultant from the U.S.S.R. State Committee for Inventions and Discoveries; Yoshiro Hashimoto, Consultant from the Japanese Patent Office; H. Dieter Hoinkes, Consultant from the United States Patent Office.

Topics Discussed: The Meeting was convened to discuss the above-mentioned 1968 Drafts, as published on July 15, 1968, as working documents PCT/III/5 and 6, respectively. The Meeting did not adopt a report.

**Committee of Experts on the BIRPI Plan for Facilitating the Filing and Examination of Applications
for the Protection of the Same Invention in a Number of Countries: Plan for a Patent Cooperation
Treaty (PCT)**

Geneva, December 2 to 10, 1968

Membership: All member States of the Paris Union were invited to attend the meeting of the Committee as members. India was invited to attend as observer. A number of intergovernmental and non-governmental organizations were also invited as observers.

Participants: The meeting of the Committee was attended by 40 member States (with 103 delegates), one observer State (with one representative), seven intergovernmental organizations (with 11 representatives) and 11 non-governmental organizations (with 41 representatives), as follows:

Member States: **Algeria:** Salah Bouzidi, Head of Division, National Industrial Property Office; Mustapha Boukerb; Khelifa Lokmane; **Argentina:** Luis M. Laurelli, Secretary, Permanent Mission in Geneva; **Australia:** Karl B. Petersson, Commissioner of Patents, Patent, Trade Mark, Design and Copyright Offices; **Austria:** Thomas Lorenz, Counsellor, Ministry for Trade, Commerce and Industry; **Belgium:** Arthur Schurmans, Director, Industrial and Commercial Property Service; Jacques D.P. Degavre; **Brazil:** Jorge C. Ribeiro, Secretary, Permanent Mission in Geneva; **Canada:**

James F. Grandy, Deputy Minister, Department of Consumer and Corporate Affairs; Archibald M. Laidlaw; Finlay W. Simons; Jacques Corbeil; **Cuba:** Frank Ortiz Rodriguez, First Secretary, Permanent Mission in Geneva; **Czechoslovakia:** František Křístek, President, Office for Patents and Inventions; Miloš Všečeka; Luboš Lacina; **Denmark:** Erik Tuxen, Director, Danish Patent Office; Dagmar Simonsen (Mrs.); **Finland:** Erkki Tuuli, Director General, National Board of Patents and Registration; Sten Finne; **France:** François Savignon, Director, National Institute of Industrial Property; Roger Labry; Jean-Pierre Plantard; **Germany (Federal Republic of):** Kurt Haertel, President, German Patent Office; Romuald Singer; Heribert Mast; Ulrich C. Hallmann; Peter Schönfeld; **Greece:** Georges Pilavachi, Legal Advisor, Permanent Mission in Geneva; **Hungary:** Emil Tasnádi, President, National Office for Inventions; Gyula Pusztai; Gábor Bánrévy; Gabriel Ürmösi; György Kővári; **Indonesia:** Irawan Darsa, Second Secretary, Permanent Mission in Geneva; **Ireland:** Michael J. Quinn, Controller of Patents, Designs and Trade Marks; **Israel:** Ze'ev Sher, Deputy Attorney General; **Italy:** P.A. Archi, Ambassador, Delegate for Intellectual Property Agreements, Ministry for Foreign Affairs; Giorgio Ranzi; Giuseppe Trotta; Mosé Angel Pulsinelli; Alfonso Annunziata; Giulio Caselli; Antonio Ferrante; Roberto Messerotti-Benvenuti; Giorgio Omodeo-Salé; **Japan:** Benkichi Jinbo, Director, Second Examination Division, Japanese Patent Office; Kazuhiko Hoshino; Tsukasa Sakai; **Lebanon:** Ruby Homsy (Mrs.), First Secretary, Permanent Mission in Geneva; **Luxembourg:** Jean-Pierre Hoffmann, Head, Industrial Property Service, Ministry of National Economy; **Monaco:** Jean-Marie Notari, Director, Industrial Property Service; **Netherlands:** J. Bob van Benthem, President, Netherlands Patent Office; Willem M.J.C. Phaf; Martin van Dam; **Norway:** Leif Nordstrand, Director, Norwegian Patent Office; Egil Hammel; Terje Alfsen; **Philippines:** Enrique G. Santos, Assistant Director, Philippines Patent Office; Luis R. Lara; **Poland:** Stefan Kalinowski, Vice-President, Polish Patent Office; Henryk Piotrowski; Michal Zoledowski; **Portugal:** José Mota Maia, Engineer, Head of Inventions Service, Industrial Property Office; Antonio J. de Sousa; Rui H. Rolão Gonçalves; **Romania:** Nicolae Gheorghiu, First Deputy to the Director General, General Directorate of Metrology, Standards and Inventions; Lucian Marinete; **Senegal:** M. Abou Souleymane Ly, Civil Administrator, Director of the National Department for History, Ethnography and Art; **South Africa:** Theodorus Schoeman, Registrar of Patents; Onnie J. Kok; Heinrich Heese; Kenneth N. Kisch; **Soviet Union:** Yevgeny Artemiev, Deputy Chairman, State Committee for Inventions and Discoveries; Igor Tcherviakov, Vladimir Roslov; Valery Kalinin; **Spain:** Antonio Fernández-Mazarambroz, Director, Industrial Property Registry; José L. Xifra de Ocerín; Julio Delicado Montero-Ríos; H. Guillamón Reyes; **Sweden:** Göran Borggård, Director General, National Patent and Registration Office; Saul Lewin; Lennart Körner; **Switzerland:** Joseph Voyame, Director, Swiss Federal Intellectual Property Office, Ernst Lips; Walter Stamm; Walter Winter; **Turkey:** Nüzhet Kandemir, Deputy Permanent Representative, Permanent Mission in Geneva; Sönmez Köksal; **Uganda:** Godfrey S. Lule, Administrator General, Registrar of Patents; **United Arab Republic:** Yousri Rizk, Second Secretary, Permanent Mission in Geneva; **United Kingdom:** Gordon Grant, Comptroller-General of Patents, Designs and Trade Marks, Industrial Property and Copyright Department, Board of Trade; William Wallace; Edward Armitage; **United States of America:** Eugene M. Braderman, Deputy Assistant Secretary of State for Commercial and Business Activities, Department of State; Edward J. Brenner, Commissioner of Patents; George R. Clark; William O. Quesenberry; William E. Schuyler; Harvey J. Winter, William R. Woodward.

Observer State: **India:** S. Vedaraman, Controller-General of Patents, Designs and Trade Marks.

Intergovernmental organizations: **Commission of the European Communities (CEC):** Jean-Pol Lauwers, Principal Administrator, Directorate for Unification of Laws, Brussels; **Council of Europe:** Per von Holstein, Administrator, Directorate of Legal Affairs, Strasbourg (France); **European Free Trade Association (EFTA):** Günther Latzel, Assistant, General and Legal Department, Geneva; **International Patent Institute (IIB):** Guillaume Finnis, Director General, The Hague; Pieter van Waasbergen; Robert Weber; **Organization of American States (OAS):** R.C. Migone, Director, Regional Office for Europe, Geneva; **United Nations (UN):** Henri Cornil, Legal Officer, Commission Affairs and Trade Development Division, Economic Commission for Europe, Geneva; Abdelhak Belkora; Mayer Gabay; **United Nations Industrial Development Organization (UNIDO):** Vladimir Dolezil, Industrial Development Officer, Vienna.

Non-governmental organizations: **Committee of National Institutes of Patent Agents (CNIPA):** C.E. Every, Patent Agent, London; Heinz Bardehle; Frederik S. Muller; Peter L. Bowtell; **Council of European Industrial Federations (CEIF):** Marcel Meunier, Head, Patent Department, Ateliers de Constructions Electriques (ACEC), Charleroi (Belgium); John M. Aubrey; Philippe Rouyre; Adriano Sarti; Clément Payraudeau; **European Industrial Research Management Association (EIRMA):** Fernand L. Picard, Director, Régie nationale des Usines Renault, Billancourt (France); André van der Auweraer; François P. Panel; I. Pieter L. Hazelzet; Georges J. Hirt; **International Association for the Protection of Industrial Property (AIPPI):** Stephen P. Ladas, Attorney-at-Law, New York; Cornelis M.R. Davidson; Jean Monnet; **International Chamber of Commerce (ICC):** Daniel A. Was, Group Industrial Property Advisor, Royal Dutch Shell Group, The Hague; Henri Vanderborght; David O. Lewis; **International Federation of Inventors' Association (IFIA):** Friedrich Burmester, Inventor, Reutlingen (Germany (Federal Republic of)); Harald Romanus; Martto V. Terä; **International Federation of Patent Agents (FICPI):** Paul O. Langballe, Patent Agent, Copenhagen; Jacques Corré, Knud Host-Madsen; **Japan Patent Association (JPA):** Hiroshi Ono, Patent Attorney, IBM Japan Co. Ltd, Tokyo; Tunewo Simada; **Union of European Patent Agents (UNEPA):** Casimir Massalski, Patent Agent, Paris; **Union of Industries of the European Community (UNICE):** Jean M. Dopchie, Civil Engineer, Tréfileries Léon Bekaert, Zvevegem (Belgium); Ernst Fischer; Gillis Oudemans; Jean-Paul Simon; J. Servot; Piero Trupia, Jakob Willems; **United States National Association of Manufacturers (NAM):** Edgar W. Adams, Patent Attorney/Director, Bell Telephone Laboratories, Holmdel (United States of America); Robert W. Ball; Harold H. Green; Bartholomew J. Kish; John R. Shipman.

Officers: Chairman: Eugene M. Braderman (United States of America); Vice-Chairmen: Kurt Haertel (Germany (Federal Republic of)), Yevgeny Artemiev (Soviet Union) and Benkichi Jinbo (Japan); Secretary: Arpad Bogsch.

BIRPI Secretariat: Georg H.C. Bodenhausen, Director; Arpad Bogsch, Deputy Director; Klaus Pfanner, Counsellor, Head, Industrial Property Division; Ivan Morozov, Counsellor, Industrial Property Division; Ludwig Baeumer, Legal Assistant, Industrial Property Division; Gillian Davies (Miss), Legal Assistant, Industrial Property Division; Yoshiro Hashimoto, Consultant from the Japanese Patent Office; H. Dieter Hoinkes, Consultant from the United States Patent Office; Yury Gyrdymov, Consultant from the U.S.S.R. State Committee for Inventions and Discoveries; Werner Weiss, Consultant from the German Patent Office.

BIRPI Document Series: PCT/III

Topics Discussed: The Committee of Experts was convened to discuss the above-mentioned 1968 Drafts (documents PCT/III/4 and 5). The said Drafts were examined Article by Article and Rule by Rule. The deliberations of the Committee, and particularly its proposals for amendments to the said Drafts--whether approved, rejected or not voted upon--were recorded in detail in the report adopted by the Committee (document PCT/III/31).

BIRPI Meeting of Subconsultants on a Plan for a Patent Cooperation Treaty (PCT) Geneva, February 25 and 26, 1969

Participants: The Meeting of the Subconsultants was attended by five experts from three States and one intergovernmental organization, as follows:

States: **Germany (Federal Republic of):** Romuald Singer, Leitender Regierungsdirektor, German Patent Office; Heribert Mast; **United Kingdom:** Edward Armitage, Assistant Comptroller, Patent Office; **United States of America:** William O. Quesenberry, Director, Office of International Patent and Trademark Affairs, United States Patent Office.

Intergovernmental organization: **International Patent Institute (IIB):** Robert Weber, Head of Division, The Hague.

BIRPI Secretariat: Arpad Bogsch, First Deputy Director; Klaus Pfanner, Counsellor, Head, Industrial Property Division; Ivan Morozov, Counsellor, Industrial Property Division; Yoshiro Hashimoto, Consultant from the Japanese Patent Office; Yury Gyrdymov, Consultant from the U.S.S.R. State Committee for Inventions and Discoveries; H. Dieter Hoinkes, Consultant from the United States Patent Office.

Topics Discussed: The Meeting was convened to revise once more the above-mentioned 1968 Drafts. The Meeting did not adopt a report.

BIRPI Meeting of Consultants on a Plan for a Patent Cooperation Treaty (PCT) Geneva, April 21 to 24, 1969

Membership: Invitations to attend the Meeting were addressed to: (i) the six States which at the time had the highest number of applications for patents or inventors' certificates; (ii) those members of the Council of Europe Working Group on Patents which were not among the said six States (with a view to securing maximum coordination with the revision of the European Convention Relating to the Formalities Required for Patent Applications which was the Group's main task); and (iii) the International Patent Institute (IIB).

Participants: The Meeting of Consultants was attended by 37 experts from nine States and two intergovernmental organizations, as well as by two representatives of two observer States, as follows:

States: **France:** François Savignon, Director, National Institute of Industrial Property; Roger Labry; **Germany (Federal Republic of):** Kurt Haertel, President, German Patent Office; Romuald Singer; Heribert Mast; Ulrich C. Hallmann; Winfried Tilmann; **Japan:** Kotaro Otani, Director, Industrial Property Training Institute, Japanese Patent Office; Makoto Kuroda; Noboru Nakajima; **Netherlands:** J. Bob van Benthem, President, Netherlands Patent Office; Martin van Dam; Willem Neervoort; **Soviet Union:** Yevgeny Artemiev, Deputy Chairman, State Committee for Inventions and Discoveries; Igor V. Cherviakov; Vladimir Roslov; Valery Kalinin; **Sweden:** Göran Borggård, Director General, Royal Patent and Registration Office; Saul Lewin; Erik Tuxen, Director, Danish Patent Office; **Switzerland:** Walter Stamm, Director, Swiss Federal Intellectual Property Office; Ernst Lips; Roger Kämpf; Christian Sordet; **United Kingdom:** Gordon Grant, Comptroller-General of Patents, Designs and Trade Marks and Comptroller, Industrial Property and Copyright Department, Board of Trade; Edward Armitage; Ronald Bowen; **United States of America:** Gerald D. O'Brien, Assistant Commissioner of Patents, United States Patent Office; Harvey J. Winter; William O. Quesenberry; William E. Schuyler; George R. Clark.

Observer States: **Argentina:** Luis M. Laurelli, Secretary, Permanent Mission in Geneva; **Italy:** Giuseppe Trotta, Legal Advisor, Ministry for Foreign Affairs.

Intergovernmental organizations: **Council of Europe:** Per von Holstein, Principal Administrative Officer, Directorate of Legal Affairs; Roger Gajac; **International Patent Institute (IIB):** Guillaume Finnis, Director General, The Hague; Pieter van Waasbergen; Robert Weber.

BIRPI Secretariat: Georg H.C. Bodenhausen, Director; Arpad Bogsch, First Deputy Director; Klaus Pfanner, Counsellor, Head, Industrial Property Division; Ivan Morozov, Counsellor, Industrial Property Division; Yoshiro Hashimoto, Consultant from the Japanese Patent Office; H. Dieter Hoinkes, Consultant from the United States Patent Office; Yury Gyrdymov, Consultant from the U.S.S.R. State Committee for Inventions and Discoveries; V. Eliseev, Consultant from the U.S.S.R. State Committee for Inventions and Discoveries.

Topics Discussed: The Meeting was convened to discuss the revised drafts of the PCT and the PCT Regulations which had been issued by BIRPI on March 13, 1969 (documents PCT/R/2 and 3), on the basis of the deliberations of the 1968 Committee of Experts on the BIRPI Plan for Facilitating the Filing and Examination of Applications for the Protection of the Same Invention in a Number of Countries: Plan for a Patent Cooperation Treaty (PCT) ("the Revised Drafts"). The Meeting did not adopt a report.

BIRPI Meeting of Consultants on a Plan for a Patent Cooperation Treaty (PCT) Geneva, April 28 and 29, 1969

Membership: Invitations to attend the Meeting were addressed to seven selected non-governmental organizations and the International Patent Institute (IIB).

Participants: The Meeting of Consultants was attended by 24 experts from seven non-governmental organizations and one intergovernmental organization, as follows:

Non-governmental organizations: **Council of European Industrial Federations (CEIF):** H. Aspden, Director of European Patent Operations, IBM, Winchester (United Kingdom); Roberto Messerotti-Benvenuti; Marcel Meunier; Philippe Rouyre; Martin van Dam; **European Industrial Research Management Association (EIRMA):** André van der Auweraer, Patent Counsel, Gevaert-Agfa, NV, Morstel-Antwerp (Belgium); François P. Panel; Clément Payraudeau; **International Chamber of Commerce (ICC):** Daniel A. Was, Group Industrial Property Advisor, Royal Dutch Shell Group, The Hague; Henri Vanderborght; David O. Lewis; **International Federation of Inventors' Associations (IFIA):** Friedrich Burmester, Inventor, Reutlinger (Germany (Federal Republic of)); S. Green; Harald Romanus; **Japan Patent Association (JPA):** Takashi Aoki, Patent Attorney, Fujisawa Pharmaceutical Co. Ltd., Osaka (Japan); **Union of Industries of the European Economic Community (UNICE):** Giulio Caselli, Counsel, Pirelli S.p.a., Milan (Italy); Jean-Paul Simon; Jakob Willems; **United States National Association of Manufacturers (NAM):** Edgar W. Adams, Patent Attorney/Director, Bell Telephone Laboratories, Holmdel (United States of America); Bartholomew J. Kish; William R. Woodward.

Intergovernmental organization: International Patent Institute (IIB): Guillaume Finnis, Director General, The Hague; Pieter van Waasbergen; Robert Weber.

BIRPI Secretariat: Arpad Bogsch, First Deputy Director; Klaus Pfanner, Counsellor, Head, Industrial Property Division; Ivan Morozov, Counsellor, Industrial Property Division; Yoshiro Hashimoto, Consultant from the Japanese Patent Office; H. Dieter Hoinkes, Consultant from the United States Patent Office; V. Eliseev, Consultant from the U.S.S.R. State Committee for Inventions and Discoveries.

Topics Discussed: The Meeting was convened to discuss the above-mentioned Revised Drafts. The Meeting did not adopt a report.

BIRPI Meeting of Consultants on a Plan for a Patent Cooperation Treaty (PCT) Geneva, May 1 and 2, 1969

Membership: Invitations to attend the Meeting were addressed to six selected non-governmental organizations and the International Patent Institute (IIB).

Participants: The Meeting of Consultants was attended by 18 experts from six non-governmental organizations and one intergovernmental organization, as follows:

Non-governmental organizations: Authorized Association of Japanese Patent Attorneys: Kiyoshi Asamura, Patent Attorney, Tokyo; N. Matsubara; Masao Okabe; **Committee of National Institutes of Patent Agents (CNIPA):** Heinz Bardehle, Patent Agent, Munich; L.B. Chavannes; C.E. Every; **Inter-American Association of Industrial Property (ASIPI):** Alberto Elzaburu, Patent Attorney, Madrid; S. Delvalle Goldsmith; Alan Swabey; **International Association for the Protection of Industrial Property (AIPPI):** Stephen P. Ladas, Attorney-at-Law, New York; Cornelis M.R. Davidson; Jean Monnet; **International Federation of Patent Agents (FICPI):** Paul O. Langballe, Patent Agent, Copenhagen; Jacques Corré; Knud Host-Madsen; **Union of European Patent Agents (UNEPA):** Casimir Massalski, Patent Agent, Paris.

Intergovernmental organization: International Patent Institute (IIB): Pieter van Waasbergen, Technical Director, The Hague; Robert Weber.

BIRPI Secretariat: Arpad Bogsch, First Deputy Director; Klaus Pfanner, Counsellor, Head, Industrial Property Division; Ivan Morozov, Counsellor, Industrial Property Division; Yoshiro Hashimoto, Consultant from the Japanese Patent Office; H. Dieter Hoinkes, Consultant from the United States Patent Office; V. Eliseev, Consultant from the U.S.S.R. State Committee for Inventions and Discoveries.

Topics Discussed: The Meeting was convened to discuss the above-mentioned Revised Drafts. The Meeting did not adopt a report.

BIRPI Meeting with United States Patent Attorneys Geneva, May 5 to 8, 1969

Participants: The Meeting was attended by 26 patent attorneys from the United States of America, as well as by an observer from the United States Patent Office, as follows:

Individual participants: Donald W. Banner, General Patent Counsel, Borg-Warner Corporation, Chicago (Illinois); Robert B. Benson, General Patent Attorney, Allis-Chalmers, Milwaukee (Wisconsin); Leland L. Chapman, Patent Attorney, New York; John J. Chrystal, Patent Attorney, Chicago (Illinois); George R. Clark, General Patent Counsel, Sunbeam Corporation, Chicago (Illinois); John B. Clark, Director, Patent Department, Monsanto

Company, St. Louis (Missouri); Roy N. Envall, Assistant General Patent Counsel, Westinghouse Electric Corporation, Pittsburgh (Pennsylvania); Nathaniel R. French, Patent Attorney, Dayton (Ohio); Arthur G. Gilkes, General Patent Counsel, Standard Oil Company, Chicago (Illinois); John F. Glenn, Chief Patent Counsel, Reynolds Metals Company, Richmond (Virginia); S. Delvalle Goldsmith, Patent Attorney, New York; James P. Hume, Patent Attorney, Chicago (Illinois); John T. Kelton, Patent Attorney, New York; Herbert P. Kenway, Patent Attorney, Boston (Massachusetts); Harold Levine, Manager, Corporate Patents, Texas Instruments, Inc., Dallas (Texas); Philip A. Mallinckrodt, Patent Attorney, Salt Lake City (Utah); Thomas F. McWilliams, Patent Attorney, Chicago (Illinois); Frank L. Neuhauser, Patent Attorney, General Electric Company, Arlington (Virginia); Thomas J. Plante, General Patent Counsel, Bendix Corporation, Detroit (Michigan); Neil M. Rose, Assistant General Patent Counsel, Sunbeam Corporation, Chicago (Illinois); Merl E. Sceales, Patent Attorney, Milwaukee (Wisconsin); James R. Sweeney, Patent Attorney, Chicago (Illinois); James E. Toomey, Patent Counsel, Kaiser Aluminium and Chemical Corporation, Oakland (California); Stephen S. Townsend, Patent Attorney, San Francisco (California); John K. Wise, Patent Attorney, U.S. Gypsum and Co, Chicago (Illinois); J. Arthur Young, Manager, Patent Division, Phillips Petroleum Company, Bartlesville (Oklahoma).

Observer: William O. Quesenberry, Director, Office of International Patent and Trademark Affairs, United States Patent Office.

Chairman: George R. Clark, General Patent Counsel, Sunbeam Corporation, Chicago.

BIRPI Secretariat: Arpad Bogesch, First Deputy Director; Klaus Pfanner, Counsellor, Head, Industrial Property Division; Ivan Morozov, Counsellor, Industrial Property Division; Yoshiro Hashimoto, Consultant from the Japanese Patent Office; H. Dieter Hoinkes, Consultant from the United States Patent Office; V. Eliseev, Consultant from the U.S.S.R. State Committee for Inventions and Discoveries.

BIRPI Document Series: PCT/GCG

Topics Discussed: In May 1969, a visit of United States attorneys to BIRPI was organized by Mr. George R. Clark (at the time General Patent Counsel, Sunbeam Corporation, Chicago (United States of America)), to enable meetings with BIRPI staff and a general discussion on the proposed Patent Cooperation Treaty (PCT). The Meeting held its discussions on the basis of a document consisting of: (i) the history of the Patent Cooperation Treaty (PCT); and (ii) the above mentioned Revised Drafts. The Meeting did not adopt a report.

BIRPI Meeting of Consultants on a Plan for a Patent Cooperation Treaty (PCT) Geneva, June 16 and 17, 1969

Membership: Invitations to attend the meeting were sent according to the same criteria as for the Meeting held from April 21 to 24, 1969.

Participants: The Meeting of Consultants was attended by 30 experts from nine States and two intergovernmental organizations, as follows:

States: **France:** François Savignon, Director, National Institute of Industrial Property; Roger Labry; **Germany (Federal Republic of):** Heribert Mast, Ministerialrat, Federal Ministry of Justice; Romuald Singer; Ulrich C. Hallmann; Winfried Tilmann; **Japan:** Kotaro Otani, Director, Industrial Property Training Institute, Japanese Patent Office; Makoto Kuroda; **Netherlands:** Martin van Dam, Attorney at Law; Willem Neervoort; **Soviet Union:** Yevgeny Artemiev, Deputy Chairman, State Committee for Inventions and Discoveries; Valery Kalinin; **Sweden:** Göran Borggård, Director General, Royal Patent and Registration Office; Saul Lewin; Erik Tuxen, Director, Danish Patent Office; **Switzerland:** Walter Stamm, Director, Swiss Federal Intellectual Property Office; Ernst Lips; Roger Kämpf; Christian Sordet; **United Kingdom:** Edward Armitage, Assistant Comptroller, Patent Office; Ronald Bowen; **United States of America:** William E. Schuyler, Commissioner of Patents, United States Patent Office; William O. Quesenberry; George R. Clark; Edward F. McKie; Harvey J. Winter.

Intergovernmental organizations: **Council of Europe:** Per von Holstein, Principal Administrative Officer, Directorate of Legal Affairs, Strasbourg; **International Patent Institute (IIB):** Guillaume Finnis, Director General, The Hague; Pieter van Waasbergen; Robert Weber.

BIRPI Secretariat: Georg H.C. Bodenhausen, Director; Arpad Bogsch, First Deputy Director; Klaus Pfanner, Counsellor, Head, Industrial Property Division; Ivan Morozov, Counsellor, Industrial Property Division; Richard Wipf, Counsellor, Industrial Property Division; Yoshiro Hashimoto, Consultant from the Japanese Patent Office; H. Dieter Hoinkes, Consultant from the United States Patent Office; V. Eliseev, Consultant from the U.S.S.R. State Committee for Inventions and Discoveries.

Topics Discussed: The Meeting considered the new drafts of the PCT and the PCT Regulations which had been prepared by BIRPI on the basis of the results of the consultations held in the first half of 1969 ("the 1969 Drafts"). These Drafts consisted of the Draft PCT and the Draft PCT Regulations (documents PCT/DC/4 and 5). They were accompanied by a document tracing the history of the Plan for a PCT (PCT/DC/1), a document summarizing the provisions of the Drafts (PCT/DC/2), a document indicating the main differences between the 1968 Drafts and the 1969 Drafts (PCT/DC/3), as well as a document containing a PCT glossary and a subject index to the 1969 Drafts (PCT/DC/6). The said documents were published by BIRPI on July 11, 1969. The Meeting did not adopt a report.

Executive Committee of the International (Paris) Union for the Protection of Industrial Property (Fifth Session)

Geneva, September 22 to 26, 1969

Participants: The meeting of the Executive Committee was attended by 20 member States (with 44 delegates), 17 observer States (with 25 representatives) and two intergovernmental organizations (with five representatives), as follows:

Member States: **Argentina:** Luis M. Laurelli, Secretary, Permanent Mission in Geneva; **Australia:** J.P. Harkins, Senior Assistant Secretary, Attorney-General's Department; **Austria:** Thomas Lorenz, Counsellor, Austrian Patent Office; **Cameroon:** Joseph Eked-Samnik, Ambassador in Bonn; **France:** François Savignon, Director, National Institute of Industrial Property; Roger Labry; Charles Rohmer; Pierre Fressonnet; **Germany (Federal Republic of):** Albrecht Krieger, Ministerialdirigent, Federal Ministry of Justice; Heribert Mast; Romuald Singer; Gisela Rheker (Miss); **Hungary:** Emil Tasnádi, President, National Office for Inventions; Jenő Bobrovsky; **Iran:** Ebrahim Djahannema, Second Secretary, Permanent Mission in Geneva; **Japan:** Kojiro Takano, Third Secretary, Permanent Mission in Geneva; **Kenya:** David J. Coward, Registrar General; **Mexico:** Raul Valenzuela, Counsellor, Permanent Mission in Geneva; Maria de los Angeles Lopez-Ortega (Miss); **Morocco:** Abderrahin H'ssaïne, Director General, Moroccan Copyright Office; **Netherlands:** Willem M.J.C. Phaf, Legal Counsellor, Ministry of Economic Affairs; Enno van Weel; H.J.A.M. Vrouwenvelder; **Poland:** Tadeusz Jarno, Polish Patent Office; Andrzej P. Strzelecki; Tadeusz Niedziatek; **Soviet Union:** Yury Maksarev, Chairman, State Committee for Inventions and Discoveries; V. Iljin; N. Sarkisov; Yury Gyrdymov; Valery Kalinin; **Spain:** Antonio Fernández-Mazarambroz, Director, Industrial Property Registry; Enrique Valera; Isabel Fonseca-Ruiz (Miss); **Sweden:** Göran Borggård, Director General, National Patent and Registration Office; Claës A. Ugglä; **Switzerland:** Walter Stamm, Director, Swiss Federal Intellectual Property Office; Paul Ruedin; Paul Braendli; **United Kingdom:** Edward Armitage, Assistant Comptroller, Patent Office; Ivor J.G. Davis; **United States of America:** William E. Schuyler, Commissioner of Patents, United States Patent Office; Harvey J. Winter; James W. Brennan.

Observer States: **Algeria:** Salah Bouzidi, Head of Division, National Industrial Property Office; Acheheb Abdelouahab; **Belgium:** Gérard-L. de San, Director General and Legal Counsellor, Ministry of National Education and Culture; Jacques D.P. Degavre; **Brazil:** Mauro Couto, First Secretary, Permanent Mission in Geneva; **Canada:** Finlay W. Simons, Assistant Commissioner of Patents, Patent Office; Jacques Corbeil; **Cuba:** Frank Ortiz Rodriguez, First Secretary, Permanent Mission in Geneva; **Czechoslovakia:** Miloš Všečeka, Head, Legal and International Department, Office for Patents and Inventions; Oldřich Fabián; **Denmark:** Torben Lund, Professor, University of Aarhus; **Finland:** Bengt Norring, Chief of Section, Patent and Registration Office; **Holy See:** Rev. Father H.-M. de Riedmatten, Permanent Observer in Geneva; **India:** G.S. Balakrishnan, Attaché, Permanent Mission in Geneva; **Ireland:** Michael J. Quinn, Controller of Patents, Designs and Trade Marks, Patents Office; **Israel:** Ze'ev Sher, Deputy Attorney-General, Ministry of Justice; **Italy:** Aldo Pelizza, General Inspector, Italian Patent Office, Ministry of Industry; Marta Vitali (Miss); Maurizio Meloni; Roberto Messerotti-Benvenuti; **Norway:** Sten H. Røer, Office Manager, Norwegian Patent Office; **Portugal:** Ruy Serrão, Director, National Institute of Industrial Property; **Romania:** Costel Mitran, Second Secretary, Permanent Mission in Geneva; **Yugoslavia:** Stojan Pretnar, Director, Federal Patent Office; Nenad Janković.

Intergovernmental organizations: **African and Malagasy Industrial Property Office (OAMPI):** Denis Ekani, Director General, Yaoundé; **International Patent Institute (IIB):** Guillaume Finnis, Director General, The Hague; Pieter van Waasbergen; Lawrence F.W. Knight; Robert Weber.

Officers: Chairman: Willem M.J.C. Phaf (Netherlands); Vice-Chairmen: J.P. Harkins (Australia) and Joseph Eked-Samnik (Cameroon); Secretary: Arpad Bogsch (BIRPI).

BIRPI Secretariat: Georg H.C. Bodenhausen, Director; Arpad Bogsch, First Deputy Director; Joseph Voyame, Second Deputy Director; Claude Masouyé, Senior Counsellor, Head, Copyright Division; Bernard A. Armstrong, Counsellor, Head, Division of Finance, Personnel and General Administration; Klaus Pfanner, Counsellor, Head, Industrial Property Division.

BIRPI Document Series: CEP/V

Matters Concerning the Plan Which Became the Patent Cooperation Treaty (PCT): The Executive Committee took note of the voluntary contributions that certain countries had paid in 1968, and/or paid or pledged in 1969, to cover at least partially BIRPI's expenses related to the development of the Plan which would become the Patent Cooperation Treaty (PCT). As regards contributions for the work expected to be carried out by BIRPI in 1970 in relation to the said Plan, the Executive Committee considered a document in which BIRPI suggested that since all the member States of the Paris Union had been invited to the 1968 Committee of Experts, and since interest in the PCT may now be regarded as general or largely so, all the countries members of the Paris Union should be invited to pay special contributions to the Plan, having regard to their contribution class and other criteria. Having noted the information contained in the said document, the Executive Committee adopted a resolution which invited countries to pay special contributions.

BIRPI Preparatory Study Group on the Draft Patent Cooperation Treaty (PCT) Regulations Geneva, March 9 to 20, 1970

Membership: All States members of the Paris Union were invited to attend the meeting of the Preparatory Study Group as members. India and Pakistan were invited to attend as observers. A number of intergovernmental and non-governmental organizations were also invited as observers.

Participants: The meeting of the Preparatory Study Group was attended by 39 member States (with 90 delegates), one observer State (with one representative), eight intergovernmental organizations (with 11 representatives) and 11 non-governmental organizations (with 28 representatives), as follows:

Member States: **Algeria:** Salah Bouzidi, Head, Industrial Property Division, National Industrial Property Office; Acheheb Abdelouahab; Ahmed Boussaïd; Khelifa Lokmane; **Argentina:** Luis M. Laurelli, Secretary, Permanent Mission in Geneva; **Australia:** Paul F. Kildea, Assistant Commissioner of Patents, Australian Patent Office; **Austria:** Thomas Lorenz, Vorsitzender Rat, Austrian Patent Office; Günter Gall; **Belgium:** Jacques D.P. Degavre, Administrator, Industrial Property and Commercial Service; Jan Verlinden; **Brazil:** Mauro Couto, First Secretary, Permanent Mission in Geneva; **Bulgaria:** Dimitar C. Atanassov, Deputy Director, Institute of Inventions and Rationalizations; Ivan Daskalov; **Canada:** Finlay W. Simons, Deputy Patent Commissioner, Patent and Copyright Office; Jacques Corbeil; **Cuba:** Frank Ortiz Rodriguez, First Secretary, Permanent Mission in Geneva; **Czechoslovakia:** Josef Opletal, Head of Section, Office of Patents and Inventions; **Denmark:** Erik Tuxen, Director, Danish Patent Office; Dagmar Simonsen (Mrs.); **Finland:** Erkki Tuuli, Director General, Central Board of Patents and Registration; Sten Finne; Auri H. Risku; **France:** François Savignon, Director, National Institute of Industrial Property; Roger Labry; Philippe Guérin; Jean Balmay; Clément Payraudeau; **Gabon:** Jean-François Anguilé-Ousmane, Deputy Director General, African and Malagasy Industrial Property Office (OAMPI); **Germany (Federal Republic of):** Heribert Mast, Ministerialrat, Federal Ministry of Justice; Romuald Singer; Ulrich C. Hallmann; **Hungary:** Emil Tasnádi, President, National Office of Inventions; Gyula Pusztai; Aurél Benárd; Pál Gresznáryk; Gábor Bánrévy; **Iran:** Mehdi Naraghi, Director, Registration Organization of Deeds and Industrial Property; Ebrahim Djahannema; **Ireland:** Michael J. Quinn, Controller of Patents, Designs and Trade Marks, Patents Office; **Italy:** Vincenzo Oliva, Head of Division, Italian Patent Office, Ministry of Industry; Giulio Caselli; Roberto Messerotti-Benvenuti; Giorgio Omodeo-Salé; Antonio Ferrante; **Japan:** Kotaro Otani, Director, Third Examination Division, Japanese Patent Office; Yoshiro Hashimoto; **Lebanon:** Ruby Homsy (Mrs.), First Secretary, Permanent Mission in Geneva; **Luxembourg:** Jean-Pierre Hoffmann, Head, Industrial Property Service, Ministry of National Economy; **Monaco:** Jean-Marie Notari, Director, Industrial Property Service; **Netherlands:** Willem Neervoort, Secretary, Netherlands Patent Office; Martin van Dam; **Norway:** Leif Nordstrand, Director General, Norwegian Patent Office; Ole Os; Terje Alfsen; **Poland:** Bogdan Janicki, Head of Section, Patent Office of the Polish People's Republic; Maciej Misiewicz; Stanislaw Chymkowski; **Portugal:** Ruy Serrão, Head, Industrial Property Office; José Mota Maia; Irene Castanheira Dias Marques (Mrs.); Luis M.C. Nuñez de Almeida; **Romania:** Lucian Marinete, Director, State Office for Inventions and Marks; **South Africa:** Theodorus Schoeman, Registrar of Patents; Kenneth N. Kisch; Onnie J. Kok; Heinrich Hesse; **Soviet Union:** Yury Gyrdymov, Head, International Patent Cooperation Department, All-Union Institute of Patent Examination, State Committee for Inventions and Discoveries; Vladimir Roslov; Valery Kalinin; **Spain:** Enrique Valera, First

Secretary, Permanent Mission in Geneva; **Sweden:** Göran Borggård, Director General, Royal Patent and Registration Office; Saul Lewin; Lennarth Törnroth; Lennart Körner; **Switzerland:** Walter Stamm, Director, Swiss Federal Intellectual Property Office; Ernst Lips; Roger Kämpf; Christian Sordet; **Syrian Arab Republic:** Siba Nasser (Miss), Third Secretary, Permanent Mission in Geneva; **Turkey:** Sönmez Köksal, First Secretary, Permanent Mission in Geneva; **United Arab Republic:** Youssri Rizk, Second Secretary, Permanent Mission in Geneva; **United Kingdom:** James D. Fergusson, Assistant-Comptroller, Patent Office; Ronald Bowen; **United States of America:** Harvey J. Winter, Assistant Chief, Commercial Affairs and Business Activities, Department of State; James W. Brennan; George R. Clark; William A. Smith; Edgar W. Adams; **Yugoslavia:** Stojan Pretnar, Director, Federal Patent Office; Nenad Janković.

Observer State: India: S. Vedaraman, Controller-General of Patents, Designs and Trade Marks, Trade Marks Registry.

Intergovernmental organizations: **African and Malagasy Industrial Property Office (OAMPI):** Jean-François Anguilé-Ousmane, Deputy Director, Yaoundé; **Commission of the European Communities (CEC):** Jean-Pol Lauwers, Principal Administrator, Directorate General for Internal Market and Unification of Legislations, Brussels; **Council of Europe:** Roland Muller, Deputy Director, Department of Legal Affairs, Strasbourg; **European Free Trade Association (EFTA):** Günther Latzel, General and Legal Department, Geneva; **Intergovernmental Conference for the Setting up of a European System for the Grant of Patents:** Dennis Thompson, Legal Advisor, Geneva; **International Patent Institute (IIP):** Guillaume Finmiss, Director General, The Hague; Pieter van Waasbergen; **Organization of American States (OAS):** Gérard J. Schamis, Director, OAS European Office, Geneva; Homero L. Hernández; **United Nations (UN):** Henri Cornil, Legal Officer, Geneva; **United Nations Conference on Trade and Development (UNCTAD):** Abdelhak Belkora, Manufacturers Division, Geneva.

Non-governmental organizations: **Asian Patent Attorneys Association (APAA):** Yonosuke Ohta, Patent Attorney, Tokyo; Kosaku Sugimura; Kiyoshi Asamura; Byong H. Lee; **Committee of National Institutes of Patent Agents (CNIPA):** Alan W. Beeston, Patent Attorney, Liverpool (United Kingdom); **Council of European Industrial Federations (CEIF):** Marcel Meunier, Head, Patent Department, Ateliers de Constructions Electriques (ACEC), Charleroi (Belgium); Piero Trupia; Jakob Willems; **European Industrial Research Management Association (EIRMA):** André van der Auweraer, Patent Counsel, Gevaert-Agfa NV, Mortsel-Anvers (Belgium); Jean M. Dopchie; **International Association for the Protection of Industrial Property (AIPPI):** Cornelis M.R. Davidson, Patent Counsel, The Hague; Casimir Massalski; **International Chamber of Commerce (ICC):** Daniel A. Was, Industrial Property Advisor, Royal Dutch/Shell Group, The Hague; David O. Lewis; Henri Vanderborcht; **International Federation of Inventors' Associations (IFIA):** Harald Romanus, Inventor, Stockholm; Karl-Erik Sundström; **International Federation of Patent Agents (FICPI):** Knud Høst-Madsen, Patent Agent, Copenhagen; P. Onsager; Jacques Corré; Guido Jacobacci; **Japan Patent Association (JPA):** Takashi Aoki, Patent Counsel, Fujisawa Pharmaceutical Co. Ltd., Osaka (Japan); Hajimu Tabuchi; **Union of Industries of the European Community (UNICE):** I. Pieter L. Hazelzet, Patent Counsel, Eindhoven (Netherlands); C.A. Massart; Jean-Paul Simon; Jakob Willems; **United States National Association of Manufacturers (NAM):** Bartholomew J. Kish, International Patent Counsel, Merck & Co. Inc., New York.

Officers: Chairman: Göran Borggård (Sweden); Vice-Chairmen: Emil Tasnádi (Hungary) and Paul F. Kildea (Australia); Secretary: Arpad Bogtsch (BIRPI); Assistant Secretary: Klaus Pfanner (BIRPI).

BIRPI Secretariat: Georg H.C. Bodenhausen, Director; Arpad Bogtsch, First Deputy Director General; Klaus Pfanner, Senior Counsellor, Head, Industrial Property Division; Ivan Morozov, Counsellor, Industrial Property Division; Richard Wipf, Counsellor, Industrial Property Division; Sekizo Hayashi, Consultant, Industrial Property Division; H. Dieter Hoinkes, Consultant, Industrial Property Division; James Kohnen, Project Officer, Industrial Property Division.

BIRPI Document Series: PCT/WGR

Topics Discussed: The Study Group was convened to review in detail the draft PCT Regulations contained in document PCT/DC/5 (the 1969 Draft). The said document was examined Rule by Rule. The conclusions of the Study Group were recorded in document PCT/WGR/17. They consisted in: (i) those proposals for changes in the 1969 Draft which were generally accepted (on the understanding that no State was, of course, committed to those changes as their final opinion would be expressed only at the Diplomatic Conference); and (ii) those proposals for changes in the said Draft on which consensus was reached. The Study Group reached general agreement on a number of changes affecting some two-thirds of the said draft Regulations.

Washington Diplomatic Conference on the Patent Cooperation Treaty Washington, May 25 to June 19, 1970

Authority/Membership: In accordance with decisions of the Executive Committee of the International (Paris) Union for the Protection of Industrial Property in September 1966 and the Conference of Representatives of that Union in December 1967, preparations by the member States of the Paris Union and by the United International Bureaux for the Protection of Intellectual Property (BIRPI), and on invitation of the Government of the United States of America, the Washington Diplomatic Conference on the Patent Cooperation Treaty ("the Conference") was held in Washington from May 25 to June 19, 1970. The objective of the Conference was to negotiate and conclude, on the basis of the drafts contained in BIRPI documents PCT/DC/4 and 5, a treaty, tentatively designed as "the Patent Cooperation Treaty," and Regulations under that Treaty. All States members of the Paris Union were invited to the Conference as "Member Delegations." States members of the United Nations and the specialized agencies of the United Nations which were not members of the Paris Union and a number of intergovernmental and international non-governmental organizations were invited as "Observer Delegations." All Delegations had the right to participate in the discussions, but only Member Delegations had the right to propose amendments and to vote.

Participants: The Conference was attended by 55 Member Delegations (with 199 delegates), 23 observer States (with 32 representatives), 11 intergovernmental organizations (with 19 representatives) and 11 international non-governmental organizations (with 35 representatives), as follows:

Member Delegations (States members of the Paris Union): **Algeria:** Amar Dahmouche, Chargé d'Affaires, Permanent Mission to the United Nations in New York; Salah Bouzidi, Chief, Industrial Property Division; **Argentina:** Pedro E. Real, Ambassador in Washington; Carlos A. Villalba, National Directorate of Industrial Property; Julio T. Viggiolo, National Directorate of Industrial Property; Luis M. Laurelli, Secretary, Permanent Mission in Geneva; Marcelo E. Huerdo, Third Secretary (Political Affairs), Embassy in Washington; **Australia:** Karl B. Petersson, Commissioner of Patents; E. Murray Haddrick, Principal Legal Officer, Attorney-General's Department; Raymond P.B. White, President, Institute of Patent Attorneys; Stuart H.R. Hume, Second Secretary, Embassy in Washington; **Austria:** Thomas Lorenz, Presiding Counsellor, Ministry of Commerce and Industry; Günter Gall, Counsellor, Ministry of Commerce and Industry; Wernfried Koeffler, Attaché, Embassy in Washington; **Belgium:** Walter Loridan, Ambassador in Washington; Arthur Schurmans, Head, Industrial and Commercial Service, Ministry of Economic Affairs; Jacques D.P. Degavre, Administrator, Industrial and Commercial Service, Ministry of Economic Affairs; Alex Braun, Chairman, Belgian Group of the International Association for the Protection of Industrial Property (AIPPI); **Brazil:** Miguel Alvaro Ozório de Almeida, Special Advisor to the Minister of Foreign Affairs, Ministry of Foreign Affairs; Celso Diniz, Minister Counsellor, Embassy in Washington; Thomaz Thedim Lobo, Commissioner of Patents, Ministry of Commerce and Industry; Joaquim Francisco de Carvalho, Advisor to the Minister of Planning, Ministry of Planning; Alvaro Gurgel de Alencar, Deputy Head, Commercial Policy Division, Ministry of Foreign Affairs; Ronaldo M. Sardenberg, Secretary, Embassy in Washington; Adhemar G. Bahadian, Third Secretary, Ministry of Foreign Affairs; Luiz Augusto de Castro Neves, Third Secretary, Ministry of Foreign Affairs; Teodoro Oniga, Chief, Center for Technical Evaluation, National Institute of Technology; **Bulgaria:** Tosko Vantchev, Agricultural Counsellor, Embassy in Washington; **Cameroon:** Michel K. Epangue, Counsellor, Embassy in Washington; **Canada:** Archibald M. Laidlaw, Commissioner of Patents, Department of Consumer and Corporate Affairs; Finlay W. Simons, Assistant Commissioner of Patents, Department of Consumer and Corporate Affairs; R.O. McGee, Director, Patents Administration, Department of National Defense; Bernard Roussin, Canadian Manufacturers' Association; Christopher Robinson, Patent and Trademark Institute of Canada; Gordon A. Asher, Director, Planning and Special Duties Division, Patent and Copyright Office, Department of Consumer and Corporate Affairs; J.A. Malone, Second Secretary, Embassy in Washington; **Central African Republic:** Michel Gallin-Douathe, Ambassador in Washington; Antoine Ouaddos, First Secretary, Embassy in Washington; Laurent C. Abemango, Commercial Attaché, Embassy in Washington; **Denmark:** Erik Tuxen, Director, Industrial Property Administration; Dagmar Simonsen (Mrs.), Head of Department, Industrial Property Administration; Eigil Molgaard, Head of Division, Ministry of Commerce; **Dominican Republic:** Marco A. de Pena, Minister, Embassy in Washington; **Finland:** Erkki Tuuli, Director General, National Patent and Register Board; Berndt Godenhielm, Professor, University of Helsinki; Sten Finne, Director, Federation of Finnish Industries; **France:** Gilbert Rastoin, Director of the Office of the Minister, Ministry of Medium and Small Industry and Handicraft; François Savignon, Director, National Institute of Industrial Property; Jean Balmay, Avocat général près la Cour d'Appel de Paris; Roger Labry, Counsellor, Department of Economic and Financial Affairs, Ministry of Foreign Affairs; Roger Gajac, Legal Advisor, National Institute of Industrial Property; Philippe Guérin, Advisor to the Director, National Institute of Industrial Property; Clément Payraudeau, Economic Commission, National Council of French Employers; **Gabon:** Noël Assogo, Counsellor, Embassy in Washington; **Germany (Federal Republic of):** Horst Groepper, Ministerialdirektor, Foreign Office; Rupprecht von Keller, Ministerialdirigent, Foreign Office; Kurt Haertel, President, German Patent Office; Heribert Mast, Ministerialrat, Federal Ministry of Justice; Heinz Wersdoerfer, Vortragender Legationsrat, Foreign Office; Romuald Singer, Leitender Regierungsdirektor, German Patent Office; Winfried Tilmann, Amtsgerichtsrat, Federal Ministry of Justice; Ulrich C. Hallmann, Regierungsrat, German Patent Office; **Holy See:** Mario Peressin, Counsellor, Apostolic Delegation; **Hungary:** Emil Tasnádi, President, National Patent Office; Gyula Pusztai, Head of Department, National Patent Office; Aurél Benárd, Deputy Head of Department, Ministry of Justice; Gábor Bánrévy, Deputy Head of Department, Ministry of Foreign Trade; Pál Gresznáryk, Secretary, Ministry of Foreign Affairs; **Indonesia:** Achmad D. Ibrahim, First Secretary (Commercial), Embassy in Washington; **Iran:** Amir-Aslan Afshar, Ambassador of Iran; Mehdi Naraghi, Director, Office of Company Registrations and Industrial Property; Iraj Said-Vaziri, Third Secretary, Embassy in Washington; **Ireland:** Michael J. Quinn, Controller of Patents, Patents Office; **Israel:** Ze'ev Sher, Deputy Attorney General, Ministry

of Justice; Mayer Gabay, Commissioner of Patents, Designs and Trade Marks, Ministry of Justice; Johanan Bein, Counsellor, Embassy in Washington; **Italy:** Giorgio Ranzi, Director General, Ministry of Industry, Commissioner of Patents; Giuseppe Trotta, Magistrate, Ministry of Foreign Affairs; Vincenzo Oliva, Division Director, Italian Patent Office, Ministry of Industry; Mario G.E. Luzzati, President, Italian Group of the International Association for the Protection of Industrial Property (AIPPI), Attorney-at-Law; Roberto Messerotti-Benvenuti, Attorney-at-Law, Montecatini Edison Co.; Giulio Caselli, Pirelli Co.; Giuseppe Giolitti, Head of the Legal Department, RIV-SKF Co.; Alfonso Annunziata, SNAM Progetti Co.; Antonio Barbieri, Società IBM.; Mario Franzosi, Attorney-at-Law; Giovanmaria Faggioni, Patent Agent; Giorgio Omodeo-Salé, Società Italiana Brevetti; Gianfranco Mannucci, Patent Agent; Leo Mendini, Patent Department, Ferrania Co.; **Ivory Coast:** Fatagoma Coulibaly, Deputy Director, Ministry of Internal Commerce; Pierre Truong, Technical Counsellor, Ministry of Internal Commerce; **Japan:** Bunroku Yoshino, Minister, Embassy in Washington; Yoshito Aratama, Director General, Japanese Patent Office, Ministry of International Trade and Industry; Kotaro Otani, Director, Third Examination Division, Japanese Patent Office; Tsutomu Hirabayashi, First Secretary (Commercial), Embassy in Washington; Yoshiro Hashimoto, Trial Examiner, Trial Division, Japanese Patent Office; Noriaki Ohwada, International Treaty Division, Treaty Bureau, Ministry of Foreign Affairs; **Luxembourg:** Jean Wagner, Ambassador in Washington; **Madagascar:** Jules Alphonse Razafimbahiny, Ambassador in Washington; Charles Randrianasolo, Commercial Attaché, Embassy in Washington; Henri Rasolondraibe, Cultural Counsellor, Embassy in Washington; **Malawi:** James Hummony Mwasinga, Second Secretary, Embassy in Washington; **Malta:** Adrian Mercieca, First Secretary, Embassy in Washington; **Mauritania:** Ahmedou Abdallah, Director, Industrialization Board; **Mexico:** Roberto Palencia Salcido, Director General of Industrial Property; **Monaco:** Charles Schertenleib, Consul in Washington; **Netherlands:** J. Bob van Benthem, President, Netherlands Patent Office; Willem M.J.C. Phaf, Head, Legislation and Legal Affairs Department, Ministry of Economic Affairs; Hans E. Mathon, First Secretary, Embassy in Washington; J. Frans Osten, Second Secretary (Commercial), Embassy in Washington; Huib J.G. Pieters, Legislation and Legal Affairs Department, Ministry of Economic Affairs; Jacob Dekker, Vice-President, Netherlands Patent Office; L.B. Chavannes, Attorney and Patent Agent; Martin van Dam, Patent Agent; **Niger:** Joseph Amina, Chargé d'affaires ad interim, Embassy in Washington; **Norway:** Leif Nordstrand, Director, Norwegian Patent Office; Ole Os, Head of Section, Norwegian Patent Office; Terje Alfsen, Counsellor, Ministry of Industry and Handicrafts; **People's Republic of the Congo:** Denis Ekani, Director General, African and Malagasy Industrial Property Office (OAMPI), Yaoundé; **Philippines:** Pablo R. Suarez, Minister, Embassy in Washington; Hermenegildo B. Garcia, Second Secretary and Consul, Embassy in Washington; Cristobal Manalo, Attaché, Embassy in Washington; Gregorio G. Aducaen, Attaché, Embassy in Washington; **Poland:** Jerzy Michalowski, Ambassador in Washington; Stanislaw Gierczak, Vice Director, Ministry of Foreign Trade; Kamilla Matlaszek (Ms.), Section Chief, Ministry of Foreign Affairs; Maciej Misiewicz, Section Chief, Polish Patent Office; **Portugal:** Vasco V. Garin, Ambassador in Washington; José de Oliveira Ascensao, Professor of Law, Lisbon University; Jorge B. Pereira de Cruz, Patent and Trademark Attorney; Luis M.C. Nuñez de Almeida, Research Section, Nuclear Energy Board; Ruy Serrão, Chief, Patent Office, Ministry of Economics; Antonio J. de Sousa, Lawyer; Maria T. Pereira de Castro Ascensão, Lawyer; **Romania:** Corneliu Bogdan, Ambassador, Embassy in Washington; Georghe Ionita, Counsellor, Embassy in Washington; Ioan Camenita, Legal Advisor, State Office for Inventions and Trademarks; Mircea Raceanu, Second Secretary, Embassy in Washington; **South Africa:** Theodorus Schoeman, Registrar of Patents, Pretoria; W.J. Lubbe, Economic Counsellor, Embassy in Washington; J.A. Eksteen, Second Secretary, Embassy in Washington; **Soviet Union:** Yevgeny Artemiev, First Deputy Chairman, State Committee on Inventions and Discoveries; Igor V. Cherviakov, Deputy Director, Central Research Institute of Patent Information; Eduard P. Gavrilov, Laboratory Chief, Central Research Institute of Patent Information; Yury Gyrdymov, Section Chief, All-Union Research Institute of State Patent Examination; Vladimir Roslov, Senior Engineer, Section of Foreign Relations, State Committee on Inventions and Discoveries; Evgeny A. Belov, Counsellor on Science and Technology, Embassy in Washington; Nikolai N. Nesterov, Third Secretary, Embassy in Washington; Ludmila Lebedev (Ms.), Embassy in Washington; **Spain:** Aurelio Valls Carreras, Minister Counsellor, Embassy in Washington; Antonio Fernández-Mazarambroz, Director, Industrial Property Registry; Fermin de la Sierra y Andrés, Industrial Attaché, Embassy in Washington; Pedro B. Marin, First Secretary, Embassy in Washington; **Sweden:** Göran Borggård, Director General, National Patent and Registration Office; Saul Lewin, Head of Division, National Patent and Registration Office; H. Danelius, Legal Advisor, Ministry of Justice; Lennarth Törnroth, Head of Section, National Patent and Registration Office; Lennart Kömer, Director, Federation of Swedish Industries; **Switzerland:** Walter Stamm, Director, Swiss Federal Intellectual Property Office; Ernst Lips, Deputy Director, Swiss Federal Intellectual Property Office; Jean-Louis Comte, President, Board of Appeals, Swiss Federal Intellectual Property Office; Roger Kämpf, Head, Section for Patent and Design Law, Swiss Federal Intellectual Property Office; Rudolf Stettler, Counsellor, Embassy in Washington; **Togo:** Alexandre J. Ohin, Ambassador in Washington; Parfait A. Dagba, Counsellor, Embassy in Washington; Claude Johnson, Chief, Division of Industrial Property, Ministry of Commerce; **Trinidad and Tobago:** Knowlson Gift, First Secretary, Embassy in Washington; **Turkey:** Suat Mehmet Seyhun, Technical Advisor, Embassy in Washington; **Uganda:** Godfrey S. Lule, Administrator General, Attorney General's Chambers; Christopher Katsigazi, Third Secretary, Embassy in Washington; **United Arab Republic:** Mohamed Abdel Salam, Second Secretary, Embassy in Washington; **United Kingdom:** Edward Armitage, Comptroller-General of Patents, Designs and Trade Marks, Head of the Industrial Property and Copyright Department, Board of Trade; James D. Fergusson, Assistant Comptroller, Patent Office, Board of Trade; Ronald Bowen, Superintending Examiner, Patent Office, Board of Trade; John Winter, Senior Examiner, Patent Office, Board of Trade; Margaret I. Rothwell (Ms.), First Secretary, Embassy in Washington; Fyfe Gillies, President, Trade Marks, Patents and Designs Federation; Peter L. Bowtell, President, Chartered Institute of Patent Agents; **United States of America:** Eugene M. Braderman, Deputy Assistant Secretary for Commercial Affairs and Business Activities, Department of State; William E. Schuyler, Commissioner of Patents, United States Patent Office, Department of Commerce; George R. Clark, General Patent Counsel, Sunbeam Corporation; Harvey J. Winter, Chief, Business Practices Division, Bureau of Economic Affairs, Department of State; James W. Brennan, Office of International Patent and Trademark Affairs, Patent Office, Department of Commerce; Edward F. McKie, Patent Attorney; Donald W. Banner, General Patent Counsel, Borg-Warner Corporation; Robert B. Benson, General Patent Attorney, Allis-Chalmers Corporation; Pasquale J. Federico, Examiner-in-Chief (Retired), Patent Office, Department of Commerce; H. Dieter Hoinkes, Office of International Patent and Trademark Affairs, Patent Office, Department of Commerce; W. Brown Morton, Patent Attorney; Sylvia Nilsen (Ms.), Deputy Assistant Legal Advisor, Department of State; William A. Smith, Office of International Patent and Trademark Affairs, Patent Office, Department of Commerce; **Uruguay:** Marco E. Capurro-Avellaneda, Counsellor, Embassy in Washington; Marisa Barona (Ms.), Embassy in Washington; **Yugoslavia:** Stojan Pretnar, Director, Federal Patent Office; Mirko Besarović, Deputy Federal Solicitor and President, the Yugoslav Association for the Protection of Industrial Property; **Zambia:** Mainza Chona, Ambassador in Washington; Valentine C. Akponor, Registrar of Patents; Oliver B. Chilemba, Deputy Registrar of Trade Marks.

Observer States (States not members of the Paris Union): **Barbados:** Berenice V. Johnson (Ms.), Second Secretary, Embassy in Washington; **Bolivia:** Alfredo Rojas, Counsellor, Embassy in Washington; **Burundi:** Joseph Ntakabanyura, First Secretary, Embassy in Washington; **Chile:** Patricio Rodriguez, First Secretary, Embassy in Washington; Eduardo Lemoine, Engineer, Ministry of Economics; **China:** Martin Wong, Minister, Embassy in Washington; Christopher C.W. Tang, Commercial Attaché, Embassy in Washington; W.L. Lee, Assistant to the Director, Chinese Investment and Trade Office; **Costa Rica:** Rufino Gil, Loan Officer, Inter-American Development Bank; **Ecuador:** Arturo Lecaro, Counsellor, Embassy in Washington; Jaime Durango, Commercial Counsellor, Embassy in Washington; **Ghana:** Boniface K. Atepor, Counsellor, Embassy in Washington; **Guatemala:** Francisco L. Aranda, Ambassador of Guatemala; Enrique Secaira, Minister Counsellor, Embassy in Washington; **Guyana:** Noel Sinclair, Second Secretary, Embassy in Washington; **Jamaica:** Richard Pierce, First Secretary, Embassy in Washington; **Jordan:** Marwan Kasim, Second Secretary, Embassy in Washington; **Laos:** Lane Pathammavong, Counsellor, Embassy in Washington; **Libya:** Elhadi Elakrout, Second Secretary, Embassy in Washington; **Malaysia:** Mohammed B. Haron, First Secretary, Embassy in Washington; S. Ratamoney, Trade Office, Embassy in Washington; **Nicaragua:** Gustavo Escoto-Goenaga, Minister Counsellor, Embassy in Washington; **Panama:** Lawrence Chewning, Third Secretary, Embassy in Washington; **Paraguay:** Luis Gonzalez Arias, Minister Counsellor, Embassy in Washington; **Peru:** Luis Marchand, Minister Counsellor, Embassy in Washington; **Republic of Korea:** Joon Koo Lee, Director, Patent Office, Ministry of Commerce and Industry; Jae Chul Choi, Examiner, Patent Office, Ministry of Commerce and Industry; Chang Il Park, Third Secretary, Embassy in Washington; **Rwanda:** Firmin Tereraho, Attaché, Embassy in Washington; **Saudi Arabia:** Yousuf Addeb Al-Aama, Commercial Attaché, Embassy in Washington; **Thailand:** Wichian Watanakun, First Secretary, Embassy in Washington; Prayoon Talerngsri, Chief, Patent Examining Division, Ministry of Economic Affairs.

Intergovernmental organizations: **African and Malagasy Industrial Property Office (OAMPI):** Denis Ekani, Director General, Yaoundé; **Commission of the European Communities (CEC):** Th. Vogelaar, Director General, Brussels; Jean-Pol Lauwers, Principal Administrator, Brussels; Ivo V. Dubois, Assistant to the Director, Liaison Office, Washington; **European Free Trade Association (EFTA):** George R. Young, Director, Washington Office, Washington; Frank Mitchell, Deputy Director, Washington Office, Washington; **Industrial Development Center for Arab States (IDCAS):** Saad El-Din El-Shabrawi, Chargé d'Affaires of the Arab League Office, Washington; **Inter-Governmental Conference for the Setting up of a European System for the Grant of Patents:** E.R. von Geldern, Director General, Secretariat of the Council of Ministers of the European Communities, Brussels; Dennis Thompson, Legal Advisor, European Free Trade Association, Geneva; **International Institute for the Unification of Private Law (UNIDROIT):** George A. Tesoro, Attorney-at-Law, Washington; **International Patent Institute (IPI):** Guillaume Finnis, Director General, The Hague; Pieter van Waasbergen, Technical Director, The Hague; Ulrich J. Schatz, Legal Advisor, The Hague; **Organization of American States (OAS):** Isidoro Zanotti, Chief, Division of Codification and Legal Integration, Department of Legal Affairs, Washington; Georges D. Landau, Assistant to the Chairman of the Inter-American Committee on the Alliance for Progress (CIAP) and to the Assistant Secretary for Economic and Social Affairs, Washington; Pierre Gonod, Specialist, Unit of Technological Development, Department of Scientific Affairs, Washington; **United Nations (UN):** Paul Faber, Director, Division of Public Finance and Financial Institutions, New York; **United Nations Conference on Trade and Development (UNCTAD):** Mark Maassel, Consultant, Washington; **United Nations Industrial Development Organization (UNIDO):** A.J. Aizenstat, Director, New York Liaison Office, New York.

Non-governmental organizations: **Asian Patent Attorneys Association (APAA):** Kyozo Yuasa, Patent Attorney, Tokyo; Kiyoshi Inomata, Patent Attorney, Tokyo; Byong H. Lee, Patent Attorney, Seoul; Kiyoshi Asamura, Patent Attorney, Tokyo; Masao Okabe, Patent Attorney, Tokyo; Sumiko Shimosaka, Patent Attorney, Tokyo; Shinko Fukuda, Patent Attorney, Tokyo; **Committee of National Institutes of Patent Agents (CNIPA):** Alan Beeston, Patent Attorney, London; **Council of European Industrial Federations (CEIF):** Marcel Meunier, Head, Patent Department, Ateliers de Constructions Electriques (ACEC), Charleroi (Belgium); **European Industrial Research Management Association (EIRMA):** François P. Panel, Director, Industrial Property Services, Compagnie générale d'Electricité, Paris; André van der Auweraer, Head, Patents Department, Gevaert Agfa N.V., Mortsel (Belgium); **Inter-American Association of Industrial Property (ASIPI):** S. Delvalle Goldsmith, Attorney-at-Law, New York; Alan Swabey, Patent Attorney, Montreal (Canada); Custodio de Almeida, Attorney-at-Law, Rio de Janeiro; **International Association for the Protection of Industrial Property (AIPPI):** Stephen P. Ladas, Attorney-at-Law, New York; Cornelis M.R. Davidson, Patent Agent, The Hague; **International Chamber of Commerce (ICC):** H.R. Mathys, Deputy Chairman, Courtaulds Ltd., London; Fyfe Gillies, President, Trademarks, Patents and Designs Federation, London; **International Federation of Inventors Associations (IFIA):** Harald Romanus, Inventor, Stockholm; Karl E. Sundström, Inventor, Geneva; **International Federation of Patent Agents (FICPI):** Knud Host-Madsen, Patent Agent, Copenhagen; Paul O. Langballe, Patent Agent, Copenhagen; Heinz Bardehle, Patent Agent, Munich; André Braun, Patent Agent, Basel (Switzerland); Peter Puchberger, Patent Agent, Vienna; **Pacific Industrial Property Association (PIPA):** Martin Kalikow, Manager and Patent Counsel, International Patent Operation, General Electric Company, New York; John R. Shipman, Director, International Patent Operations, International Business Machines Corporation, New York; Edgar W. Adams, Patent Attorney/Director, Bell Telephone Laboratories, Holmdel (United States of America); Frederic O. Hess, Chairman of the Board, Selas Corporation of America, Drescher (United States of America); I. Louis Wolk, Director of Patents, Merck & Company, Inc., Rahway (United States of America); Gerald D. O'Brien, Patent Counsel, Bendix Corporation, Arlington (United States of America); Hiroshi Ono, Manager, Patent Operations, International Business Machines Japan Ltd., Tokyo; Thomas J. Plante, Chief Patent Counsel, Bendix Corporation, Southfield (United States of America); Reynold Bennett, Vice-President, National Association of Manufacturers, New York; **Union of Industries of the European Community (UNICE):** I. Pieter L. Hazelzet, Patent Counsel, Eindhoven (Netherlands).

Committees and Working Groups: In accordance with its Rules of Procedure, the Conference conducted its work through a Credentials Committee, two Main Committees, two Drafting Committees and a General Drafting Committee. Main Committee I was responsible for examining examine Chapters I, II and III of the Draft Treaty (International Application and International Search, International Preliminary Examination, Common Provisions) and the related Rules of the Draft Regulations, whereas Main Committee II was responsible for examining Chapters IV and V of the Draft Treaty (Administrative Provisions, Final Provisions) and the related Rules of the Draft Regulations. Each Main Committee was competent to establish

draft texts, which it then would submit to the Plenary. Each Committee was also competent to establish such Working Groups as it may deem useful, and during the Conference eight such Working Groups were established. The meetings of all Committees and Working Groups were coordinated by a Steering Committee, which was also responsible for reviewing the progress of the Conference.

Officers: The Plenary of the Conference elected at its first meeting the President of the Conference and the 16 Vice-Presidents of the Conference. The Chairman and Vice-Chairmen of the various Committees were then elected by the respective Committee. The Officers were as follows:

Conference

President: Eugene M. Braderman (United States of America); **Vice-Presidents:** Pedro E. Real (Argentina); Karl B. Petersson (Australia); Celso Diniz (Brazil); Michel K. Epangue (Cameroon); François Savignon (France); Horst Groepper (Germany (Federal Republic of)); Emil Tasnádi (Hungary); Giorgio Ranzi (Italy); Fatagoma Coulibaly (Ivory Coast); Bunroku Yoshino (Japan); Pablo R. Suarez (Philippines); Yevgeny Artemiev (Soviet Union); Antonio Fernández-Mazarambroz (Spain); Göran Borggård (Sweden); Mohamed Abdel Salam (United Arab Republic); Edward Armitage (United Kingdom); **Secretary General:** Arpad Bogsch (BIRPI); **Assistant Secretary General:** Joseph Voyame (BIRPI); **Assistant Secretary General for Administration:** William T. Keough (U.S. Department of State).

Main Committee I

Chairman: William E. Schuyler (United States of America); **Vice-Chairmen:** Kurt Haertel (Germany (Federal Republic of)); Achmad D. Ibrahim (Indonesia); **Secretary:** Klaus Pfanner (BIRPI).

Main Committee II

Chairman: J. Bob van Benthem (Netherlands); **Vice-Chairmen:** Mirko Besarovic (Yugoslavia); Valentine C. Akponor (Zambia); **Secretary:** Joseph Voyame (BIRPI).

Credentials Committee

Chairman: Bunroku Yoshino (Japan); **Vice-Chairmen:** Thomas Lorenz (Austria); Charles Randrianasolo (Madagascar); **Other Members:** Erik Tuxen (Denmark); Marco A. de Pena (Dominican Republic); Amir-Aslan Afshar (Iran); Michael J. Quinn (Ireland); Ze'ev Sher (Israel); Kamilla Matlaszek (Ms.) (Poland); José de Oliveira Ascensao (Portugal); Godfrey S. Lule (Uganda); Sylvia Nilsen (Ms.) (United States of America); **Secretary:** Joseph Voyame (BIRPI).

General Drafting Committee

Chairman: Yevgeny Artemiev (Soviet Union); **Vice-Chairmen:** Bernard Roussin (Canada); Walter Stamm (Switzerland); **Other Members:** Alvaro Gurgel de Alencar (Brazil); Philippe Guérin (France); Romuald Singer (Germany (Federal Republic of)); Roberto Messerotti-Benvenuti (Italy); Kataro Otani (Japan); Charles Schertenleib (Monaco); Saul Lewin (Sweden); James D. Fergusson (United Kingdom); George R. Clark or Harvey J. Winter (United States of America); **Secretary:** Arpad Bogsch (BIRPI).

Drafting Committee of Main Committee I

Chairman: Edward Armitage (United Kingdom); **Vice-Chairmen:** E. Murray Haddrick (Australia); Alex Braun (Belgium); **Other Members:** Sten Finne (Finland); Roger Gajac (France); Heribert Mast (Germany (Federal Republic of)); Yoshiro Hashimoto (Japan); Ioan Camenita (Romania); Yury Gyrdymov (Soviet Union); George R. Clark (United States of America); **Secretary:** Klaus Pfanner (BIRPI).

Drafting Committee of Main Committee II

Chairman: Jean Balmay (France); **Vice-Chairmen:** Salah Bouzidi (Algeria); Amir-Aslan Afshar (Iran); **Other Members:** Winfried Tilmann (Germany (Federal Republic of)); Noriaki Ohwada (Japan); Leif Nordstrand (Norway); Eduard Gavrilov (Soviet Union); Ronald Bowen (United Kingdom); Sylvia Nilsen (Ms.) (United States of America); Mirko Besarović (Yugoslavia); **Secretary:** Joseph Voyame (BIRPI).

Steering Committee

Chairman: Eugene M. Braderman (President of the Conference); **Members:** Yevgeny Artemiev (Chairman of the General Drafting Committee); J. Bob van Benthem (Chairman of Main Committee II); William E. Schuyler (Chairman of Main Committee I); Bunroku Yoshino (Chairman of the Credentials Committee); **Secretary:** Arpad Bogsch (Secretary General of the Conference).

BIRPI Secretariat: Georg H.C. Bodenhausen, Director (until June 9, 1970); Arpad Bogsch, First Deputy Director; Joseph Voyame, Second Deputy Director; Klaus Pfanner, Senior Counsellor, Head, Industrial Property Division; Ivan Morozov, Counsellor, Head, PCT Section, Industrial Property Division; Richard Wipf, Counsellor, Head, General Section, Industrial Property Division; Sekizo Hayashi, Advisor, PCT Section, Industrial Property Division; James Kohnen, Advisor, PCT Section, Industrial Property Division; Isabel Grandchamp (Mrs.), Head, Language Services; Henri Rossier, Head, Mail and Documents Services; Maqbool Qayoom, Administrative Officer, Administrative Services Division; Andrée Bernillon (Mrs.), Secretary to the First Deputy Director; Rosemary Bourgeois (Mrs.), Secretary to the First Deputy Director; Karin Wachs (Ms.), Secretary to the Head of the Industrial Property Division.

Documents: The Conference documents were subdivided into four series. The "Main" series (PCT/DC/1 to PCT/DC/131) consisted of the drafts of the Treaty and the Regulations and of observations on and proposed amendments to the said drafts, with the observations generally submitted by governments and international organizations and the proposed amendments by the governmental delegations participating in the Conference. The "WG" (Working Group) series (PCT/DC/WG.II/1 to 9, WG.III/1, WG.IV/1 and 2, WG.V/1 to 4) consisted of the working documents addressed to or submitted by the working groups set up during the Conference. The "INF" (Information) series (PCT/DC/INF/1 to 10) consisted mainly of lists of documents. The "MISC" (Miscellaneous) series (PCT/DC/MISC/1 to 13) contained the rules of procedure and the agenda of the Conference, as well as the texts of certain speeches delivered during the Conference. In all, 168 documents were published. All documents were available in English and French. Certain documents were also available in Spanish.

BIRPI Document Series: PCT/DC

Summary: The meetings of the Conference, which were held at the conference premises of the Department of State, lasted four weeks. Simultaneous interpretation into English, French, Spanish and Russian was provided at the Plenaries and in the meetings of Main Committees I and II. In the other meetings, interpretation was provided in English and French.

The deliberations of the Conference were based on a Draft Treaty and annexed Regulations prepared by BIRPI following four years of consultations and meetings both with representatives of governments and with representatives of inventors, industries and the patent profession. Other documents submitted to the Conference by BIRPI included a history of the Plan for a Patent Cooperation Treaty, a summary of the proposed Patent Cooperation Treaty, and an analysis of the main differences between the so-called 1968 and 1969 Drafts.

During the Conference, amendments were proposed in writing by the following States: Algeria, Argentina, Australia, Austria, Belgium, Brazil, Canada, Denmark, Finland, France, Germany (Federal Republic of), Ireland, Israel, Italy, Ivory Coast, Japan, Madagascar, Monaco, Netherlands, Norway, Poland, Portugal, Romania, Soviet Union, Spain, Sweden, Switzerland, Togo, Uganda, United Arab Republic, United Kingdom, United States of America, Uruguay, Yugoslavia, Zambia.

The Patent Cooperation Treaty and the annexed Regulations were unanimously adopted on June 17, 1970. Forty-seven Paris Union member States had the right to vote; forty-four voted for and none against. When abstentions were called for no delegation came forward. In addition to adopting the Treaty and the Regulations, the Conference also adopted a Final Act and a Resolution. The said Resolution, which recommended certain interim measures pending the entry into force of the Treaty, was proposed by Algeria, Germany (Federal Republic of), Japan, the Soviet Union and Sweden. The texts of the said Final Act and of the said Resolution are reproduced below.

On June 19, 1970, the Treaty was opened for signature and on that day it was signed by the following 20 States: Algeria, Brazil, Canada, Denmark, Finland, Germany (Federal Republic of), Holy See, Hungary, Ireland, Israel, Italy, Japan, Norway, Philippines, Sweden, Switzerland, United Arab Republic, United Kingdom, United States of America, Yugoslavia. The Treaty remained open for signature in the United States Department of State until the end of 1970. The following 15 States signed the Treaty between June 19 and December 31, 1970: Argentina, Austria, Belgium, France, Iran, Ivory Coast, Luxembourg, Madagascar, Monaco, Netherlands, Romania, Senegal, Soviet Union, Syria, Togo.

Speeches were delivered in the Plenary of the Conference by the United States Secretary of State (Mr. William P. Rogers), the Secretary of Commerce (Mr. Maurice H. Stans), the Director of BIRPI (Prof. Georg H.C. Bodenhausen) and the Secretary General of the Conference (Dr. Arpad Bogsch). The texts of the said speeches are reproduced in the official records of the Conference.

Official Records: The official records of the Diplomatic Conference were published by WIPO in 1972 in a bound volume of 728 pages (WIPO Publication No. 313(E)), entitled *Records of the Washington Diplomatic Conference on the Patent Cooperation Treaty, 1970*.

Achievements and History of the Diplomatic Conference: These were reflected by the speech, given at the closing meeting of the Conference, by the Secretary General of the Conference, Dr. Arpad Bogsch (First Deputy Director, BIRPI). Here is the text of that speech:

Mr. Chairman, Ladies and Gentlemen, the Washington Diplomatic Conference on the Patent Cooperation Treaty, which will close in a few minutes, was attended by some 300 delegates. Seventy-seven States were represented; 55 are members of the Paris Union for the Protection of Industrial Property, and 22 are not members of that Union. They belong, as the Secretary of State has just said, to all parts of the world. This, in my view, is the really sensational fact about this Conference. The number of international organizations represented was 22; 11 of them are intergovernmental, and 11 are non-governmental.

The deliberations lasted four weeks. They took place in two Main Committees, eight Working Groups, three Drafting Committees and a Credentials Committee. A Steering Committee coordinated the work of the various bodies. These deliberations were based on a Draft Treaty and annexed Regulations prepared by the United International Bureaux for the Protection of Intellectual Property, BIRPI. The Drafts were the fruit of four years of consultations and meetings both with representatives of governments and with representatives of inventors, industries and the patent profession. The present Conference has further improved these Drafts.

Among the many improvements effected by the distinguished Delegates attending this Conference, perhaps the most significant is the writing into the Treaty of a new Chapter--Chapter IV--which goes beyond the original goals of the Treaty, and provides the framework for technical assistance to developing countries. Assistance to developing countries is the main preoccupation of our times and the most difficult of the tasks of international organizations. The technical assistance connected with the new Treaty will be in two fields: technological information and improvement of the national and regional patent systems. The task is an enormous one. Through your decision, the World Intellectual Property Organization has received a new mandate. The International Bureau will do its best to be worthy of the confidence you have placed in it.

As to the original goals of the Treaty, you have found, honorable Delegates, a most felicitous wording in which to express them, in a preamble which is also a new element in the Treaty, and one which was created by this Conference. The words in question are "contribution to the progress of science and technology," "perfecting the legal protection of inventions," and, finally, "rendering more economical the obtaining of protection for inventions where protection is sought in several countries."

In the body of the Treaty itself, you have rewritten the article on definitions by giving due emphasis to the notion of inventors' certificates. You have found an elegant solution to the old problem of naming the inventor in the application. You have established closer ties between the Treaty and the Paris Convention, by making membership in the Paris Union a condition for becoming party to the Treaty. You have solved the problem that exists because of the diversity of national laws in respect of the date of the prior art effects of applications.

You have given a completely new dimension to the concept of an international-type search. The Treaty itself now provides that countries may require such a search on purely national applications. Here is another feature of the Treaty which is capable of being useful to developing countries.

You have written into the Treaty the name of the International Patent Institute. The Treaty constitutes a unique opportunity for that Institute to expand.

You have written into the Treaty the right of any applicant and any national Office concerned in the application to obtain copies of the documents cited in the search report. This is a feature which will doubtless facilitate rapid documentary information.

The articles on the amendments in the application in the national phase have been improved in a way which gives further assurances both to national Offices and to the applicants.

The Conference has fundamentally modified the article on regional patents. A certain interlocking effect has thus been established between international and regional applications which, it is hoped, will be beneficial to both.

As far as the Regulations are concerned, you have further perfected the two key rules concerning the form of description, and the form of claiming, in applications. You have also placed these rules among those whose future amendment requires unanimity, at least during the early stages of the Treaty. You have also perfected the rules on the time limits for search and for amendment of the application in the national phase.

As far as the administrative provisions are concerned you decided to write an article on an Executive Committee, and one on disputes. You have changed the provisions concerning the number and qualifications of the countries whose ratifications will bring the Treaty into force. Finally, in a true spirit of mutual understanding, you have found a solution to the question of the Treaty's applicability to certain territories.

This, Mr. Chairman, is of course only an incomplete list of the many improvements which, as the result of almost 100 written proposals by Delegations, have been effected in the Treaty and the Regulations which, in a few minutes, will be opened for signature.

The fact that so much has been accomplished in such a short time is also due to the merit of those persons who have assisted us, both now and in the course of the preparatory work. The Secretariat has been helped most efficiently and most graciously by the men and women who were put at the disposal of the Conference by the State Department or the Commerce Department. Their tireless efforts and their dedication have made this Conference a success also in the purely technical sense. I would like to mention a hundred names at least but since time does not permit me to do so, I shall mention only two, Mr. William Keough, Assistant Secretary General for Administration of the Conference, and Miss Irene Piechowicz, the Documents Officer of the Conference. May I here publicly thank them and, through them, all their collaborators for the wonderful work they have done. The same goes for the interpreters. They are charming, willing and absolutely accurate in their work.

Finally, I ask for your permission, Mr. Chairman, to name a few of my collaborators so that the record should show the names of the individuals whose intelligence and devotion were indispensable elements in the preparation of the Treaty. Professor Bodenhausen, the Director of BIRPI, would, I am sure, welcome this, had his health permitted him to be with us today. Here, too, the list cannot be complete. But those who were with us during this Conference are: the Second Deputy Director of BIRPI and Assistant Secretary General of this Conference, Joseph Voyame; the Head of the Industrial Property Division of BIRPI, Klaus Pfanner; the Head of the PCT Section of BIRPI, Ivan Morozov; the Head of the General Section for Industrial Property in BIRPI, Richard Wipf; the Head of the Languages Services of BIRPI, Mrs. Grandchamp; the Head of the Documents Services of BIRPI, Henri Rossier; our administrative Officer, Maqbool Qayoom; and our secretaries, Rosemary Bourgeois, Andrée Bernillon and Karin Wachs. Mr. Chairman, honorable Delegates, they too, like myself, have been proud to serve you in this Conference, and wish you a happy return to your respective countries. Thank you."

Summary of the Treaty: The following summary covers also the amendments of the Treaty made in 1970 and 1979:

The Treaty makes it possible to seek patent protection for an invention simultaneously in each of a large number of countries by filing an "international" patent application. Such application may be filed by nationals or residents of a Contracting State. It may be filed with the national patent office of the Contracting State of which the applicant is a national or resident or, at the applicant's option, with the International Bureau of WIPO in Geneva. If the applicant is a national or resident of a Contracting State which is party to the European Patent Convention, the international application may be filed also with the European Patent Office. If the applicant is a national or resident of Barbados, Sri Lanka or a contracting State which is a member of the African Intellectual Property Organization (OAPI), the international application is to be filed with the International Bureau.

The Treaty regulates in detail the formal requirements that any international application must comply with.

Among all the Contracting States, the applicant indicates those in which he wishes his international application to have effect ("designated States"). The effect of the international application in each designated State is the same as if a national patent application had been filed with the national patent office of that State. Where a designated State is party to the European Patent Convention, the applicant may--and, in the case of Belgium, France, Greece, Ireland, Italy and Monaco, must--opt for the effect of a European (rather than national) patent application. Where a designated State is a member of OAPI, the effect is that of a regional application filed with OAPI.

The international application is then subjected to what is called an "international search." That search is carried out by one of the major patent offices.¹ The said search results in an "international search report," that is, a listing of the citations of such published documents--mainly patent documents of the countries issuing the most patents--that might affect the patentability of the invention claimed in the international application.

The international search report is communicated to the applicant who may decide to withdraw his application; he normally will do so if the said report makes the granting of patents unlikely.

If the international application is not withdrawn, it is, together with the international search report, published by the International Bureau and communicated to each designated patent office.

If the applicant decides to continue with the international application with a view to obtaining national (or regional) patents, he can wait until the end of the 20th month after the filing of the international application or, where that application claims the priority of an earlier application, until the end of the 20th month after the filing of that earlier application, to commence the national procedure before each designated Office by furnishing a translation (where necessary) of the application into the official language of that Office and paying to it the usual fees. This 20-month period is extended by a further 10 months where the applicant chooses to ask for an "international preliminary examination report," a report which is prepared by one of the major patent offices² and which gives a preliminary and non-binding opinion on the patentability of the claimed invention. The applicant is entitled to amend the international application during the international preliminary examination. However, the advantages of international preliminary examination cannot be invoked by residents and nationals of, or in respect of, Greece, Liechtenstein, Spain and Switzerland, since those countries chose not to be bound by the relevant provisions of the PCT.

¹ The Patent Offices of Australia, Austria, China, Japan, the Russian Federation, Spain, Sweden, the United States of America and the European Patent Office (situation on January 1, 1994).

² The Patent Offices of Australia, Austria, China, Japan, the Russian Federation, Sweden, the United Kingdom (in respect of demands for international preliminary examination made on or before May 28, 1993), the United States of America and the European Patent Office (situation on January 1, 1994).

The procedure under the PCT has great advantages for the applicant, the patent offices and the general public:

(i) the applicant has eight or 18 months more than he has in a procedure outside the PCT to reflect on the desirability of seeking protection in foreign countries, for appointing local patent agents in each foreign country, for preparing the necessary translations and for paying the national fees; he is assured that, if his international application is in the form prescribed by the PCT, it cannot be rejected on formal grounds by any designated Office during the national phase of the processing of the application; on the basis of the international search report, he can evaluate with reasonable probability the chances of his invention being patented; on the basis of the international preliminary examination report, that probability is even stronger; and the applicant has the possibility during the international preliminary examination to amend the international application to put it in order before processing by the designated Offices;

(ii) the search and examination work of the patent offices of designated States can be considerably reduced or virtually eliminated thanks to the international search report and, when applicable, the international preliminary examination report that accompany each international application;

(iii) since each international application is published together with an international search report, third parties are in a better position to formulate a well-founded opinion about the patentability of the claimed invention.

THE MEMBERS OF THE STEERING COMMITTEE OF THE WASHINGTON DIPLOMATIC CONFERENCE



Eugene M. Braderman
Chairman
(President of the Conference)



Yevgeny Artemiev
Member
(Chairman of the
General Drafting Committee)



J. Bob van Benthem
Member
(Chairman of
Main Committee II)



William E. Schuyler
Member
(Chairman of Main Committee I)



Bunroku Yoshino
Member
(Chairman of the Credentials
Committee)



Arpad Bogsch
Secretary
(Secretary General of the Conference)

FINAL ACT

In accordance with decisions of the Executive Committee of the Paris Union for the Protection of Industrial Property in September 1966 and of the Conference of Representatives of that Union in December 1967, preparations by member States of the Paris Union and by the United International Bureaux for the Protection of Intellectual Property, and on invitation of the Government of the United States of America, the Washington Diplomatic Conference on the Patent Cooperation Treaty was held from May 25 to June 19, 1970.

The Conference adopted the Patent Cooperation Treaty, which was then opened for signature at Washington on June 19, 1970.

IN WITNESS WHEREOF, the undersigned, being Delegates of the States invited to the Conference, have signed this Final Act.

DONE at Washington, on June 19, 1970, in the English and French languages, the original to be deposited with the Director General of the World Intellectual Property Organization.

Algeria (A. Dahmouche); Argentina (Pedro E. Real); Australia (K.B. Petersson); Austria (Lorenz); Belgium (Walter Loridan); Brazil (Miguel A.O. de Almeida); Cameroon (Michel Koss Epangue); Canada (A.M. Laidlaw); Central African Republic (M.G-Douathe); Denmark (E. Tuxen); Federal Republic of Germany (Rupprecht von Keller; Kurt Haertel); Finland (Erkki Tuuli); France (G. Rastoin); Holy See (Mario Peressin); Hungary (E. Tasnádi); Indonesia (Achmad Dahlan Ibrahim); Iran (Dr. A. Aslan Afshar); Ireland (M.J. Quinn); Israel (Z. Sher, Mayer Gabay); Italy (Giorgio Ranzi); Ivory Coast (F. Coulibaly); Japan (B. Yoshino; Y. Aratama); Luxembourg (Jean Wagner); Madagascar (Jules A. Razafimbahiny); Malta (A. Mercieca); Monaco (Dr. Charles Schertenleib); Netherlands (Phaf); Niger (Joseph Amina); Norway (Leif Nordstrand); People's Republic of the Congo (Ekani); Philippines (Suarez); Poland (Jerzy Michalowski); Romania (Corneliu Bogdan); South Africa (T. Schoeman); Spain (Aurelio Valls Carreras); Sweden (Göran Borggård); Switzerland (Dr. Walter Stamm); Togo (A.J. Ohin M.D.); Union of Soviet Socialist Republics (Yevgeny Artemiev); United Arab Republic (Moh. Abdel Salam); United Kingdom of Great Britain and Northern Ireland (Edward Armitage; James David Fergusson); United States of America (Eugene M. Braderman; William E. Schuyler); Uruguay (M.E. Capurro-Avellaneda); Yugoslavia (Dr. Stojan Pretnar).

REPRODUCTION OF THE ORIGINAL SIGNATURES OF THE FINAL ACT
OF THE 1970 DIPLOMATIC CONFERENCE

ALGERIA:
ALGERIE:

A. Dahouk

CENTRAL AFRICAN REPUBLIC:
REPUBLIQUE CENTRAFRICAINE:

Ng Anathe

INDONESIA:
INDONESIE:

Ahmad Achdi

ARGENTINA:
ARGENTINE:

Rubial

CONGO (BRAZZAVILLE):
CONGO (BRAZZAVILLE):

Muel

IRAN:
IRAN:

Dr. Man Afshar

AUSTRALIA:
AUSTRALIE:

M. Brennan

DENMARK:
DANEMARK:

Carlsen

IRELAND:
IRLANDE:

M. Fleming

AUSTRIA:
AUTRICHE:

Schwarz

FEDERAL REPUBLIC OF GERMANY:
REPUBLIQUE FEDERALE D'ALLEMAGNE:

Stappert, Kellner

ISRAEL:
ISRAEL:

2. J. J. J.
Mayer G. G.

M. Kauter

BELGIUM:
BELGIQUE:

Walter L. L.

FINLAND:
FINLANDE:

M. M.

ITALY:
ITALIE:

F. R.

BRAZIL:
BRESIL:

Miguel O. de Almeida

FRANCE:
FRANCE:

R. R.

IVORY COAST:
COTE D'IVOIRE:

P. P.

CAMEROON:
CAMEROUN:

E. E.

THE HOLY SEE:
LE SAINT-SIEGE:

M. M.

JAPAN:
JAPON:

B. Yoshimura
Y. Aratama

CANADA:
CANADA:

A. A.

HUNGARY:
HONGRIE:

P. P.

LUXEMBOURG:
LUXEMBOURG:

Jean Wagner

MADAGASCAR:
MADAGASCAR:

POLAND:
POLOGNE:

UNION OF SOVIET SOCIALIST REPUBLICS:
UNION DES REPUBLIQUES SOCIALISTES SOVIETIQUES:

MALTA:
MALTE:

ROMANIA:
ROUMANIE:

UNITED ARAB REPUBLIC:
REPUBLIQUE ARABE UNIE:

MONACO:
MONACO:

SOUTH AFRICA:
AFRIQUE DU SUD:

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND:
ROYAUME-UNI DE GRANDE BRETAGNE ET D'IRLANDE DU NORD:

KINGDOM OF THE NETHERLANDS:
ROYAUME DES PAYS-BAS:

SPAIN:
ESPAGNE:

UNITED STATES OF AMERICA:
ETATS-UNIS D'AMERIQUE:

URUGUAY:
URUGUAY:

NIGER:
NIGER:

SWEDEN:
SUEDE:

YUGOSLAVIA:
YUGOSLAVIE:

NORWAY:
NORVEGE:

SWITZERLAND:
SUISSE:

PHILIPPINES:
PHILIPPINES:

TOGO:
TOGO:

The Secretary General of the Conference:

RESOLUTION

Concerning Preparatory Measures for the Entry Into Force of the Patent Cooperation Treaty

The Washington Diplomatic Conference on the Patent Cooperation Treaty, 1970,

Considering the desirability of preparing the application of the Patent Cooperation Treaty pending the entry into force of the Treaty,

1. Invites the Assembly and the Executive Committee of the International (Paris) Union for the Protection of Industrial Property and the Director General of the World Intellectual Property Organization to adopt, direct and supervise the measures necessary for the preparation of the entry into force of the Treaty.
2. Recommends that such measures include:
 - (a) the setting up of an Interim Committee for Technical Assistance, which should prepare the establishment of the Committee for Technical Assistance referred to in Article 51 of the Treaty;
 - (b) the setting up of an Interim Committee for Technical Cooperation, which should prepare the establishment of the Committee for Technical Cooperation referred to in Article 56 of the Treaty and advise the prospective International Searching and Preliminary Examining Authorities on the questions which will require solution when the Treaty enters into force;
 - (c) the setting up of an Interim Advisory Committee for Administrative Questions, which should study and recommend measures on the questions which will require solutions by the national Offices and the International Bureau when the Treaty enters into force.
3. Expresses the desire that the organizations of inventors, industries, and the patent profession be associated, as in the preparation of the Treaty, in the preparatory work referred to in the present Resolution.

PART II

**PCT Interim Committee and Working Group Meetings
Held Between the Adoption (June 19, 1970)
and the Entry Into Force (January 24, 1978) of the PCT**

Serial Number of Meeting	Title of Meeting	Venue and Dates of Meeting
PCT Interim Committee for Technical Assistance (TAS)		
25	First Session	Geneva, February 9 to 11, 1971
26	Second Session	Geneva, October 5 to 9, 1972
27	Third Session	Tokyo, October 24 to 27, 1973
28	Fourth Session	Geneva, November 13 to 19, 1974
29	Fifth Session	Geneva, October 28 to November 3, 1975
30	Sixth Session	Geneva, November 2 to 8, 1976
31	Seventh and last Session (in conjunction with the fifth session of the WIPO Permanent Committee on Development Cooperation Related to Industrial Property)	Geneva, March 13 to 17, 1978
PCT Interim Committee for Technical Cooperation (TCO)		
32	First Session	Geneva, February 8 to 11, 1971
33	Second Session	Geneva, October 6 to 9, 1972
34	Third Session	Tokyo, October 23 to 27, 1973
35	Fourth Session	Geneva, November 14 to 19, 1974
36	Fifth Session	Geneva, October 29 to November 3, 1975
37	Sixth Session	Geneva, November 3 to 8, 1976
38	Seventh Session	Geneva, October 12 to 18, 1977
39	Eighth and last Session	Geneva, January 17 to 20, 1978
Standing Subcommittee of the TCO		
40	First Session	Geneva, December 8 to 10, 1971
41	Second Session	Geneva, April 6 and 7, 1972
42	Third Session	Geneva, September 2 to 9, 1972
43	Fourth and last Session	Geneva, April 25 to 30, 1973
PCT Working Group on Guidelines for International Search and for International Preliminary Examination (a Working Group of the TCO)		
44	First Session	Geneva, February 14 to 18, 1977
45	Second and last Session	Geneva, June 20 to 24, 1977

	PCT Interim Advisory Committee for Administrative Questions (AAQ)	
46	First Session	Geneva, February 8 to 11, 1971
47	Second Session	Geneva, December 6 to 8, 1971
48	Third Session	Geneva, October 4 to 9, 1972
49	Fourth Session	Tokyo, September 22 to 27, 1973
50	Fifth Session	Geneva, November 12 to 19, 1974
51	Sixth Session	Geneva, October 29 to November 3, 1975
52	Seventh Session	Geneva, November 1 to 8, 1976
53	Eighth and last Session	Geneva, October 10 to 18, 1977
	PCT Working Group on Forms (under the AAQ)	
54	First and only Session	Geneva, September 9 to 13, 1974
	PCT Working Group on Guidelines for Publication and for Drawings (under the AAQ)	
55	First and only Session	Geneva, February 21 to 25, 1977
	PCT Financing Working Group (under the AAQ)	
56	First Session	Washington, June 15 and 19, 1970
57	Second and last Session	Geneva, February 11 and 12, 1971
	PCT Working Group on Budgetary Questions	
58	First and only Session	Geneva, February 28 to March 4, 1977

PCT Interim Committee for Technical Assistance (TAS)

First Session, Geneva, February 9 to 11, 1971

Authority/Membership: The Interim Committee was set up by the September 1970 sessions of the Assembly, Conference of Representatives and Executive Committee of the Paris Union pursuant to the "Resolution Concerning Preparatory Measures for the Entry Into Force of the Patent Cooperation Treaty" adopted by the Washington Diplomatic Conference on June 17, 1970. According to the said Resolution, the Interim Committee should "prepare the establishment of the Committee for Technical Assistance referred to in Article 51 of the Treaty." The said sessions of the Assembly, Conference of Representatives and Executive Committee of the Paris Union decided that all States which had signed or would sign the PCT would be members of the Interim Committee. At the time of its first session, the Interim Committee had 35 member States.

Participants: The meeting of the Interim Committee was attended by 27 member States (with 54 delegates), seven intergovernmental organizations (with nine representatives) and 11 non-governmental organizations (with 23 representatives), as follows:

Member States: **Algeria:** Salah Bouzidi, Head, Industrial Property Division, National Industrial Property Office; Ahmed Boussaïd; Khelifa Lokmane; **Argentina:** Luis M. Laurelli, Secretary, Permanent Mission in Geneva; **Austria:** Thomas Lorenz, Presiding Counsellor, Ministry of Commerce and Industry; Günter Gall; P. Klein; **Brazil:** Paulo Cabral de Mello, Deputy Permanent Representative, Permanent Mission in Geneva; Thomaz Thedim Lobo; Mauro Couto; **Canada:** Gordon A. Asher, Director, Planning and Special Duties Division, Patent and Copyright Office; **Denmark:** Erik Tuxen, Director, Danish Patent Office; Dagmar Simonsen (Mrs.); Eigil Mølgaard; **Finland:** Paavo Salmi, Chief of Section, Central Board of Patents and Registration; Bengt Norring; **France:** Roger Labry, Counsellor, Department of Economic and Financial Affairs, Ministry of Foreign Affairs; Philippe Guérin; **Germany (Federal Republic of):** Romuald Singer, Abteilungspräsident, German Patent Office; Karl-Heinz Hofmann; Dietrich Bernecker; **Hungary:** Emil Tasnádi, President, National Office of Inventions; Jenő Bobrovszky; **Ireland:** Michael J. Quinn, Controller of Patents, Designs and Trade Marks, Patent Office; **Israel:** Mayer Gabay, Commissioner of Patents, Designs and Trade Marks, Ministry of Justice; **Italy:** Giuseppe Trotta, Judge, Ministry of Foreign Affairs; Alfonso Annunziata; **Japan:** Ichio Shamoto, Chief Examiner, Fourth Examination Division, Japanese Patent Office; Makoto Kuroda; **Monaco:** Jean-Marie Notari, Director, Industrial Property Service; **Netherlands:** Jacob Dekker, Vice-President, Netherlands Patent Office; Martin van Dam; **Norway:** Leif Nordstrand, Director, Norwegian Patent Office; Terje Alfsen; **Romania:** Ioan Camenita, Legal Counsel, State Office for Inventions and Marks; F. Dinu (Mrs.); **Soviet Union:** Yury Maksarev, Chairman, Committee for Inventions and Discoveries; Valery Kalinin; **Sweden:** Göran Borggård, Director General, Royal Patent and Registration Office; Saul Lewin; Bo Hansson; **Switzerland:** Walter Stamm, Director, Swiss Federal Intellectual Property Office; François Curchod; **Syrian Arab Republic:** Mikhail Wehbeh, Attaché, Permanent Mission in Geneva; **Togo:** Michel Eklo, First Counsellor, Embassy in Paris; **United Arab Republic:** Ahmed Elshalakany, Director, International Agreements, Ministry of Industry; Youssri Rizk; **United Kingdom:** Derek G. Gay, Superintending Examiner, Patent Office; Ivor J.G. Davis; **United States of America:** Rene D. Tegtmeier, Acting Assistant Commissioner for Appeals, Legislation and Trademarks, United States Patent Office; Harvey J. Winter; Richard A. Spencer; H. Dieter Hoinkes; **Yugoslavia:** Stojan Pretnar, Director, Federal Patent Office.

Intergovernmental organizations: **African and Malagasy Industrial Property Office (OAMPD):** Jean-François Anguilé-Ousmane, Deputy Director General, Yaoundé; **Industrial Development Center for Arab States (IDCAS):** Ali Abdel Hak, Head, Industrial Property Section, Department of Productivity Studies, Cairo; **International Patent Institute (IPI):** Pieter van Waasbergen, Technical Director, The Hague; Lawrence F.W. Knight; **United Nations (UN):** Henri Cornil, Trade and Technology Division, Economic Commission for Europe, Geneva; **United Nations Conference on Trade and Development (UNCTAD):** Rangaswami Krishnamurti, Acting Director, Manufactures Division, Geneva; Robert E. Smith; **United Nations Development Programme (UNDP):** Mohammad Mir Khan, Consultant to the Administrator, Geneva; **United Nations Industrial Development Organization (UNIDO):** Louay Katkhouda, Acting Chief, Industrial Institutions Section, Vienna.

Non-governmental organizations: **Asian Patent Attorneys Association (APAA):** Akihide Sugimura, Patent Attorney, Tokyo; Fumiaki Ohtsuka; Kim Chun Bong; Shosuke Imai; **Committee of National Institutes of Patent Agents (CNIPA):** Cornelis H.J. van Soest, Netherlands Patent Office, The Hague; **Council of European Industrial Federations (CEIF):** Marcel Meunier, Head, Patent Department, Ateliers de Constructions Electriques (ACEC), Charleroi (Belgium); Jakob Willems; **European Industrial Research Management Association (EIRMA):** Roberto Messerotti-Benvenuti, Montecatini-Edison, Milan (Italy); André van der Auweraer; **International Association for the Protection of Industrial Property (AIPPI):** Cornelis M.R. Davidson, Patent Agent, The Hague; **International Chamber of Commerce (ICC):** Daniel A. Was, Industrial Property Advisor, Royal Dutch/Shell Group, The Hague; David O. Lewis; Henri Vanderborcht; **International Federation of Inventors' Associations (IFIA):** Harald Romanus, Inventor, Stockholm; Alfred L. Cotterell; **International Federation of Patent Agents (FICPI):** Heinz Bardehle, Patent Agent, Munich; Jacques Corré; Paul O. Langballe; **Pacific Industrial Property Association (PIPA):** Edgar W. Adams, Bell Telephone Laboratories, Holmdel (United States of America); Alvah L. Snow; **Union of European Patent Agents (UNEPA):** Gordon H. Edmunds, Chartered Patent Agent, Standard Telephones and Cables Ltd., Footscray (United Kingdom); **Union of Industries of the European Community (UNICE):** I. Pieter L. Hazelzet, Patent Counsel, Philips, Eindhoven (Netherlands); Clément Payraudeau.

Officers: Chairman: Paulo Cabral de Mello (Brazil); Vice Chairmen: Walter Stamm (Switzerland) and Emil Tasnádi (Hungary); Secretary: Arpad Bogsch (WIPO).

WIPO Secretariat: Georg H.C. Bodenhausen, Director General; Arpad Bogsch, First Deputy Director General; Klaus Pfanner, Senior Counsellor, Head, Industrial Property Division; Ivan Morozov, Counsellor, Industrial Property Division; Paul Claus, Technical Counsellor, Industrial Property Division.

WIPO Document Series: PCT/TAS/I

Summary of Conclusions/Recommendations: Pursuant to the decisions adopted by the Assembly, the Conference of Representatives and the Executive Committee of the Paris Union in September 1970, the Interim Committee suggested to the September 1971 ordinary session of the Executive Committee of the Paris Union rules of procedures and a draft program of its activities for the year 1972 and beyond. The Interim Committee also discussed its mandate and tasks, particularly in relation to: (i) pilot technical assistance programs requested by individual governments or by groups of governments within the context of the PCT; and (ii) fields of possible technical assistance to developing countries in relation to the PCT. The Interim Committee suggested that its rules of procedures be those applicable to "ad hoc committees of experts" provided for in the General Rules of Procedure of WIPO, subject to the understanding that the members would be States and would be represented by government-appointed delegations. Concerning its mandate and program, the Interim Committee agreed that its main tasks should be to assist and advise the International Bureau in relation to technical assistance to developing countries aiming at: (i) making the developing country's patent system more effective through the necessary legislative and administrative measures; (ii) adapting the developing country's patent legislation to the PCT; and (iii) establishing and administering new patent documentation collections and centers in developing countries. The Interim Committee agreed that the International Bureau should give priority to two technical assistance projects requested by the Government of Brazil and the Industrial Development Center for Arab States (IDCAS), respectively. The Interim Committee also agreed that the International Bureau should carry out a feasibility study on a possible periodical to be issued by WIPO on licensing opportunities.

Second Session, Geneva, October 5 to 9, 1972

Authority/Membership: Pursuant to a decision of the 1972 ordinary session of the Executive Committee of the Paris Union, the members of the Interim Committee were, in addition to States which had signed or acceded to the PCT, all those States which had pledged a special financial contribution to the PCT budget. At the time of the second session of the Interim Committee, one State, Australia, had qualified under the latter criterion.

Participants: The meeting of the Interim Committee was attended by 28 member States (with 55 representatives), three intergovernmental organizations (with four representatives) and six non-governmental organizations (with 12 representatives), as follows:

Member States: **Algeria:** Salah Bouzidi, Head, National Industrial Property Office; Ahmed Boussaïd; Ghaoutia Sellali (Mrs.); **Argentina:** Ricardo A. Ramayon, First Secretary, Permanent Mission in Geneva; **Australia:** Karl B. Petersson, Commissioner of Patents, Patents, Trade Marks and Designs Office; **Austria:** Günter Gall, Oberkommissär, Industrial Property Section, Ministry of Commerce, Trade and Industry; **Belgium:** Jan Verlinden, Administrator, Industrial and Commercial Property Service, Ministry of Economic Affairs; **Brazil:** G. Roberto Coaracy, Assistant to the President, National Institute of Industrial Property; Renato I. Cantiello; Flavio M. Perri; **Canada:** Finlay W. Simons, Senior Representative of the Commissioner of Patents, Patent and Copyright Office; Jacques Corbeil; **Denmark:** Erik Tuxen, Director, Danish Patent Office; Dagmar Simonsen (Mrs.); Eigil Mølgaard; **Egypt:** Aboul M. El-Dek, The General Organization for Industrialization; Sayed A. Abou-Ali; **Finland:** Paavo Salmi, Head of Section, Central Board of Patents and Registration; **France:** Roger Labry, Counsellor, Department of Economic and Financial Affairs, Ministry of Foreign Affairs; Philippe Guérin; **Germany (Federal Republic of):** Heribert Mast, Ministerialrat, Ministry of Justice; Karl-Heinz Hofmann; Anna R. von Schleussner (Ms.); Ulrich C. Hallmann; Werner Massalski; **Hungary:** Emil Tasnádi, President, National Office of Inventions; Jenő Bobrovsky; **Iran:** Ghassem Raissian, Under-Secretary of State, Ministry of Justice; Mehdi Naraghi; **Ireland:** Michael J. Quinn, Controller of Patents, Patents Office; **Israel:** Mayer Gabay, Commissioner of Patents, Designs and Trade Marks, Ministry of Justice; **Italy:** Roberto

Messerotti-Benvenuti, Patent Counsel, Montecatini-Edison; **Japan:** Kotaro Otani, Director General, Second Examination Department, Japanese Patent Office; **Monaco:** Jean-Marie Notari, Director, Industrial Property Service; **Netherlands:** Jacob Dekker, Vice-President, Netherlands Patent Office; Martin van Dam; **Norway:** Leif Nordstrand, Director General, Norwegian Patent Office; Arne G. Modal; Terje Alfsen; **Romania:** Ioan Camenita, Legal Counsel, State Office for Inventions and Marks; **Senegal:** Babacar Niang, Technical Advisor, Ministry of Industrial Development; **Soviet Union:** Yevgeny Artemiev, First Deputy Chairman, State Committee for Inventions and Discoveries; Lev E. Komarov; Vladimir N. Evgeniev; **Sweden:** Sture Persson, Head of Division, Royal Patent and Registration Office; Måns Jacobsson; Bo Hansson; **Switzerland:** Jean-Louis Comte, President, Preliminary Examination Appeals Section, Swiss Federal Intellectual Property Office; Max Leuthold; François Curchod; **United Kingdom:** Derek G. Gay, Superintending Examiner, Patent Office; Anthony F.C. Miller; **United States of America:** Richard A. Wahl, Assistant Commissioner of Patents, United States Patent Office; Michael K. Kirk; H. Dieter Hoinkes.

Intergovernmental organizations: **Intergovernmental Conference for the Setting Up of a European System for the Grant of Patents:** Dennis Thompson, Legal Advisor, European Free Trade Association (EFTA), Geneva; **International Patent Institute (IIB):** Lawrence F.W. Knight, Computerization Advisor, The Hague; André Vandecasteele; **United Nations Conference on Trade and Development (UNCTAD):** Thomas Ganiatsos, Associate Economic Affairs Officer, Transfer of Technology Branch, Division for Invisibles, Geneva.

Non-governmental organizations: **Council of European Industrial Federations (CEIF):** Christian Sordet, Attorney-at-Law, Vevey (Switzerland); Jakob Willems; **European Federation of Agents of Industry in Industrial Property (FEMIP):** Marcel Meunier, Head, Patent Department, Ateliers de Constructions Electriques (ACEC), Charleroi (Belgium); **International Association for the Protection of Industrial Property (AIPPI):** Heinz Meyer, Deputy Director and Head, Patent Department, Hoffmann-La Roche, Basel (Switzerland); **International Chamber of Commerce (ICC):** Daniel A. Was, Industrial Property Advisor, Royal Dutch/Shell Group, The Hague; David O. Lewis; Henri Vanderborcht; **International Federation of Inventors' Associations (IFIA):** Harald Romanus, Inventor, Stockholm; Karl E. Sundström; **International Federation of Patent Agents (FICPI):** Georges Deriaz, Patent Counsel, Geneva; Karshub Halvorsen; Paul O. Langballe.

Officers: Chairman: Salah Bouzidi (Algeria); Vice-Chairmen: Karl B. Petersson (Australia) and Ioan Camenita (Romania); Secretary: Klaus Pfanner (WIPO).

WIPO Secretariat: Georg H.C. Bodenhausen, Director General; Arpad Bogsch, First Deputy Director General; Klaus Pfanner, Senior Counsellor, Head, Industrial Property Division; Paul Claus, Technical Counsellor, Head, ICIREPAT Section; Yury Gromov, PCT Section, Industrial Property Division.

WIPO Document Series: PCT/TAS/II

Summary of Conclusions/Recommendations: The Interim Committee reviewed the activities carried out by the International Bureau since the last session of the Interim Committee in the field of technical assistance to developing countries. Concerning its future program, the Interim Committee confirmed that priority should continue to be given to: (i) the project for the modernization of the patent documentation services of the National Institute of Industrial Property of Brazil (INPI) (with funds from the United Nations Development Programme (UNDP): this was to be the first time in which UNDP funds were utilized in the field of patents); (ii) the program for the creation of a patent documentation center for Arab States within the Industrial Development Center for Arab States (IDCAS); (iii) the feasibility study concerning a possible periodical on licensing opportunities; (iv) the examination of the possibility of utilizing the services of the International Patent Documentation Center (INPADOC) for assisting developing countries in the field of patent documentation; and (v) the elaboration of Draft Regulations under Chapter IV of the PCT. The said Draft Regulations should contain implementing rules with respect to the patent information services provided for in Article 50 of the PCT and the technical assistance provided for in Article 51 of the PCT.

Third Session, Tokyo, October 24 to 27, 1973

Participants: The meeting of the Interim Committee was attended by 18 member States (with 36 representatives), one intergovernmental organization (with one representative), six non-governmental organizations (with 22 representatives) and two observer organizations (with two representatives), as follows:

Member States: **Austria:** Günter Gall, Oberkommissär, Industrial Property Section, Ministry of Commerce, Trade and Industry; **Brazil:** G. Roberto Coaracy, Head, Patent Information Center, National Institute of Industrial Property; Arthur C. Bandeira; **Canada:** Archibald M. Laidlaw, Assistant Deputy Minister, Bureau of Intellectual Property; Jacques Corbeil; **Finland:** Erkki Wuori, Deputy Director, Central Board of Patents and Registration; **France:** Philippe Guérin, Advisor to the Director, National Institute of Industrial Property; **Germany (Federal Republic of):** Heribert Mast, Ministerialrat, Federal Ministry of Justice; Karl-Heinz Hofmann; **Hungary:** Emil Tasnádi, President, National Office of Inventions; Gábor Bánrévy; **Iran:** Ghassem Raissian, Under-Secretary of State, Ministry of Justice; Hamid Jamshidi; **Japan:** Hideo Siato, Director General, Japanese Patent Office; Kotaro Otani; Hideo Saegusa; Ichio Shamoto; Yoshiro Hashimoto; Kazuaki Takami; Katsuhiko Ichioka; **Netherlands:** Jacob Dekker, Vice-President, Netherlands Patent Office; **Norway:** Ingebrigt Aune, Head, Examining Department, Norwegian Patent Office; **Philippines:** Manuel R. de Joya, Attaché, Permanent Mission in Tokyo; **Romania:** Lucian Marinete, Director, State Office for Inventions and Marks; Ioan Camenita; **Soviet Union:** Lev Inozemtsev, Expert, State Committee for Inventions and Discoveries; Lev E. Komarov; Alexander S. Ignatiev; **Sweden:** Saul Lewin, Head of Division, Royal Patent and Registration Office; Lennarth Törnroth; **Switzerland:** Jean-Louis Comte, Deputy Director, Swiss Federal Intellectual Property Office; **United Kingdom:** Anthony F.C. Miller, Principal Examiner, Patent Office; **United States of America:** William I. Merkin, Assistant Commissioner, United States Patent Office; H. Dieter Hoinkes; Frank J. Cohen; George R. Clark.

Intergovernmental organization: International Patent Institute (IIB): André Vandecasteele, Advisor to the Technical Department, The Hague.

Non-governmental organizations: Asian Patent Attorneys Association (APAA): Kyozo Yuasa, Patent Counsel, Tokyo; Masao Okabe; Kiyoshi Asamura; Kiyoshi Inomata; **International Association for the Protection of Industrial Property (AIPPI):** George R. Clark, General Patent Counsel, Sunbeam Corporation, Chicago (United States of America); Shoji Matsui; Masahiko Takeda; Akira Aoki; Akihide Sugimura; Koe Toyosaki; Akira Kukimoto; Nagasaki Oshima; N. Matsubara; **International Chamber of Commerce (ICC):** Tatsuo Fujii, Patent Agent, Tokyo; Fuminori Yoshida; Susumn Ichikawa; **International Federation of Patent Agents (FICPI):** André Braun, Patent Attorney, Basel (Switzerland); **Pacific Industrial Property Association (PIPA):** Masaaki Suzuki, Manager, Patent Department, Tokyo Central Research and Development Laboratory Inc., Tokyo; Hisashi Sugino; Hiroshi Ono; **Union of European Patent Agents (UNEPA):** Werner Cohausz, Patent Agent, Düsseldorf (Germany (Federal Republic of)); Klaus Hoffmann.

Observer organizations: International Patent Documentation Center (INPADOC): Gustav A. Rubitschka, Head, Commercial Department, Vienna; **The Institution of Electrical Engineers (INSPEC):** Ralph B. Cox, Manager, Product Development, London.

Officers: Chairman: Hamid Jamshidi (Iran); Vice-Chairmen: G. Roberto Coaracy (Brazil) and Lucian Marinete (Romania); Secretary: Klaus Pfanner (WIPO).

WIPO Secretariat: Arpad Bogsch, First Deputy Director General; Klaus Pfanner, Senior Counsellor, Head, Industrial Property Division; Yury Gromov, Counsellor, Head, PCT Section, Industrial Property Division; James Kohnen, Legal Assistant, PCT Section, Industrial Property Division; Takatoshi Takeda, Consultant, PCT Section, Industrial Property Division.

WIPO Document Series: PCT/TAS/III

Summary of Conclusions/Recommendations: The Interim Committee reviewed the progress made by the International Bureau in the implementation of the work program of the Interim Committee for the year 1973 and agreed that such work program should continue to be developed in 1974 according to the same priorities. As regards, however, the preparation of Draft Regulations under Chapter IV of the PCT, the Interim Committee agreed that a further study on any such rules should be deferred until a clearer delimitation could be drawn between the PCT technical assistance program and other WIPO technical assistance programs. In this respect, the Interim Committee also agreed that in the future the PCT technical assistance program should be more specifically directed to PCT-related activities, whereas other technical assistance projects should be dealt with in the framework of the program then referred to as the "WIPO/ATRIP Program." Similarly, the Interim Committee decided that the work until then undertaken within the framework of the Interim Committee, in respect of a possible periodical on licensing opportunities, should be continued within the framework of the WIPO/ATRIP Program.

Fourth Session, Geneva, November 13 to 19, 1974

Participants: The meeting of the Interim Committee was attended by 21 member States (with 40 delegates), two intergovernmental organizations (with three representatives), seven non-governmental organizations (with 13 representatives) and two observer organizations (with three representatives), as follows:

Member States: **Austria:** Günter Gall, Oberkommissär, Section for Industrial Property, Federal Ministry for Trade Commerce and Industry; G. Mautner-Markhof; **Belgium:** Jan Verlinden, Administrator, Industrial Property and Commercial Department, Ministry of Economic Affairs; **Brazil:** Gilberto F. Martins, Secretary, Permanent Mission in Geneva; **Canada:** Robert B. McKenzie, Section Head, Electrical and Physical Sciences Division, Patent Office, Department of Consumer and Corporate Affairs; **Denmark:** Dagmar Simonsen (Mrs.), Head of Department, Danish Patent Office; Lise Osterborg (Mrs.); **Egypt:** Sayed A. Abou-Ali, First Secretary, Permanent Mission in Geneva; **Finland:** Erkki Wuori, Deputy Director General, National Board of Patents and Registration; Paavo Salmi; **France:** Roger Labry, Counsellor, Department of Economic and Financial Affairs, Ministry of Foreign Affairs; Philippe Guérin; **Germany (Federal Republic of):** Karl-Heinz Hofmann, Abteilungspräsident, German Patent Office (Berlin Branch); Ulrich C. Hallmann; Werner Massalski; **Hungary:** Emil Tasnádi, President, National Office of Inventions; György Szemző; **Iran:** Hamid Jamshidi, Director General, Department for Registration of Companies and Industrial Property, Ministry of Justice; **Japan:** Takatoshi Takeda, Examiner, Applied Physics Division, Second Examination Department, Japanese Patent Office; Toyomaro Yoshida; **Luxembourg:** Fernand Schlessler, Industrial Property Service, Ministry of National Economy; **Netherlands:** Jacob Dekker, Vice-President, Netherlands Patent Office; **Norway:** Ole Os, Overingeniør, Norwegian Patent Office; **Soviet Union:** Lev E. Komarov, Deputy Chairman, State Committee for Inventions and Discoveries; Alexandre S. Ignatiev; E.V. Makhluева (Mrs.); **Sweden:** Lennarth Törnroth, Principal Examiner, Royal Patent and Registration Office; Eva Henriksson (Mrs.); **Switzerland:** Roger Kämpf, Head, Patent and Designs Law Section, Swiss Federal Intellectual Property Office; Edouard Caussignac; Max Leuthold; Jean Mirimanoff-Chilikine; **Syrian Arab Republic:** A. Jouman-Agha, Minister Counsellor, Permanent Mission in Geneva; **United Kingdom:** Derek G. Gay, Superintending Examiner, Patent Office; Anthony F.C. Miller; Arthur R. Summers; **United States of America:** Robert F. Burnett, Special Assistant to the Assistant Commissioner for Patents, United States Patent Office; H. Dieter Hoinkes; Louis O. Maassel.

Intergovernmental organizations: **International Patent Institute (IIB):** J.A.H. van Voorthuizen, Deputy Technical Director, Rijswijk (Netherlands); André Vandecasteele; **United Nations Conference on Trade and Development (UNCTAD):** Pedro Roffe, Economic Affairs Officer, Transfer of Technology Branch, Geneva.

Non-governmental organizations: **Council of European Industrial Federations (CEIF):** Daniel Lachat, Patent Counsel, Paris; Reinhard Kockläuner; **European Federation of Agents of Industry in Industrial Property (FEMIPD):** Felix A. Jenny, Patent Counsel, Ciba-Geigy A.G., Basel (Switzerland); Reinhard Kockläuner; **International Association for the Protection of Industrial Property (AIPPI):** Maurice Mathez, Director, Hoffmann-La Roche, Basel (Switzerland); **International Federation of Inventors' Associations (IFIA):** Friedrich Burmester, Inventor, Reutlingen (Germany (Federal Republic of)); Harald Romanus; Sven-Erik Angert; **International Federation of Patent Agents (FICPD):** Paul O. Langballe, Patent Counsel, Copenhagen; **Union of European Professional Patent Representatives:** Arnold R. Egli, Patent Counsel, Zürich (Switzerland); Werner F. Schaad; **Union of Industries of the European Community (UNICE):** Marcel Meunier, Head, Patent Department, Ateliers de Constructions Electriques (ACEC), Charlcroi (Belgium); Reinhard Kockläuner.

Observer organizations: **International Patent Documentation Center (INPADOC):** Gustav A. Rubitschka, Head, Commercial Department, Vienna; Gerhard Quarda; **The Institution of Electrical Engineers (INSPEC):** Ralph B. Cox, Manager, Product Development, Hitchin (United Kingdom).

Officers: Chairman: Hamid Jamshidi (Iran); Vice-Chairmen: Emil Tasnádi (Hungary) and Lennarth Törnroth (Sweden); Secretary: Normando Scherrer (WIPO).

WIPO Secretariat: Arpad Bogsch, Director General; Klaus Pfanner, Deputy Director General; Paul Claus, Technical Counsellor, Head of Section, Industrial Property Division; Jordan Franklin, Technical Counsellor, Head, PCT Section, Industrial Property Division; Normando Scherrer, Counsellor, PCT Section, Industrial Property Division; Yury Gyrdymov, Technical Officer, PCT Section, Industrial Property Division; Fumio Iizuka, Consultant, PCT Section, Industrial Property Division; James Kohnen, Legal Officer, PCT Section, Industrial Property Division.

WIPO Document Series: PCT/TAS/IV

Summary of Conclusions/Recommendations: The Interim Committee reviewed the progress made in the implementation of the project for the modernization of the Brazilian patent system which was by then entering its second year of implementation. Regarding a request for assistance submitted to the International Bureau by the African and Malagasy Industrial Property Office (OAMPI), the Interim Committee decided that the International Bureau should study the question of the possible establishment of a regional documentation center within the framework of OAMPI, as well as the implications of preparing OAMPI for a possible function as an International Searching Authority under the PCT. The Committee also requested the International Bureau to undertake a survey among the countries publishing patent documents in order to establish the availability of such documents for use in the framework of technical assistance projects for developing countries. The International Bureau was also requested to examine, in close cooperation with the competent Austrian authorities, the possibility of utilizing the services of the International Patent Documentation Center (INPADOC) for the benefit of developing countries.

Fifth Session, Geneva, October 28 to November 3, 1975

Authority/Membership: At the time of the fifth session a second State, Cuba, had qualified to become a member of the Committee through the pledging of a special contribution to the PCT budget.

Participants: The meeting of the Interim Committee was attended by 22 member States (with 36 representatives), two intergovernmental organizations (with three representatives), seven non-governmental organizations (with 10 representatives) and two observer organizations (with three representatives), as follows:

Member States: **Algeria:** Ghaoutia Sellali (Mrs.), Counsellor, Permanent Mission in Geneva; **Austria:** Günter Gall, Head of Division, Industrial Property Section, Federal Ministry for Trade, Commerce and Industry; **Brazil:** Alvaro G. de Alencar, Counsellor, Permanent Mission in Geneva; **Denmark:** Johs J.P. Irgens, Head of Section, Ministry of Commerce; Oluf P. Callesen; **Egypt:** Sayed A. Abou-Ali, First Secretary, Permanent Mission in Geneva; **Finland:** Paavo Salmi, Head of Section, Central Board of Patents and Registration; Esko Friman; **France:** Philippe Guérin, Advisor to the Director, National Institute of Industrial Property; **Germany (Federal Republic of):** Ulrich C. Hallmann, Regierungsdirektor, German Patent Office; Werner Massalski; **Hungary:** Eva Parragh (Mrs.), Deputy Head of Section, National Office of Inventions; **Ireland:** Patrick Slavin, Principal Examiner, Patents Office; **Ivory Coast:** Lilian M.L. Boa (Mrs.), Second Secretary, Permanent Mission in Geneva; **Japan:** Takefumi Shiroshita, Director General, Department of Appeals, Japanese Patent Office; Toyomaro Yoshida; **Luxembourg:** Fernand Schlessler, Deputy Head, Industrial Property Service, Ministry of National Economy; **Netherlands:** Jacob Dekker, Vice-President, Netherlands Patent Office; **Norway:** Ole Os, Overingenior, Norwegian Patent Office; **Philippines:** Esteban Bautista, Assistant Head, Division of Research and Law Reform, University of Philippines Law Center; **Romania:** Valeriu Tudor, Counsellor, Permanent Mission in Geneva; **Soviet Union:** Lev E. Komarov, Deputy Chairman, State Committee for Inventions and Discoveries; Yevgeny Buryak; **Sweden:** Saul Lewin, Deputy Director General, Royal Patent and Registration Office; Birgitta Sandberg (Mrs.); Lennarth Törnroth; **Switzerland:** Jean-Louis Comte, Deputy Director, Swiss Federal Intellectual Property Office; Roger Kämpf; Max Leuthold; Jean Mirimanoff-Chilikine; **United Kingdom:** Derek G. Gay, Superintending Examiner, Patent Office; Anthony F.C. Miller; Robert W. Heinink; **United States of America:** Alfred C. Marmor, Administrator for Documentation, United States Patent and Trademark Office; Louis O. Maassel; Mary E. Turowski (Ms.).

Intergovernmental organizations: **International Patent Institute (IIB):** J.A.H. van Voorthuizen, Deputy Technical Director, Rijswijk (Netherlands); André Vandecasteele; **Organization of American States (OAS):** Gérard J. Schamis, Director, Representative in Europe, Geneva.

Non-governmental organizations: **Council of European Industrial Federations (CEIF):** Reinhard Kockläuner, Patent Counsel, Hoechst A.G. Werk Albert, Wiesbaden-Biebrich (Germany (Federal Republic of)); **European Federation of Agents of Industry in Industrial Property (FEMIP):** Felix A. Jenny, Patent Counsel, Ciba-Geigy A.G., Basel (Switzerland); Blasco Dousse; **International Association for the Protection of Industrial Property (AIPPI):** Maurice Mathez, Director, Hoffmann-La Roche, Basel (Switzerland); **International Federation of Inventors' Associations (IFIA):** Sven-Erik Angert, Patent Agent, Stockholm; Paul Feldmann; **International Federation of Patent Agents (FICPA):** Hans Brühwiler, Patent Agent, Zürich (Switzerland); Gaylord E. Kirker; **Union of European Professional Patent Representatives (UNION):** Gaylord E. Kirker, Patent Counsel, Geneva; **Union of Industries of the European Community (UNICE):** Marcel Meunier, Head, Patent Department, Ateliers de Constructions Electriques (ACEC), Charleroi (Belgium).

Observer organizations: **International Patent Documentation Center (INPADOC):** Gerhard Quarda, Deputy Technical Director, Vienna; **The Institution of Electrical Engineers (INSPEC):** Derek Barlow, Director, London; Ralph B. Cox.

Officers: Chairman: Alvaro G. de Alencar (Brazil); Vice-Chairmen: Sayed A. Abou-Ali (Egypt) and Ulrich C. Hallmann (Germany (Federal Republic of)); Secretary: Normando Scherrer (WIPO).

WIPO Secretariat: Klaus Pfanner, Deputy Director General; Paul Claus, Technical Counsellor, Head of Section, Industrial Property Division; Jordan Franklin, Counsellor, Head, PCT Section, Industrial Property Division; Normando Scherrer, Counsellor, PCT Section, Industrial Property Division; Yury Gyrdymov, Technical Officer, PCT Section, Industrial Property Division; Busso Bartels, Consultant, PCT Section, Industrial Property Division; Toyanara Ogiue, Consultant, PCT Section, Industrial Property Division; James Sheehan, Consultant, PCT Section, Industrial Property Division.

WIPO Document Series: PCT/TAS/V

Summary of Conclusions/Recommendations: The Interim Committee reviewed the progress made in respect of the project for the modernization of the Brazilian patent system, the possible establishment of a patent documentation center within the African and Malagasy Industrial Property Office (OAMPI) and the new requests for assistance submitted to the International Bureau during the reporting period. In particular, the Interim Committee was informed of the recent initiatives taken by the English-speaking countries of Africa to consider possible cooperation in the field of industrial property at the subregional level. In connection with a proposal by the Government of Austria, the Interim Committee urged the International Bureau to organize, with the assistance of the Austrian authorities, a training program for developing country officials in the field of patent information and documentation. The said program would also receive appropriate contributions from the International Patent Documentation Center (INPADOC). The Interim Committee also requested the International Bureau to continue the study on the possible utilization of INPADOC services for developing countries and the efforts to identify collections of patent documents which could be made available to developing countries. Finally, the Committee requested the International Bureau to establish a list of technical periodicals (non-patent literature) that could be obtained free, or on very favorable conditions, by developing countries, so as to enable them to start a technical library in fields of interest to them.

Sixth Session, Geneva, November 2 to 8, 1976

Authority/Membership: At the time of the sixth session of the Interim Committee, a third State, Spain, had qualified to become a member through the pledging of a special contribution to the PCT budget.

Participants: The meeting of the Interim Committee was attended by 26 member States (with 41 representatives), three intergovernmental organizations (with seven representatives), seven non-governmental organizations (with 10 representatives) and one special observer organization (with two representatives), as follows:

Member States: **Algeria:** Salah Lebdioui, Attaché, Ministry of Foreign Affairs; Ahmed-Reza Bendisari; **Argentina:** Carlos Passalacqua, Secretary, Permanent Mission in Geneva; **Austria:** Günter Gall, Head of Section, Industrial Property Section, Ministry for Commerce, Trade and Industry; **Brazil:** Adhemar G. Bahadian, First Secretary, Permanent Mission in Geneva; **Cameroon:** Louis Wansek, Permanent Mission for Economic Affairs in Bonn; **Canada:** Robert B. McKenzie, Chief, Electrical and Physical Sciences Section, Bureau of Intellectual Property, Department of Consumer and Corporate Affairs; **Cuba:** Juan Otero Solanès, Deputy Director General, National Office for Inventions, Technical Information and Marks; **Denmark:** Oluf P. Callesen, Deputy Head of Section, Danish Patent Office; Lise Østerborg (Mrs.); **Egypt:** Fawzi El Ibrashi, Plenipotentiary Minister, Permanent Mission in Geneva; **Finland:** Paavo Salmi, Head of Department, Central Board of Patents and Registration; Sirkka-Liisa Lahtinen (Ms.); **France:** Philippe Guérin, Advisor to the Director, National Institute of Industrial Property; **Germany (Federal Republic of):** Ulrich C. Hallmann, Regierungsdirektor, German Patent Office; Norbert Haugg; **Hungary:** Eva Parragh (Mrs.), Deputy Head of Section, National Office of Inventions; **Iran:** Latif Ansari-Mahabadian, Head, Industrial Property Office; **Ivory Coast:** Largeton Ouattara, Permanent Mission in

Geneva; **Japan:** Kazuo Hoshikawa, Counsellor for PCT/TRT Affairs, Japanese Patent Office; Toyomaro Yoshida; **Luxembourg:** Fernand Schlessler, Deputy Head, Industrial Property Service, Ministry of National Economy; **Netherlands:** Jacob Dekker, Vice-President, Netherlands Patent Office; **Norway:** Ole Os, Overingeniør, Norwegian Patent Office; **Romania:** Constantin Ivascu, Permanent Mission in Geneva; **Soviet Union:** Victor Bakastov, Member of the Board, State Committee for Inventions and Discoveries; Yevgeny Buryak; **Spain:** Julio Delicado Montero-Ríos, Head, Inventions and Designs Division, Industrial Property Registry; **Sweden:** Saul Lewin, Deputy Director General, Royal Patent and Registration Office; Jan-Eric Bodin; Birgitta Sandberg (Mrs.); **Switzerland:** Jean-Louis Comte, Deputy Director, Swiss Federal Intellectual Property Office; Christian Blaser; René Egli; Roger Kämpf; Max Leuthold; **United Kingdom:** Michael F. Vivian, Senior Examiner, Patent Office; Derek G. Gay; Robert W. Heinink; **United States of America:** H. Dieter Hoinkes, Legislative and International Patent Specialist, United States Patent and Trademark Office; Louis O. Maassel.

Intergovernmental organizations: **European Patent Organisation (EPO):** Peter E. Catchlove, Member of the Planning Group of the Interim Committee of the European Patent Organisation, Munich; Jean-Max Creskens; Keith Mellor; **International Patent Institute (IPI):** J.A.H. van Voorthuizen, Deputy Technical Director, Rijswijk (Netherlands); Ulrich J. Schatz; André Vandecasteele; **United Nations Development Programme (UNDP):** Raymonde Collomb (Ms.), External Relations Officer, Geneva.

Non-governmental organizations: **Council of European Industrial Federations (CEIF):** Martin van Dam, Patent Attorney, Eindhoven (Netherlands); **European Federation of Agents of Industry in Industrial Property (FEMIP):** Felix A. Jenny, Patent Counsel, Ciba-Geigy A.G., Basel (Switzerland); **International Association for the Protection of Industrial Property (AIPPI):** Maurice Mathez, Director, Hoffmann-La Roche, Basel (Switzerland); **International Federation of Inventors' Associations (IFIA):** Sven-Erik Angert, Patent Agent, Stockholm; Paul Feldmann; **International Federation of Patent Agents (FICPI):** Gaylord E. Kirker, Industrial Property Counsel, Geneva; Michel P. Micheli; **Union of European Professional Patent Representatives (UNION):** Gaylord E. Kirker, Industrial Property Counsel, Geneva; **Union of Industries of the European Community (UNICE):** Reinhard Kockläuner, Hoechst A.G. Werk Albert, Wiesbaden-Biebrich (Germany (Federal Republic of)); Renée Sadones Laurent (Mrs.).

Observer organization: **The Institution of Electrical Engineers (INSPEC):** Derek H. Barlow, Director, London; Ralph B. Cox.

Officers: Chairman: Fawzi El Ibrashi (Egypt); Vice-Chairmen: Adhemar G. Bahadian (Brazil) and Juan Otero Solanès (Cuba); Secretary: Normando Scherrer (WIPO).

WIPO Secretariat: Arpad Bogsch, Director General; Klaus Pfanner, Deputy Director General; Felix A. Sviridov, Deputy Director General; Paul Claus, Director, Patent Information Division; E. Murray Haddrick, Head, PCT Division; Jordan Franklin, Head, PCT Technical Section; Daniel Bouchez, Technical Counsellor, PCT Division; Normando Scherrer, Counsellor, PCT Division; Yury Gyrdymov, Technical Officer, PCT Division; Akira Okawa, Consultant, PCT Division; James Sheehan, Consultant, Industrial Property Division.

WIPO Document Series: PCT/TAS/VI

Summary of Conclusions/Recommendations: With respect to patent document collections available to developing countries, the Interim Committee noted a progress report stating that four million patent documents had been made available since the last session of the Interim Committee, and recommended that the International Bureau continue its efforts towards locating further collections of patent documents and channeling them to developing countries. Regarding technical assistance projects, the Interim Committee noted the activities carried out by the International Bureau in implementing the project for the modernization of the National Institute of Industrial Property of Brazil (INPI). The Interim Committee also expressed its full support for the project, envisaging the creation of a patent documentation center at the African Intellectual Property Organization (OAPI), and associated itself with the appeal to the United Nations Development Programme (UNDP) to give preferential consideration to the financing of this project. Concerning technical periodicals available free of charge or at little cost to developing countries, the Interim Committee noted the offers from commercial enterprises received so far and expressed itself in favor of a continuation of the efforts to expand the list of periodicals offered free of charge to developing countries. The Interim Committee was also informed of the services available from the International Patent Documentation Center (INPADOC), and urged developing countries to take advantage of the possibility offered of testing those services free of charge. Discussions also continued on the envisaged establishment, in cooperation with the Government of Austria, of a training program for nationals of developing countries in the field of patent information and documentation.

Seventh and last Session, Geneva, March 13 to 17, 1978 (in conjunction with the fifth session of the WIPO Permanent Committee on Development Cooperation Related to Industrial Property)

Participants: The meeting of the Interim Committee was attended by 37 member States (with 59 representatives), seven observer States (with 11 representatives), two intergovernmental organizations (with three representatives) and four non-governmental organizations (with six representatives), as follows:

Member States: **Algeria:** Hamid Redouane, Director General, Algerian Institute of Standardization and Industrial Property; Hacène Bouhalila; Kamal Sahnouni; **Austria:** Josef Fichte, Head, Documentation Centre, Austrian Patent Office; **Brazil:** Adhemar G. Bahadian, First Secretary, Permanent Mission in Geneva; **Canada:** Bruce Gillies, Third Secretary, Permanent Mission in Geneva; **Chile:** Pedro Oyarce, Third Secretary, Permanent Mission in Geneva; **Czechoslovakia:** Jaromir Kubicek, Legal Advisor for Industrial Licensing, Polytechnic of Prague; **Democratic People's Republic of Korea:** Gyong Won Jo, Attaché, Permanent Mission in Geneva; **Denmark:** Hans J. Riis-Vestergaard, Head of Division, Danish Patent Office; Steen Christensen; **Egypt:** Ahmed A. Omar, Director General, Egyptian Patent Office; Taher Dinana; **Finland:** Ingmar Ström, Attaché, Permanent Mission in Geneva; **France:** Martine M. Hiance (Ms.), Legal Advisor, National Institute of Industrial Property; **German Democratic Republic:** Christa Micheel (Ms.), Third Secretary, Permanent Mission in Geneva; **Germany (Federal Republic of):** Monika Auz Castro (Mrs.), Regierungsdirektorin, German Patent Office; **Hungary:** Zoltán Szilvássy, Vice-President, National Office of Inventions; Gyula Pusztai; **India:** Satyendra Singh, Counsellor, Permanent Mission in Geneva; **Iraq:** Ghazi I. Ayoub, Director General of Quality Control of Industry, Ministry of Industry; Yousif M. Al-Khanati; Ahmed Salih Ali; **Israel:** Mayer Gabay, Director General, Ministry of Justice; **Ivory Coast:** Gilbert Doh, First Counsellor, Permanent Mission in Geneva; Bogui T. Aka; Kakou Kassi; Adama Quattara; Largaton Quattara; **Japan:** Tetuo Yasuda, Examiner, Japanese Patent Office; Kiyoyasu Hatakawa; **Mexico:** Ofelia Reyes-Retana (Mrs.), Counsellor, Permanent Mission in Geneva; Maria F. Charrin (Mrs.); **Netherlands:** Willem Neervoort, Member of the Patent Board, Netherlands Patent Office; Frans P.R. van Nouhuys; **Norway:** Thor Hansen, Senior Examiner, Norwegian Patent Office; **Pakistan:** A.A. Hashmi, Second Secretary, Permanent Mission in Geneva; **Portugal:** José Mota Maia, Director, Patent Division, National Industrial Property Institute; **Senegal:** Yoro De, Head of Division, Directorate for Industry, Ministry of Industry; **Soviet Union:** Lev Inozemtsev, Member of the Board of the State Committee for Inventions and Discoveries; Vladislav Iljin; Anatoly Ruban; **Spain:** Antonio C. Ortega Lechuga, Head, Licensing Section, Industrial Property Registry; **Sudan:** Zaki Sirel Khatim, Director General, Directorate General of Companies, Ministry of Commerce and Supply; **Suriname:** Percy J. Boerleider, Acting Head, Industrial Property Office; **Sweden:** Lars O. Assarsson, Head of Division, Royal Patent and Registration Office; Sven Norberg; **Switzerland:** Roger Kämpf, Head of Section, Swiss Federal Intellectual Property Office; Jean-Marc Salamolard; **Tunisia:** Béchir Fathallah, Industrial Property Advisor, Ministry of Commerce; **Uganda:** Jeremiah H. Ntabgoba, Administrator General and Registrar General; **United Kingdom:** Anthony J. Needs, Principal Examiner, Patent Office; Alan Holt; **United States of America:** Harvey J. Winter, Director, Office of Business Practices, Department of State; Lee J. Schroeder; Joseph M. Lightman; **Upper Volta:** B. Innocent Bakyono, Director, Department of Industrial Development and Crafts, Ministry of Industry and Crafts; **Zambia:** George E. Harre, Registrar of Patents, Trade Marks and Designs; Anderson R. Zikonda.

Observer States: **Argentina:** Carlos Passalacqua, Secretary, Permanent Mission in Geneva; Juan F. Gomensoro; **Nicaragua:** Gaston Cajina, Permanent Representative in Geneva; **Philippines:** Julia Palarca, Deputy Permanent Representative, Permanent Mission in Geneva; **Republic of Korea:** Myong Koo Kang, International and Legal Affairs Officer, Korean Patent Office; Man Yong Lee; Chung Sup Shin; Yong Dai Won; **Rwanda:** Vincent Ruhamanya, Secretary General, Ministry of Finance and Economy; **Sri Lanka:** K. Breckenridge, Counsellor, Permanent Mission in Geneva; **Thailand:** Busba Bunnag (Mrs.), Third Secretary, Permanent Mission in Geneva.

Intergovernmental organizations: **European Patent Organisation (EPO):** Jenö Staehelin, Vice-President of the European Patent Office, Munich; Jean-François Mezières; **United Nations Conference on Trade and Development (UNCTAD):** Assad Omer, Associate Economic Affairs Officer, Transfer of Technology Division, Geneva.

Non-governmental organizations: **International Federation of Inventors' Associations (IFIA):** Harald Romanus, Inventor, Stockholm; John Zachariassen; Einar Nyren; **International Organization for Standardization (ISO):** Dominique Bardet (Ms.), Administrative Assistant, Geneva; **International Patent Documentation Center (INPADOC):** Gerhard Quarda, Deputy Technical Director, Vienna; **Union of Industries of the European Community (UNICE):** Cyril G. Wickham, Confederation of British Industry, London.

Officers: Chairman: Yousif M. Al-Khanati (Iraq); Vice-Chairmen: Josef Fichte (Austria) and Lev Inozemtsev (Soviet Union); Secretary: Ibrahima Thiam (WIPO).

WIPO Secretariat: Arpad Bogsch, Director General; Klaus Pfanner, Deputy Director General; Ketty-Lina Liguier-Laubhouet (Mrs.), Deputy Director General; Felix A. Sviridov, Deputy Director General; Gust Ledakis, Legal Counsel; Farag Moussa, Head, External Relations Division, Development Cooperation and External Relations Division; Ibrahima Thiam, Head, Development Cooperation Section, Development Cooperation and External Relations Division.

WIPO Document Series: PCT/TAS/VII

Summary of Conclusions/Recommendations: At its seventh and last session, the Interim Committee decided that, as suggested by the International Bureau and in view of the changes which had occurred in the field of cooperation with developing countries since the adoption of the PCT (including the creation of two new bodies, the WIPO Permanent Committee for Development Cooperation Related to Industrial Property and the WIPO Permanent Committee on Patent Information), the tasks of the PCT Committee for Technical Assistance should be reoriented in order to avoid unnecessary duplication of efforts and the danger of conflicting decisions. Consequently, in future the guidance of the PCT Committee for Technical Assistance should be sought only on those aspects of technical assistance to developing countries which had a direct bearing on the use of the PCT by such countries. The Interim Committee also noted the progress reports submitted by the International Bureau on patent collections made available to developing countries and the establishment of a list of technical periodicals (non-patent literature) obtainable by developing countries free of charge or on very favorable conditions. A number of suggestions were made with a view to facilitating the receipt by developing countries of the technical periodicals which were relevant to their particular needs.



Anonymous, "Musicians," oil on hardboard

PCT Interim Committee for Technical Cooperation (TCO)

First Session, Geneva, February 8 to 11, 1971

Authority/Membership: The Interim Committee was set up by the September 1970 sessions of the Assembly, the Conference of Representatives and the Executive Committee of the Paris Union, pursuant to the "Resolution Concerning Preparatory Measures for the Entry Into Force of the Patent Cooperation Treaty" adopted by the Washington Diplomatic Conference on June 17, 1970. According to the said Resolution, the Interim Committee should "prepare the establishment of the Committee for Technical Cooperation referred to in Article 56 of the Treaty and advise the prospective International Searching and Preliminary Examining Authorities on the questions which will require solution when the Treaty enters into force." The said sessions of the Assembly, the Conference of Representatives and the Executive Committee of the Paris Union decided that all States which had signed, or would sign the PCT, would be members of the Interim Committee. At the time of its first session, the Interim Committee had 35 member States.

Participants: The meeting of the Interim Committee was attended by 27 member States (with 54 delegates), seven intergovernmental organizations (with nine representatives) and 11 non-governmental organizations (with 23 representatives), as follows:

Member States: **Algeria:** Salah Bouzidi, Head, Industrial Property Division, National Industrial Property Office; Ahmed Boussaïd; Khelifa Lokmane; **Argentina:** Luis M. Laurelli, Secretary, Permanent Mission in Geneva; **Austria:** Thomas Lorenz, Presiding Counsellor, Ministry of Commerce and Industry; Günter Gall; P. Klein; **Brazil:** Paulo Cabral de Mello, Deputy Permanent Representative, Permanent Mission in Geneva; Thomaz Thedim Lobo; Mauro Couto; **Canada:** Gordon A. Asher, Director, Planning and Special Duties Division, Patent and Copyright Office; **Denmark:** Erik Tuxen, Director, Danish Patent Office; Dagmar Simonsen (Mrs.); Eigil Molgaard; **Finland:** Paavo Salmi, Chief of Section, Central Board of Patents and Registration; Bengt Norring; **France:** Roger Labry, Counsellor, Department of Economic and Financial Affairs, Ministry of Foreign Affairs, Philippe Guérin; **Germany (Federal Republic of):** Romuald Singer, Abteilungspräsident, German Patent Office; Karl-Heinz Hofmann; Dietrich Bernecker; **Hungary:** Emil Tasnádi, President, National Office of Inventions; Jenö Bobrovsky; **Ireland:** Michael J. Quinn, Controller of Patents, Designs and Trade Marks, Patents Office; **Israel:** Mayer Gabay, Commissioner of Patents, Designs and Trade Marks, Ministry of Justice; **Italy:** Giuseppe Trotta, Judge, Ministry of Foreign Affairs; Alfonso Annunziata; **Japan:** Ichio Shamoto, Chief Examiner, Fourth Examination Division, Japanese Patent Office; Makoto Kuroda; **Monaco:** Jean-Marie Notari, Director, Industrial Property Service; **Netherlands:** Jacob Dekker, Vice-President, Netherlands Patent Office; Martin van Dam; **Norway:** Leif Nordstrand, Director, Norwegian Patent Office; Terje Alfsen; **Romania:** Ioan Camenita, Legal Counsel, State Office for Inventions and Marks; F. Dinu (Mrs.); **Soviet Union:** Yury Maksarev, Chairman, State Committee for Inventions and Discoveries; Valery Kalinin; **Sweden:** Göran Borggård, Director General, Royal Patent and Registration Office; Saul Lewin; Bo Hansson; **Switzerland:** Ernst Lips, Deputy Director, Swiss Federal Intellectual Property Office; Jean-Louis Comte; **Syrian Arab Republic:** Mikhail Wehbeh, Attaché, Permanent Mission in Geneva; **Togo:** Michel Elko, First Counsellor, Permanent Mission in Paris; **United Arab Republic:** Ahmed Elshalakany, Director for International Agreements, Ministry of Industry; Youssri Rizk; **United Kingdom:** Derek G. Gay, Superintending Examiner, Patent Office; Ivor J.G. Davis; **United States of America:** Rene D. Tegtmeyer, Acting Assistant Commissioner for Appeals, Legislation and Trademarks, United States Patent Office; Harvey J. Winter; Richard A. Spencer; H. Dieter Hoinkes; **Yugoslavia:** Stojan Pretnar, Director, Federal Patent Office.

Intergovernmental organizations: **African and Malagasy Industrial Property Office (OAMPI):** Jean-François Anguilé-Ousmane, Deputy Director General, Yaoundé; **Industrial Development Center for Arab States (IDCAS):** Ali Abdel Hak, Head, Industrial Property Section, Department of Productivity Studies, Cairo; **International Patent Institute (IIP):** Pieter van Waasbergen, Technical Director, The Hague; Lawrence F.W. Knight; **United Nations (UN):** Henri Cornil, Trade and Technology Division, Economic Commission for Europe, Geneva; **United Nations Conference on Trade and Development (UNCTAD):** Rangaswami Krishnamurti, Acting Director, Manufactures Division, Geneva; Robert E. Smith; **United Nations Development Programme (UNDP):** Mohammad Mir Khan, Consultant to the Administrator, Geneva; **United Nations Industrial Development Organization (UNIDO):** Louay Katkhouda, Acting Chief, Industrial Institutions Section, Vienna.

Non-governmental organizations: **Asian Patent Attorneys Association (APAA):** Akihide Sugimura, Patent Attorney, Tokyo; Kim Chun Bong; Shosuke Imai; Fumiaki Ohtsuka; **Committee of National Institutes of Patent Agents (CNIPA):** Cornelis H.J. van Soest, Netherlands Patent Office, The Hague; **Council of European Industrial Federations (CEIF):** Marcel Meunier, Head, Patent Department, Ateliers de Constructions Electriques (ACEC), Charleroi (Belgium); Jakob Willems; **European Industrial Research Management Association (EIRMA):** Roberto Messerotti-Benvenuti, Legal Counsel, Montecatini-Edison, Milan (Italy); André van der Auweraer; **International Association for the Protection of Industrial Property (AIPPI):** Cornelis M.R. Davidson, Patent Agent, The Hague; **International Chamber of Commerce (ICC):** Daniel A. Was, Industrial Property Advisor, Royal Dutch/Shell Group, The Hague; David O. Lewis; Henri Vanderborcht; **International Federation of Inventors' Associations (IFIA):** Harald Romanus, Inventor, Stockholm; Alfred L. Cotterell; **International Federation of Patent Agents (FICPI):** Heinz Bardehle, Patent Agent, Munich; Jacques Corré; Paul O. Langballe; **Pacific Industrial Property Association (PIPA):** Edgar W. Adams, Bell Telephone Laboratories, Patent Attorney/Director, Holmdel (United States of America); Alvah L. Snow; **Union of European Patent Agents**

(UNEPA): Gordon H. Edmunds, Chartered Patent Agent, Standard Telephones and Cables Ltd., Footscray (United Kingdom); **Union of Industries of the European Community (UNICE):** I. Pieter L. Hazelzet, Patent Counsel, Philips, Eindhoven (Netherlands); Clément Payraudeau.

Officers: Chairman: Roger Labry (France); Vice-Chairmen: Rene D. Tegtmeier (United States of America) and Michel Eklo (Togo); Secretary: Arpad Bogsch (WIPO).

WIPO Secretariat: Georg H.C. Bodenhausen, Director General; Arpad Bogsch, First Deputy Director General; Klaus Pfanner, Counsellor, Head, Industrial Property Division; Paul Claus, Technical Counsellor, Industrial Property Division.

WIPO Document Series: PCT/TCO/I

Summary of Conclusions/Recommendations: Pursuant to the decisions adopted by the Assembly, the Conference of Representatives and the Executive Committee of the Paris Union in September 1970, the Interim Committee suggested to the September 1971 ordinary session of the Executive Committee of the Paris Union rules of procedures and a draft program of its activities for the year 1972 and beyond. The Interim Committee also discussed its mandate and tasks on the basis of a document prepared by the International Bureau and established a standing subcommittee, composed of the then prospective International Searching and Preliminary Examination Authorities (that is, the Patent Offices of Austria, Germany (Federal Republic of), Japan, the Soviet Union, Sweden, the United Kingdom, the United States of America and the International Patent Institute and, as an observer, Brazil.) The Interim Committee suggested that its rules of procedures be those applicable to "ad hoc committees of experts" provided for in the General Rules of Procedure of WIPO, subject to the understanding that the members would be States and would be represented by government-appointed delegations. Regarding its tasks, the Interim Committee agreed that priority should be placed on issues concerning PCT minimum documentation, patent families and bibliographical data. On the other hand, the merits and costs of information meetings on searching techniques should be studied by the said Standing Subcommittee and reported to the Interim Committee in due course.

Second Session, Geneva, October 6 to 9, 1972

Authority/Membership: Pursuant to a decision of the 1972 ordinary session of the Executive Committee of the Paris Union, the members of the Interim Committee were, in addition to States which had signed or acceded to the PCT, all those States which had pledged a special financial contribution to the PCT budget. At the time of the second session of the Interim Committee, one State, Australia, had qualified under the latter criterion.

Participants: The meeting of the Interim Committee was attended by 28 member States (with 55 delegates), three intergovernmental organizations (with four representatives) and six non-governmental organizations (with 12 representatives), as follows:

Member States: **Algeria:** Salah Bouzidi, Head, National Industrial Property Office; Ahmed Boussaïd; Ghaoutia Sellali (Mrs.); **Argentina:** Ricardo A. Ramayon, First Secretary, Permanent Mission in Geneva; **Australia:** Karl B. Petersson, Commissioner of Patents, Patents, Trade Marks and Designs Offices; **Austria:** Günter Gall, Oberkommissär, Industrial Property Section, Ministry of Commerce, Trade and Industry; **Belgium:** Jan Verlinden, Administrator, Industrial and Commercial Property Service, Ministry of Economic Affairs; **Brazil:** G. Roberto Coaracy, Assistant to the President, National Institute of Industrial Property; Renato I. Cantiello; Flavio M. Perri; **Canada:** Finlay W. Simons, Senior Representative of the Commissioner of Patents, Patent and Copyright Office; Jacques Corbeil; **Denmark:** Erik Tuxen, Director, Danish Patent Office; Dagmar Simonsen (Mrs.); Eigil Mølgaard; **Egypt:** Abdel M. El-Dek, The General Organization for Industrialization; Sayed Abou-Ali; **Finland:** Paavo Salmi, Head of Section, Central Board of Patents and Registration; **France:** Roger Labry, Counsellor, Department of Economic and Financial Affairs, Ministry of Foreign Affairs; Philippe Guérin; **Germany (Federal Republic of):** Heribert Mast, Ministerialrat, Ministry of Justice; Karl-Heinz Hofmann; Anna R. von Schleussner (Ms.); Ulrich C. Hallmann; Werner Massalski; **Hungary:** Emil Tasnádi, President, National Office of Inventions; Jenő

Bobrovsky; **Iran:** Ghassem Raissian, Under-Secretary of State, Ministry of Justice; Mehdi Naraghi; **Ireland:** Michael J. Quinn, Controller of Patents, Patents Office; **Israel:** Mayer Gabay, Commissioner of Patents, Designs and Trade Marks, Ministry of Justice; **Italy:** Roberto Messerotti-Benvenuti, Patent Counsel, Montecatini Edison; **Japan:** Kotaro Otani, Director General, Second Examination Department, Japanese Patent Office; **Monaco:** Jean-Marie Notari, Director, Industrial Property Service; **Netherlands:** Jacob Dekker, Vice-President, Netherlands Patent Office; Martin van Dam; **Norway:** Leif Nordstrand, Director General, Norwegian Patent Office; Arne G. Modal; Terje Alfsen; **Romania:** Ioan Camenita, Legal Advisor, State Office for Inventions and Marks; **Senegal:** Babacar Niang, Technical Advisor, Ministry of Industrial Development; **Soviet Union:** Yevgeny Artemiev, First Deputy Chairman, State Committee for Inventions and Discoveries; Lev E. Komarov; Vladimir N. Evgeniev; **Sweden:** Sture Persson, Head of Division, Royal Patent and Registration Office; Måns Jacobsson; Bo Hansson; **Switzerland:** Jean-Louis Comte, President, Preliminary Examination Appeals Section, Swiss Federal Intellectual Property Office; Max Leuthold; François Curchod; **United Kingdom:** Derek G. Gay, Superintending Examiner, Patent Office; Anthony F.C. Miller; **United States of America:** Richard A. Wahl, Assistant Commissioner of Patents, United States Patent Office; Michael K. Kirk; H. Dieter Hoinkes.

Intergovernmental organizations: **Intergovernmental Conference for the Setting up of a European System for the Grant of Patents:** Dennis Thompson, Legal Advisor, European Free Trade Association (EFTA), Geneva; **International Patent Institute (IIB):** Lawrence F.W. Knight, Computerization Advisor, The Hague; André Vandecasteele; **United Nations Conference on Trade and Development (UNCTAD):** Thomas Ganiatsos, Associate Economic Affairs Officer, Transfer of Technology Branch, Division for Invisibles, Geneva.

Non-governmental organizations: **Council of European Industrial Federations (CEIF):** Christian Sordet, Attorney-at-Law, Vevey (Switzerland); Jakob Willems; **European Federation of Agents of Industry in Industrial Property (FEMIP):** Marcel Meunier, Head, Patent Department, Ateliers de Constructions Electriques (ACEC), Charleroi (Belgium); **International Association for the Protection of Industrial Property (AIPPI):** Heinz Meyer, Head, Patent Department, Hoffmann-La Roche, Basel (Switzerland); **International Chamber of Commerce (ICC):** Daniel A. Was, Industrial Property Advisor, Royal Dutch/Shell Group, The Hague; David O. Lewis; Henri Vanderborcht; **International Federation of Inventors' Associations (IFIA):** Harald Romanus, Inventor, Stockholm; Karl E. Sundström; **International Federation of Patent Agents (FICPI):** Georges Deriaz, Patent Counsel, Geneva; Karshub Halvorsen; Paul O. Langballe.

Officers: Chairman: Erik Tuxen (Denmark); Vice-Chairmen: Finlay W. Simons (Canada) and Emil Tasnádi (Hungary); Secretary: Klaus Pfanner (WIPO).

WIPO Secretariat: Georg H.C. Bodenhausen, Director General; Arpad Bogsch, First Deputy Director General; Klaus Pfanner, Senior Counsellor, Head, Industrial Property Division; Paul Claus, Technical Counsellor, Head, ICIREPAT Section; Yury Gromov, PCT Section, Industrial Property Division.

WIPO Document Series: PCT/TCO/II

Summary of Conclusions/Recommendations: The Interim Committee noted with approval the plans of the Standing Subcommittee in respect of a number of issues including (i) PCT minimum documentation (in respect of national patent documents and non-patent literature); (ii) the "PAL" (*Patent Associated Literature*) project of Information Services in Physics, Electro-Technology, Computers and Control (INSPEC), an information service operated by the Institution of Electrical Engineers in London; (iii) progress achieved in connection with the possible creation of the International Patent Documentation Center in Vienna (e.g., the future "INPADOC"); (iv) the establishment of uniform search methods for the prospective PCT authorities; and (v) draft forms designed for use in communications involving receiving Offices, International Searching Authorities and the International Bureau under Chapter I of the PCT. Concerning its future program, the Committee decided that priority should be given to the INPADOC and the PAL projects and to the establishment of forms to be included in the PCT Administrative Instructions. Furthermore, priority should be given to further work on the list of periodicals constituting the minimum non-patent literature under the PCT, on the inventory of patent documents under PCT Rule 34 1(c)(vi) and on the questionnaire on search techniques. The Delegation of the Soviet Union made proposals on international cooperation in respect of the work of patent offices concerning the reclassification according to the International Patent Classification (IPC) of patent documents belonging to the PCT documentation.

Third Session, Tokyo, October 23 to 27, 1973

Participants: The meeting of the Interim Committee was attended by 18 member States (with 36 delegates), one intergovernmental organization (with one representative), six non-governmental organizations (with 22 representatives) and two special observer organizations (with two representatives), as follows:

Member States: **Austria:** Günter Gall, Oberkommissär, Industrial Property Section, Ministry of Commerce, Trade and Industry; **Brazil:** G. Roberto Coaracy, Head, Patent Information Center, National Institute of Industrial Property; Arthur C. Bandeira; **Canada:** Archibald M. Laidlaw, Assistant Deputy Minister, Bureau of Intellectual Property; Jacques Corbeil; **Finland:** Erkki Wuori, Deputy Director, Central Board of Patents and Registration; **France:** Philippe Guérin, Advisor to the Director, National Institute of Industrial Property; **Germany (Federal Republic of):** Heribert Mast, Ministerialrat, Federal Ministry of Justice; Karl-Heinz Hofmann; **Hungary:** Emil Tasnádi, President, National Office of Inventions; Gábor Bánrévy; **Iran:** Ghassem Raissian, Under-Secretary of State, Ministry of Justice; Hamid Jamshidi; **Japan:** Hideo Siato, Director General, Japanese Patent Office; Kotaro Otani; Hideo Saegusa; Ichio Shamoto; Yoshiro Hashimoto; Kazuaki Takami; Katsuhiko Ichioka; **Netherlands:** Jacob Dekker, Vice-President, Netherlands Patent Office; **Norway:** Ingebrigt Aune, Head, Examining Department, Norwegian Patent Office; **Philippines:** Manuel R. de Joya, Attaché, Permanent Mission in Tokyo; **Romania:** Lucian Marinete, Director, State Office for Inventions and Marks; Ioan Camenita; **Soviet Union:** Lev Inozemtsev, Expert, State Committee for Inventions and Discoveries; Lev E. Komarov; Alexander S. Ignatiev; **Sweden:** Saul Lewin, Head of Division, Royal Patent and Registration Office; Lennarth Törnroth; **Switzerland:** Jean-Louis Comte, Deputy Director, Swiss Federal Intellectual Property Office; **United Kingdom:** Anthony F. C. Miller, Principal Examiner, Patent Office; **United States of America:** William I. Merkin, Assistant Commissioner, United States Patent Office; H. Dieter Hoinkes; Frank J. Cohen; George R. Clark.

Intergovernmental organization: International Patent Institute (IIB): André Vandecasteele, Advisor to the Technical Department, The Hague.

Non-governmental organizations: Asian Patent Attorneys Association (APAA): Kyoza Yuasa, Patent Counsel, Tokyo; Masao Okabe; Kiyoshi Asamura; Kiyoshi Inomata; **International Association for the Protection of Industrial Property (AIPPI):** George R. Clark, General Patent Counsel, Sunbeam Corporation, Chicago (United States of America); Shoji Matsui; Masahiko Takeda; Akira Aoki; Akihide Sugimura; Koe Toyosaki; Akira Kukimoto; Nagasaki Oshima; N. Matsubara; **International Chamber of Commerce (ICC):** Tatsuo Fujii, Patent Agent, Tokyo; Fuminori Yoshida; Susumn Ichikawa; **International Federation of Patent Agents (FICPI):** André Braun, Patent Attorney, Basel (Switzerland); **Pacific Industrial Property Association (PIPA):** Masaaki Suzuki, Manager, Patent Department, Tokyo Central Research and Development Laboratory Inc., Tokyo; Hisashi Sugino; Hiroshi Ono; **Union of European Patent Agents (UNEPA):** Werner Cohausz, Patent Agent, Düsseldorf (Germany (Federal Republic of)); Klaus Hoffmann.

Special observer organizations: International Patent Documentation Center (INPADOC): Gustav A. Rubitschka, Head, Commercial Department, Vienna; **The Institution of Electrical Engineers (INSPEC):** Ralph B. Cox, Manager, Product Development, London.

Officers: Chairman: Kotaro Otani (Japan); Vice-Chairmen: William I. Merkin (United States of America) and Emil Tasnádi (Hungary); Secretary: Klaus Pfanner (WIPO).

WIPO Secretariat: Arpad Bogsch, First Deputy Director General; Klaus Pfanner, Senior Counsellor, Head, Industrial Property Division; Yury Gromov, Counsellor, Head, PCT Section, Industrial Property Division; James Kohnen, Legal Assistant, PCT Section, Industrial Property Division; Takatoshi Takeda, Consultant, PCT Section, Industrial Property Division.

WIPO Document Series: PCT/TCO/III

Summary of Conclusions/Recommendations: The Interim Committee took note of the progress made in respect of the INPADOC and PAL projects. The Committee also considered the progress reports prepared by the International Bureau on: (i) the study on the periodicals to be included in the PCT minimum documentation; (ii) the citation rate of non-patent literature and the conclusions of the Standing Subcommittee regarding interest in the use of non-patent literature for search and examination; (iii) the ongoing study on the searching techniques of the then prospective International Searching Authorities; and (iv) the study on the inclusion in the minimum patent documentation of certain English-, French- or German-language patent documents.

Fourth Session, Geneva, November 14 to 19, 1974

Participants: The meeting of the Interim Committee was attended by 21 member States (with 39 delegates), two intergovernmental organizations (with three representatives), seven non-governmental organizations (with 13 representatives) and two special observer organizations (with three representatives), as follows:

Member States: **Austria:** Günter Gall, Oberkommissär, Section for Industrial Property, Federal Ministry for Trade Commerce and Industry; G. Mautner-Markhof; **Belgium:** Jan Verlinden, Administrator, Industrial Property and Commercial Department, Ministry of Economic Affairs; **Brazil:** Gilberto F. Martins, Secretary, Permanent Mission in Geneva; **Canada:** Robert B. McKenzie, Section Head, Electrical and Physical Sciences Division, Patent Office, Department of Consumer and Corporate Affairs; **Denmark:** Dagmar Simonsen (Mrs.), Head of Department, Danish Patent Office; Lise Østerborg (Mrs.); **Egypt:** Sayed A. Abou-Ali, First Secretary, Permanent Mission in Geneva; **Finland:** Erkki Wuori, Deputy Director General, National Board of Patents and Registration; Paavo Salmi; **France:** Roger Labry, Counsellor, Department of Economic and Financial Affairs, Ministry of Foreign Affairs; Philippe Guérin; **Germany (Federal Republic of):** Karl-Heinz Hofmann, Abteilungspräsident, German Patent Office (Berlin Branch); Ulrich C. Hallmann; Werner Massalski; **Hungary:** Emil Tasnádi, President, National Office of Inventions; György Szemző; **Iran:** Hamid Jamshidi, Director General, Department for Registration of Companies and Industrial Property, Ministry of Justice; **Japan:** Takatoshi Takeda, Examiner, Applied Physics Division, Second Examination Department, Japanese Patent Office; Toyomaro Yoshida; **Luxembourg:** Fernand Schlessler, Industrial Property Service, Ministry of National Economy; **Netherlands:** Jacob Dekker, Vice-President, Netherlands Patent Office; **Norway:** Ole Os, Overingeniør, Norwegian Patent Office; **Soviet Union:** Lev E. Komarov, Deputy Chairman, State Committee for Inventions and Discoveries; Alexandre S. Ignatiev; E. V. Makhluva (Mrs.); **Sweden:** Lennarth Törnroth, Principal Examiner, Royal Patent and Registration Office; Eva Henriksson (Mrs.); **Switzerland:** Roger Kämpf, Head, Patent and Designs Law Section, Swiss Federal Intellectual Property Office; Edouard Caussignac; Max Leuthold; Jean Mirimanoff-Chilikine; **Syrian Arab Republic:** A. Jouman-Agha, Minister Counsellor, Permanent Mission in Geneva; **United Kingdom:** Derek G. Gay, Superintending Examiner, Patent Office; Anthony F.C. Miller; Arthur R. Summers; **United States of America:** Robert F. Burnett, Special Assistant to the Assistant Commissioner for Patents, United States Patent Office; H. Dieter Hoinkes; Louis O. Maassel.

Intergovernmental organizations: **International Patent Institute (IIB):** J.A.H. van Voorthuizen, Deputy Technical Director, Rijswijk (Netherlands); André Vandecasteele; **United Nations Conference on Trade and Development (UNCTAD):** Pedro Roffe, Economic Affairs Officer, Transfer of Technology Branch, Geneva.

Non-governmental organizations: **Council of European Industrial Federations (CEIF):** Daniel Lachat, Patent Counsel, Paris; Reinhard Kockläuner; **European Federation of Agents of Industry in Industrial Property (FEMIP):** Felix A. Jenny, Patent Counsel, Ciba-Geigy A.G., Basel (Switzerland); Reinhard Kockläuner; **International Association for the Protection of Industrial Property (AIPPI):** Maurice Mathez, Director, Hoffmann-La Roche, Basel (Switzerland); **International Federation of Inventors' Associations (IFIA):** Friedrich Burmester, Inventor, Reutlingen (Germany (Federal Republic of)); Harald Romanus; Sven-Erik Angert; **International Federation of Patent Agents (FICPI):** Paul O. Langballe, Patent Agent, Copenhagen; **Union of European Professional Patent Representatives (UNION):** Arnold R. Egli, Patent Counsel, Zürich (Switzerland); Werner F. Schaad; **Union of Industries of the European Community (UNICE):** Marcel Meunier, Head, Patent Department, Ateliers de Constructions Electriques (ACEC), Charleroi (Belgium); Reinhard Kockläuner.

Special observer organizations: **International Patent Documentation Center (INPADOC):** Gustav A. Rubitschka, Head, Commercial Department, Vienna; Gerhard Quarda; **The Institution of Electrical Engineers (INSPEC):** Ralph B. Cox, Manager, Product Development, Hitchin (United Kingdom).

Officers: Chairman: Derek G. Gay (United Kingdom); Vice-Chairmen: Lev E. Komarov (Soviet Union) and Karl-Heinz Hofmann (Germany (Federal Republic of)); Secretary: Paul Claus (WIPO).

WIPO Secretariat: Arpad Bogsch, Director General; Klaus Pfanner, Deputy Director General; Paul Claus, Technical Counsellor, Head of Section, Industrial Property Division; Jordan Franklin, Technical Counsellor, Head, PCT Section, Industrial Property Division; Normando Scherrer, Counsellor, PCT Section, Industrial Property Division; Yury Gyrdymov, Technical Officer, PCT Section, Industrial Property Division; Fumio Iizuka, Consultant, PCT Section, Industrial Property Division; James Kohonen, Legal Officer, PCT Section, Industrial Property Division.

WIPO Document Series: PCT/TCO/IV

Summary of Conclusions/Recommendations: The Interim Committee discussed a number of questions concerning PCT minimum documentation, searching, and the establishment of guidelines for the preparation of abstracts. The main decisions of the Committee included the fixing of a list of 169 periodicals, the articles, abstracts and other contents of which would constitute the published items of non-patent literature forming part of the minimum documentation referred to in Rule 34 of the Regulations under the PCT, and the approval of a number of principles governing the treatment of patent documents forming part of patent families. Regarding its work program for 1975, the Committee decided that it should also include a survey relating to the determination, and the acquisition by the prospective PCT authorities, of the minimum documentation required under Rule 34 of the PCT, as well as a review of the compatibility of the solutions envisaged in the framework of the PCT, the European Patent Organisation (EPO) and any other relevant regional arrangement in matters falling within the jurisdiction of the Interim Committee.

Fifth Session, Geneva, October 29 to November 3, 1975

Authority/Membership: At the time of the fifth session of the Interim Committee, a second State, Cuba, had qualified to become a member through the pledging of a special contribution to the PCT budget.

Participants: The meeting of the Interim Committee was attended by 22 member States (with 36 delegates), two intergovernmental organizations (with three representatives), seven non-governmental organizations (with 10 representatives) and two special observer organizations (with three representatives), as follows:

Member States: **Algeria:** Ghaoutia Sellali (Mrs.), Counsellor, Permanent Mission in Geneva; **Austria:** Günter Gall, Head of Division, Industrial Property Section, Federal Ministry for Trade, Commerce and Industry; **Brazil:** Alvaro G. de Alencar, Counsellor, Permanent Mission in Geneva; **Denmark:** Johs J.P. Irgens, Head of Section, Ministry of Commerce; Oluf P. Callesen; **Egypt:** Sayed A. Abou-Ali, First Secretary, Permanent Mission in Geneva; **Finland:** Paavo Salmi, Head of Section, Central Board of Patents and Registration; Esko Friman; **France:** Philippe Guérin, Advisor to the Director, National Institute of Industrial Property; **Germany (Federal Republic of):** Ulrich C. Hallmann, Regierungsdirektor, German Patent Office; Werner Massalski; **Hungary:** Eva Parragh (Mrs.), Deputy Head of Section, National Office of Inventions; **Ireland:** Patrick Slavin, Principal Examiner, Patents Office; **Ivory Coast:** Lilian M.L. Boa (Mrs.), Second Secretary, Permanent Mission in Geneva; **Japan:** Takefumi Shiroshita, Director General, Department of Appeals, Japanese Patent Office; Toyomaro Yoshida; **Luxembourg:** Fernand Schlessler, Deputy Head, Industrial Property Service, Ministry of National Economy; **Netherlands:** Jacob Dekker, Vice-President, Netherlands Patent Office; **Norway:** Ole Os, Overingenior, Norwegian Patent Office; **Philippines:** Esteban Bautista, Assistant Head, Division of Research and Law Reform, University of Philippines Law Center; **Romania:** Valeriu Tudor, Counsellor, Permanent Mission in Geneva; **Soviet Union:** Lev E. Komarov, Deputy Chairman, State Committee for Inventions and Discoveries; Yevgeny Buryak; **Sweden:** Saul Lewin, Deputy Director General, Royal Patent and Registration Office; Birgitta Sandberg (Mrs.); Lennarth Törnroth; **Switzerland:** Jean-Louis Comte, Deputy Director, Swiss Federal Intellectual Property Office; Roger Kämpf; Max Leuthold; Jean Mirimanoff-Chilikine; **United Kingdom:** Derek G. Gay, Superintending Examiner, Patent Office; Anthony F.C. Miller; Robert W. Heinink; **United States of America:** Alfred C. Marmor, Administrator for Documentation, United States Patent and Trademark Office; Louis O. Maassel; Mary E. Turowski (Ms.).

Intergovernmental organizations: **International Patent Institute (IIB):** J.A.H. van Voorthuizen, Deputy Technical Director, Rijswijk (Netherlands); André Vandecasteele; **Organization of American States (OAS):** Gérard J. Schamis, Director, OAS European Office, Geneva.

Non-governmental organizations: **Council of European Industrial Federations (CEIF):** Reinhard Kockläuner, Patent Counsel, Hoechst A.G. Werk Albert, Wiesbaden-Biebrich (Germany (Federal Republic of)); **European Federation of Agents of Industry in Industrial Property (FEMIP):** Felix A. Jenny, Patent Counsel, Ciba-Geigy A.G., Basel (Switzerland); Blasco Dousse; **International Association for the Protection of Industrial Property (AIPPI):** Maurice Mathez, Director, Hoffmann-La Roche, Basel (Switzerland); **International Federation of Inventors' Associations (IFIA):** Sven-Erik Angert, Engineer, Stockholm; Paul Feldmann; **International Federation of Patent Agents (FICPI):** Hans Brühwiler, Patent Agent, Zürich (Switzerland); Gaylord E. Kirker; **Union of European Professional Patent Representatives (UNION):** Gaylord E. Kirker, Patent Counsel, Geneva; **Union of Industries of the European Community (UNICE):** Marcel Meunier, Head, Patent Department, Ateliers de Constructions Electriques (ACEC), Charleroi (Belgium).

Special observer organizations: **International Patent Documentation Center (INPADOC):** Gerhard Quarda, Deputy Technical Director, Vienna; **The Institution of Electrical Engineers (INSPEC):** Derek H. Barlow, Director, London; Ralph B. Cox.

Officers: Chairman: Derek G. Gay (United Kingdom); Vice-Chairmen: Eva Parragh (Ms.) (Hungary) and Alfred C. Marmor (United States of America); Secretary: Paul Claus (WIPO).

WIPO Secretariat: Klaus Pfanner, Deputy Director General; Paul Claus, Technical Counsellor, Head of Section, Industrial Property Division; Jordan Franklin, Counsellor, Head, PCT Section, Industrial Property Division; Normando Scherrer, Counsellor, PCT Section, Industrial Property Division; Yury Gyrđymov, Technical Officer, PCT Section, Industrial Property Division; Busso Bartels, Consultant, PCT Section, Industrial Property Division; Toyanara Ogiue, Consultant, PCT Section, Industrial Property Division; James Sheehan, Consultant, PCT Section, Industrial Property Division.

WIPO Document Series: PCT/TCO/V

Summary of Conclusions/Recommendations: The Interim Committee approved an updated version of the PCT minimum list of non-patent literature and requested the International Bureau to publish and distribute the list. The Committee also reviewed the progress made in respect of the PAL project of INSPEC and decided that the prospective International Searching Authorities, which were subscribers to the PAL Full-Text Copy Service of INSPEC, need not subscribe to the periodicals of the PCT minimum list covered by that Service, as long as they remained subscribers to the Service and as long as the periodicals were covered by the Service. With regard to minimum patent documentation, the Committee discussed the progress made in establishing sorted collections of the patent documents of Australia, Austria and Canada, which were to be placed at the disposal of the prospective International Searching Authorities. The Committee also considered the surveys made on the state of completeness of the search files of the said Authorities and on the availability of English-language abstracts of Japanese and Soviet Union patent documents and gave guidance to the International Bureau concerning further surveys and studies on these matters. The Committee noted the surveys of searching practices prepared by the International Bureau, and the test by the International Patent Institute (IIB) of the draft International Search Report form. It also discussed the treatment of patent families from the standpoint of which members should be included in the search files and which should be cited in the search report. The Committee noted with approval the General Guidelines for the Preparation of Abstracts of Patent Documents which had been adopted by the Plenary Committee of ICIREPAT. The Committee noted the first outline of guidelines for searches under the PCT prepared on the basis of the draft guidelines for searches under the European Patent Convention and established a number of principles for the guidance of the International Bureau in the future work on this subject. Finally, the Committee decided that the program for 1976 should include two new items, namely, work on guidelines for international preliminary examination and a survey of PCT minimum documentation countries to ascertain the extent to which the publication date of the patent documents corresponded to the actual publication date.

Sixth Session, Geneva, November 3 to 8, 1976

Authority/Membership: At the time of the sixth session of the Interim Committee, a third State, Spain, had qualified to become a member through the pledging of a special contribution to the PCT budget.

Participants: The meeting was attended by 26 member States (with 41 delegates), three intergovernmental organizations (with seven representatives), seven non-governmental organizations (with 10 representatives) and one special observer organization (with two representatives), as follows:

Member States: **Algeria:** Salah Lebdioui, Attaché, Ministry of Foreign Affairs; Ahmed-Reza Bendisari; **Argentina:** Carlos Passalacqua, Secretary, Permanent Mission in Geneva; **Austria:** Günter Gall, Head, Industrial Property Section, Ministry for Commerce, Trade and Industry; **Brazil:** Adhemar G. Bahadian, First Secretary, Permanent Mission in Geneva; **Cameroon:** Louis Wansek, Permanent Mission for Economic Affairs, Bonn; **Canada:** Robert B. McKenzie, Chief, Electrical and Physical Sciences Section, Bureau of Intellectual Property, Department of Consumer and Corporate Affairs; **Cuba:** Juan Otero Solanès, Deputy Director General, National Office for Inventions, Technical Information and Marks;

Denmark: Oluf P. Callesen, Deputy Head of Section, Danish Patent Office; Lise Østerborg (Mrs.); **Egypt:** Fawzi El Ibrashi, Plenipotentiary Minister, Permanent Mission in Geneva; **Finland:** Paavo Salmi, Head of Department, Central Patent and Registration Board; Sirkka-Liisa Lahtinen (Ms.); **France:** Philippe Guérin, Advisor to the Director, National Institute of Industrial Property; **Germany (Federal Republic of):** Ulrich C. Hallmann, Regierungsdirektor, German Patent Office; Norbert Haugg; **Hungary:** Eva Parragh (Mrs.), Deputy Head of Section, National Office of Inventions; **Iran:** Latif Ansari-Mahabadian, Head, Industrial Property Office; **Ivory Coast:** Largaton Ouattara, Permanent Mission in Geneva; **Japan:** Kazuo Hoshikawa, Counsellor for PCT/TRT Affairs, Japanese Patent Office; Toyomaro Yoshida; **Luxembourg:** Fernand Schlessler, Deputy Head, Industrial Property Service, Ministry of National Economy; **Netherlands:** Jacob Dekker, Vice-President, Netherlands Patent Office; **Norway:** Ole Os, Overingenieur, Norwegian Patent Office; **Romania:** Constantin Ivascu, Permanent Mission in Geneva; **Soviet Union:** Victor Bakastov, Member of the Board, State Committee for Inventions and Discoveries; Yevgeny Buryak; **Spain:** Julio Delicado Montero-Ríos, Head, Inventions and Designs Division, Industrial Property Registry; **Sweden:** Saul Lewin, Deputy Director General, Royal Patent and Registration Office; Jan-Eric Bodin; Birgitta Sandberg (Mrs.); **Switzerland:** Jean-Louis Comte, Deputy Director, Swiss Federal Intellectual Property Office; Christian Blaser; René Egli; Roger Kämpf; Max Leuthold; **United Kingdom:** Derek G. Gay, Superintending Examiner, Patent Office; Michael F. Vivian; Robert W. Heinink; **United States of America:** H. Dieter Hoinkes, Legislative and International Patent Specialist, United States Patent and Trademark Office; Louis O. Maassel.

Intergovernmental organizations: **European Patent Organisation (EPO):** Peter E. Catchlove, Member of the Planning Group of the Interim Committee of the European Patent Organisation, Munich; Jean-Max Creskens; Keith Mellor; **International Patent Institute (IIB):** J.A.H. van Voorthuizen, Deputy Technical Director, Rijswijk (Netherlands); Ulrich J. Schatz; André Vandecasteele; **United Nations Development Programme (UNDP):** Raymonde Collomb (Ms.), External Relations Officer, Geneva.

Non-governmental organizations: **Council of European Industrial Federations (CEIF):** Martin van Dam, Patent Attorney, Eindhoven (Netherlands); **European Federation of Industrial Property Representatives in Industry (FEMIPD):** Felix A. Jenny, Patent Counsel, Ciba-Geigy A.G., Basel (Switzerland); **International Association for the Protection of Industrial Property (AIPPI):** Maurice Mathez, Director, Hoffmann-La Roche, Basel (Switzerland); **International Federation of Inventors' Associations (IFIA):** Sven-Erik Angert, Patent Agent, Stockholm; Paul Feldmann; **International Federation of Patent Agents (FICPI):** Gaylord E. Kirker, Industrial Property Counsel, Geneva; Michel P. Micheli; **Union of European Professional Patent Representatives (UNION):** Gaylord E. Kirker, Industrial Property Counsel, Geneva; **Union of Industries of the European Community (UNICE):** Reinhard Kockläuner, Patent Counsel, Hoeschst A.G. Werk Albert, Wiesbaden-Biebrich (Germany (Federal Republic of)); Renée Sadones Laurent (Mrs.).

Special observer organization: **The Institution of Electrical Engineers (INSPEC):** Derek H. Barlow, Director, London; Ralph B. Cox.

Officers: Chairman: Derek G. Gay (United Kingdom); Vice-Chairmen: Victor Bakastov (Soviet Union) and Kazuo Hoshikawa (Japan); Secretary: Jordan Franklin (WIPO).

WIPO Secretariat: Arpad Bogsch, Director General; Klaus Pfanner, Deputy Director General; Felix A. Sviridov, Deputy Director General; Paul Claus, Director, Patent Information Division; E. Murray Haddrick, Head, PCT Division; Jordan Franklin, Counsellor, Head, PCT Technical Section; Daniel Bouchez, Technical Counsellor, PCT Division; Normando Scherrer, Counsellor, PCT Division; Yury Gyrdymov, Technical Officer, PCT Division; Akira Okawa, Consultant, PCT Division; James Sheehan, Consultant, Industrial Property Division.

WIPO Document Series: PCT/TCO/VI

Summary of Conclusions/Recommendations: The Interim Committee dealt with three main items: (i) PCT minimum documentation: non-patent literature; (ii) PCT minimum documentation: patent documents; and (iii) searching and preliminary examination under the PCT. In respect of (i), the Committee noted that the International Bureau had published and distributed the PCT Minimum List of Non-Patent Literature, it being understood that any new information relevant to that list would be reflected by the International Bureau in the ongoing work of keeping the list up to date. As concerns (ii), the Committee considered an inventory relating to the state of completeness of the search files of the prospective International Searching Authorities in respect of the national patent documents to be included in the PCT minimum documentation and requested the International Bureau to update it by June 1977. The Interim Committee also considered an inventory of the English-language abstracts of the patent documents of Japan and the Soviet Union, then in the possession of the prospective International Searching Authorities, and noted information supported by certain offices with respect to future coverage of English-language abstracts of the patent documents of Japan and the Soviet Union, through services provided by either private suppliers or by national patent offices. In respect of (iii), the Interim Committee decided

to establish a PCT Working Group on Guidelines for International Searches and for International Preliminary Examination, whose task would be to assist in the establishment of the PCT Guidelines for International Searches and for International Preliminary Examination.

Seventh Session, Geneva, October 12 to 18, 1977

Participants: The meeting was attended by 20 member States (with 31 delegates), three intergovernmental organizations (with five representatives), eight non-governmental organizations (with 10 representatives) and two special observer organizations (with three representatives), as follows:

Member States: **Austria:** Günter Gall, Head of Division, Federal Ministry for Trade, Commerce and Industry; **Brazil:** G. Roberto Coaracy, Director, Documentation and Technical Information Center, National Institute of Industrial Property; **Canada:** Earl W. Bown, Senior Patent Examiner, Canadian Patent Office; **Denmark:** Oluf P. Callesen, Deputy Head of Section, Danish Patent Office; Lise Østerborg (Mrs.); **Egypt:** Ahmed Aboul-Kheir, Counsellor, Permanent Mission in Geneva; **Finland:** Paavo Salmi, Head, Patent Department, Patent and Registration Board; **France:** Philippe Guérin, Advisor to the Director, National Institute of Industrial Property; **Germany (Federal Republic of):** Ulrich C. Hallmann, Regierungsdirektor, German Patent Office; Norbert Haugg; **Hungary:** Eva Parragh (Mrs.), Deputy Head of Section, National Office of Inventions; **Japan:** Kazuo Hoshikawa, Counsellor for PCT Affairs, Japanese Patent Office; Kiyoyasu Hatakawa; **Madagascar:** Solofo Rabearivelo, Counsellor, Permanent Mission in Geneva; Olivier Raveloson; **Netherlands:** Jacob Dekker, Vice-President, Netherlands Patent Office; Siep de Vries; **Norway:** Ole Os, Overingenior, Norwegian Patent Office; **Senegal:** Sidy L. Ba, Director for Industry and Crafts, Directorate of Industry; **Soviet Union:** Lev E. Komarov, Deputy Chairman, State Committee for Inventions and Discoveries; Yevgeny Buryak; **Spain:** Julio Delicado Montero-Ríos, Head, Inventions and Designs Department, Industrial Property Registry, Ministry of Industry; **Sweden:** Saul Lewin, Deputy Director General, Royal Patent and Registration Office; Birgitta Sandberg (Mrs.); Yngve Truvé; **Switzerland:** Jean-Louis Comte, Deputy Director, Swiss Federal Intellectual Property Office; Roger Kämpf; **United Kingdom:** Michael F. Vivian, Principal Examiner, Patent Office; Alexander F. Gilmour; **United States of America:** Louis O. Maassel, Patent Procedure Specialist, United States Patent and Trademark Office; Mary E. Turowski (Ms.).

Intergovernmental organizations: **European Patent Organisation (EPO):** Peter E. Catchlove, Member of the Planning Group of the Interim Committee of the European Patent Organisation, Munich; **International Patent Institute (IIP):** J.A.H. van Voorthuizen, Deputy Technical Director, Rijswijk (Netherlands); Ferdinand Duhr; André Vandecasteele; **Organization of American States (OAS):** F.E. Hurtado de Mendoza, Counsellor, Permanent Representative in Geneva.

Non-governmental organizations: **Council of European Industrial Federations (CEIF):** Martin van Dam, Patent Agent, Eindhoven (Netherlands); **European Federation of Industrial Property Representatives of Industry (FEMIP):** Felix A. Jenny, Patent Counsel, Ciba-Geigy A.G., Basel (Switzerland); **Inter-American Association of Industrial Property (ASIPI):** Euripides Terrero, Patent Counsel, Caracas; Viviane Terrero (Ms.); **International Association for the Protection of Industrial Property (AIPPI):** Egon Zurrer, Vice-Manager, Hoffmann-La Roche, Basel (Switzerland); **International Federation of Inventors' Associations (IFIA):** Sven-Erik Angert, Patent Agent, Stockholm; Paul Feldmann; **International Federation of Patent Attorneys (FICPI):** Valentin Balass, Patent Attorney, Zürich (Switzerland); **Union of European Patent Attorneys (UNION):** Gaylord E. Kirker, Industrial Property Counsel, Geneva; **Union of Industries of the European Community (UNICE):** Reinhard Kockläuner, Patent Counsel, Hoeschst A.G. Werk Albert, Wiesbaden (Germany (Federal Republic of)).

Special observer organizations: **International Patent Documentation Center (INPADOC):** Gerhard Quarda, Deputy Technical Director, Vienna; **The Institution of Electrical Engineers (INSPEC):** T.M. Aitchison, Deputy Director, Hitchin (United Kingdom); Ralph B. Cox.

Officers: Chairman: Jacob Dekker (Netherlands); Vice-Chairmen: Saul Lewin (Sweden) and Lev E. Komarov (Soviet Union); Secretary: Jordan Franklin (WIPO).

WIPO Secretariat: Arpad Bogsch, Director General; Klaus Pfanner, Deputy Director General; Felix A. Sviridov, Deputy Director General; Paul Claus, Director, Patent Information Division; E. Murray Haddrick, Head, PCT Division; Jordan Franklin, Head, PCT Technical Section; Normando Scherrer, Counsellor, PCT Division; Daniel Bouchez, Technical Counsellor, PCT Division; Yury Gyrdymov, Technical Officer, PCT Division; Akira Okawa, Consultant, PCT Division.

WIPO Document Series: PCT/TCO/VII

Summary of Conclusions/Recommendations: The Interim Committee took note of a document relating to the state of completeness of the search files of the then prospective International Searching Authorities, in respect of the national patent documents to be included in the PCT minimum documentation under PCT Rule 34.1(c)(i) to (v), and requested the International Bureau to update the information contained in the said document at suitable intervals. Furthermore, the Committee examined and adopted the guidelines for international search to be carried out under the PCT, and the guidelines for international preliminary examination to be carried out under the PCT which had been prepared by the International Bureau, on the basis of the work carried out within the PCT Working Group on Guidelines for International Search and for International Preliminary Examination (both sets of guidelines would be issued by the International Bureau in November 1977). The Committee also dealt, in joint session with the PCT Interim Committee for Administrative Questions, with the questions of time limits under the PCT and distribution of documents issued in the PCT/INT series. Finally, the Interim Committee decided, again in joint session with the Interim Advisory Committee for Administrative Questions that, in view of the expected imminent deposit of the last instrument of ratification required for the entry into force of the Treaty, and of the expected convening of a special Preparatory Committee, further substantive sessions of the Interim Committee would no longer be needed. A further and last session of the Interim Committee would, however, be held in January 1978, jointly with the first session of the new Permanent Committee for Patent Information, with a view to planning the future work of that new Committee.

Eighth and last Session, Geneva, January 17 to 20, 1978

Participants: The meeting of the Interim Committee was attended by 27 member States¹ (with 51 delegates) and two intergovernmental organizations (with four representatives), as follows:

Member States: **Algeria:** Leila Zebdji (Ms.), Deputy Head, Patent Division, Algerian Institute for Standardization and Industrial Property; Kanil H.A. Benhanza; Mohammed Kadi; **Australia:** Ronald J. McInnes, Second Secretary, Permanent Mission in Geneva; **Austria:** Norbert Marterer, Vice-President, Austrian Patent Office; Josef Fichte; Heinrich Querner; **Brazil:** G. Roberto Coaracy, Director, Technological Documentation and Information Center, National Institute of Industrial Property; **Canada:** Douglas V. Cummings, Assistant Director, Patent Branch, Bureau of Intellectual Property; **Czechoslovakia:**² Evzen Zapotocky, Counsellor, Permanent Mission in Geneva; **Denmark:** Andreas Morsing, Head, Patent Department, Danish Patent Office; Steen T. Simonsen; **Dominican Republic:**³ José R. Bursztejn-Lavigne, Counsellor, Permanent Mission in Geneva; **Finland:** Paavo Salmi, Head, Patent Department, Central Board of Patents and Registration; **France:** Charles Goldner, Associate Director for Technical Questions, National Institute of Industrial Property; Daniel Cuvelot; Marguerite Verderosa (Ms.); Odile Kavyrchine (Ms.); **German Democratic Republic:**⁴ Reiner Blumstengel, Head, Data Processing Section, Office for Inventions and Patents; Christa Micheel (Ms.); **Germany (Federal Republic of):** Werner Weiss, Leitender Regierungsdirektor, German Patent Office; Alexander Mühlen; Karl Sölla; **Iran:** Yahya Madani, Director General, Registration Department for Companies and Industrial Property; **Italy:** Sebastiano Samperi, Director, Italian Patent Office; **Japan:** Hiromichi Obana, Director, Documentation Division, Japanese Patent Office; Kiyoyasu Hatakawa; **Netherlands:** Jacob Dekker, President, Netherlands Patent Office; Johannes C.H. Perizonius; **Norway:** Arne G. Gerhardsen, Deputy Director General, Norwegian Patent Office; Kjell A. Hansen; Evind O. Kjeldsen; **Poland:**⁵ Andrzej Olszowka, Counsellor, Deputy Permanent Representative, Permanent Mission in Geneva; **Portugal:**⁶ José Mota Maia, Director, Patent Division, National Institute of Industrial Property; **Soviet Union:** Lev E. Komarov, Deputy Chairman, State Committee for Inventions and Discoveries; Vitaly Trousov; **Spain:** Julio Delicado Montero-Rios, Head, Inventions and Designs Division,

¹ States and organizations which attended the Meeting in their capacity as members of the Permanent Committee on Patent Information (PCPI).

² Ibid.

³ Ibid.

⁴ Ibid.

⁵ Ibid.

⁶ Ibid.

Industrial Property Registry; Antonio Vega del Barco; **Sweden:** Göran Borggård, Director General, Royal Patent and Registration Office; Lars G. Björklund; Torsten Halén; **Switzerland:** Jean-Louis Comte, Deputy Director, Swiss Federal Intellectual Property Office; Edouard Caussignac; **Trinidad and Tobago:**⁷ Vincent Lasse, First Secretary, Permanent Mission in Geneva; Yvonne Gittens (Ms.); **United Kingdom:** Vincent S. Dodd, Superintending Examiner, Patent Office; Alec Sugden; **United States of America:** Alfred C. Marmor, Administrator for Documentation, United States Patent and Trademark Office; P. James Terragno; Lee J. Schroeder; **Zambia:**⁸ Anderson R. Zikonda, Deputy Registrar of Patents, Trade Marks and Designs Office.

Intergovernmental organizations: **African Intellectual Property Organization (OAPI):**⁹ Pierre N'Goma, Deputy Director General, Yaoundé; **European Patent Office (EPO):**¹⁰ André Vandecasteele, Principal Director, Directorate General I, Rijswijk (Netherlands); J.A.H. van Voorthuizen; Bruce I. Cawthra.

Officers: Chairman: Jacob Dekker (Netherlands); Vice-Chairmen: Lev Komarov (Soviet Union) and Anderson R. Zikonda (Zambia); Secretary: Paul Claus (WIPO).

WIPO Secretariat: Arpad Bogsch, Director General; Felix A. Sviridov, Deputy Director General; Paul Claus, Director, Patent Information Division; Heinz Konrad, Head, General Patent Information Section, Patent Information Division; Bo Hansson, Head, IPC Section, Patent Information Division.

WIPO Document Series: PCT/TCO/VIII

Summary of Conclusions/Recommendations: Pursuant to the "Decision Establishing the WIPO Permanent Committee on Patent Information and Dealing with Related Matters," the eighth session of the Interim Committee was held jointly with the first session of the WIPO Permanent Committee on Patent Information (PCPI) under the chairmanship of the Chairman of the PCPI. The Interim Committee noted a summary report on the technical activities carried out by the Interim Committee since its creation. The summary report had been prepared by the International Bureau in order to assist the PCPI in its future planning. The Interim Committee agreed that, subject to a number of additions, the said summary report reflected adequately the activities undertaken by the Interim Committee during its existence.

⁷ Ibid.

⁸ Ibid.

⁹ Ibid.

¹⁰ Ibid.

Standing Subcommittee of the TCO

First Session, Geneva, December 8 to 10, 1971

Authority/Membership: The Standing Subcommittee of the PCT Interim Committee for Technical Cooperation was set up by the February 1971 session of the Interim Committee. The members of the Standing Subcommittee were the countries whose national industrial property offices were prospective International Searching or International Preliminary Examining Authorities under the PCT, as well as the International Patent Institute (IIB). One State, Brazil, had the status of observer member.

Participants: The meeting of the Standing Subcommittee was attended by its nine full members (with 26 delegates) and one observer member (with two representatives), as follows:

Full members: **Austria:** Thomas Lorenz, Presiding Counsellor, Austrian Patent Office; Otto Simmler; Werner W. Tabarelli; Günter Gall; **Germany (Federal Republic of):** Romuald Singer, Abteilungspräsident, German Patent Office; Alfred Wittmann; Anna R. von Schleussner (Ms.); **Japan:** Kotaro Otani, Director, Second Examination Department, Japanese Patent Office; Makoto Kuroda; Kazuaki Takami; **Netherlands:** Jacob Dekker, Vice-President, Netherlands Patent Office; **Soviet Union:** Lev E. Komarov, Director, All-Union Research Institute of State Patent Examination, State Committee for Inventions and Discoveries; Igor Tcherviakov; Tatiana Nemanova (Mrs.); Valery Kalinin; **Sweden:** Saul Lewin, Head of Division, Royal Patent and Registration Office; Bo Hansson; **United Kingdom:** Derek G. Gay, Superintending Examiner, Patent Office; **United States of America:** Richard A. Wahl, Assistant Commissioner, United States Patent Office; Richard A. Spencer; H. Dieter Hoinkes; Edward G. Macey; **International Patent Institute (IIB):** Guillaume Finnis, Director General; Pieter van Waasbergen; Lawrence F.W. Knight; Geo Putz.

Observer member: **Brazil:** Thomaz Thedim Lobo, Director General, National Institute of Industrial Property; Luiz A. de Araujo Castro.

Officers: Chairman: Richard A. Wahl (United States of America); Vice-Chairmen: Lev Komarov (Soviet Union) and Derek G. Gay (United Kingdom); Secretary: Klaus Pfanner (WIPO).

WIPO Secretariat: Georg H.C. Bodenhausen, Director General; Arpad Bogsch, First Deputy Director General; Klaus Pfanner, Senior Counsellor, Head, Industrial Property Division; Ivan Morozov, Head, PCT Section, Industrial Property Division; Paul Claus, Technical Counsellor, Head, ICIREPAT Section, Industrial Property Division; Caspar Werkman, Project Officer, PCT Section, Industrial Property Division; Normando Scherrer, Project Officer, PCT Section, Industrial Property Division; P.M. McDonnell (Ms.), Consultant from the United States Patent Office.

WIPO Document Series: PCT/TCO/SS/I

Summary of Conclusions/Recommendations: The Standing Subcommittee dealt with: (i) patent and non-patent literature forming part of the PCT minimum documentation; (ii) abstracting and translation services available to prospective PCT Authorities; (iii) the possible utilization of the services of INSPEC to facilitate access by prospective authorities to selected areas of non-patent literature; (iv) the envisaged establishment of an international patent documentation service in Vienna (in this respect, reports were heard from the Government of Austria, the International Patent Institute (IIB) and Derwent Publications Ltd.); (v) the possible establishment of uniform search methods among PCT Authorities; and (vi) possible cooperation between WIPO and the International Atomic Energy Agency (IAEA) to facilitate the inclusion of patent documents in the International Nuclear Information System (INIS) and the use of that system by patent offices, particularly for non-patent literature. The Standing Subcommittee requested the International Bureau to take various actions in respect of the said questions.

Second Session, Geneva, April 6 and 7, 1972

Participants: The meeting of the Standing Subcommittee was attended by its nine full members (with 17 delegates), one observer member (with two representatives) and, as special observers, two States (with two representatives) and one organization (with one representative), as follows:

Full members: **Austria:** Thomas Lorenz, Presiding Counsellor, Austrian Patent Office; Wolfgang Pilch; Franz Ceska; **Germany (Federal Republic of):** Karl-Heinz Hofmann, Abteilungspräsident, German Patent Office (Berlin Branch); Anna R. von Schleussner (Ms.); **Japan:** Kenichi Matsuie, Director, Fifth Examination Department, Japanese Patent Office; Kazuaki Takami; **Netherlands:** Jacob Dekker, Vice-President, Netherlands Patent Office; **Soviet Union:** Yevgeny Artemiev, Deputy Chairman, State Committee for Inventions and Discoveries; Vladimir Evgeniev; **Sweden:** Saul Lewin, Head of Department, Royal Patent and Registration Office; Bo Hansson; **United Kingdom:** Derek G. Gay, Superintending Examiner, Patent Office; **United States of America:** Richard A. Wahl, Assistant Commissioner of Patents, United States Patent Office; Ethan A. Hurd; **International Patent Institute (IIB):** Pieter van Waasbergen, Technical Director; Lawrence F.W. Knight.

Observer member: **Brazil:** Thomaz Thedim Lobo, President, National Institute of Industrial Property; Roberto Coaracy.

Special observer States: **France:** Daniel Cuvelot, Head, Documentation and Publication Division, National Institute of Industrial Property; **Switzerland:** Max Leuthold, Head of Section, Swiss Federal Intellectual Property Office.

Special observer organization: **United Nations (UN):** Hans Einhaus, Senior Scientific Affairs Officer, Office for Science and Technology, Geneva.

Officers: Chairman: Richard A. Wahl (United States of America); Vice-Chairmen: Yevgeny E. Artemiev (Soviet Union) and Daniel Cuvelot (France); Secretary: Klaus Pfanner (WIPO).

WIPO Secretariat: Georg H.C. Bodenhausen, Director General; Arpad Bogsch, First Deputy Director General; Klaus Pfanner, Senior Counsellor, Head, Industrial Property Division; Ivan Morozov, Counsellor, Head, PCT Section, Industrial Property Division; Roger Harben, Counsellor, Deputy Head, External Relations Division; Paul Claus, Technical Counsellor, Head, ICIREPAT Section, Industrial Property Division; Normando Scherrer, Project Officer, PCT Section, Industrial Property Division; P.M. McDonnell (Ms.), Consultant, ICIREPAT Section.

WIPO Document Series: PCT/TCO/SS/II

Summary of Conclusions/Recommendations: The Standing Subcommittee examined a report of the International Bureau on the negotiations with, and the detailed plans which the Government of Austria had prepared on, the establishment of the International Patent Documentation Center (INPADOC). The Subcommittee also approved a draft agreement between WIPO and the Government of Austria on the said Center.

Third Session, Geneva, September 2 to 9, 1972

Participants: The meeting of the Standing Subcommittee was attended by its nine full members (with 19 delegates) and one observer member (with three representatives), as follows:

Full members: **Austria:** Günter Gall, Oberkommissär, Austrian Patent Office; **Germany (Federal Republic of):** Karl-Heinz Hofmann, Abteilungspräsident, German Patent Office (Berlin Branch); Anna R. von Schleussner (Ms.); Werner Massalski; **Japan:** Kotaro Otani, Director General, Second Examination Department, Japanese Patent Office; Kazuaki Takami; **Netherlands:** Jacob Dekker, Vice-President, Netherlands Patent Office; **Soviet Union:** Yevgeny Artemiev, Deputy Chairman, State Committee for Inventions and Discoveries; Lev E. Komarov; Vladimir Evgeniev; **Sweden:** Sture Persson, Head of Division, Royal Patent and Registration Office; Måns Jacobsson; Bo Hansson; **United Kingdom:** Derek G. Gay, Superintending Examiner, Patent Office; **United States of America:** Richard A. Wahl, Assistant Commissioner of Patents, United States Patent Office; Michael K. Kirk; H. Dieter Hoinkes; **International Patent Institute (IIB):** Lawrence F.W. Knight, Computerization Advisor; André Vandecasteele.

Observer member: Brazil: G. Roberto Coaracy, Assistant to the President, National Institute of Industrial Property; Renato I. Cantiello; Flavio M. Perri.

Officers: Chairman: Richard A. Wahl (United States of America); Vice-Chairmen: Kotaro Otani (Japan) and Jacob Dekker (Netherlands); Secretary: Klaus Pfanner (WIPO).

WIPO Secretariat: Georg H.C. Bodenhausen, Director General; Arpad Bogsch, First Deputy Director General; Klaus Pfanner, Senior Counsellor, Head, Industrial Property Division; Paul Claus, Technical Counsellor, Head, ICIREPAT Section, Industrial Property Division; Yury Gromov, PCT Section, Industrial Property Division.

WIPO Document Series: PCT/TCO/SS/III

Summary of Conclusions/Recommendations: The Standing Subcommittee noted a progress report on the establishment of INPADOC (an agreement between the Government of Austria and WIPO had been signed on May 2, 1972, and would enter into force on June 22, 1973). Furthermore, the Standing Subcommittee continued to examine questions relating to PCT minimum documentation, the "PAL" project of INSPEC, and uniformity in documentation and searching methods of the prospective PCT Authorities. Finally, the Standing Subcommittee examined, and gave its advice on, draft forms to accompany Administrative Instructions under the PCT to be utilized by the International Authorities under Chapter I of the PCT. The advice of the Standing Subcommittee on such forms would then be transmitted to the PCT Interim Advisory Committee for Administrative Questions.

Fourth and last Session, Geneva, April 25 to 30, 1973

Participants: The meeting of the Standing Subcommittee was attended by eight of its nine full members (with 19 delegates), two special observer States (with two representatives) and two special observer organizations (with four representatives), as follows:

Full members: **Austria:** Günter Gall, Oberkommissär, Austrian Patent Office; **Germany (Federal Republic of):** Karl-Heinz Hofmann, Abteilungspräsident, German Patent Office (Berlin Branch); Anna R. von Schleussner (Ms.); Werner Massalski; **Japan:** Kazuaki Takami, Counsellor for International Affairs, Japanese Patent Office; **Netherlands:** Jacob Dekker, Vice-President, Netherlands Patent Office; **Sweden:** Saul Lewin, Head of Division, Royal Patent and Registration Office; Tage Lövgren; Birgitta Sandberg (Mrs.); **United Kingdom:** Derek G. Gay, Superintending Office, Patent Office; Anthony F.C. Miller; **United States of America:** Richard A. Wahl, Assistant Commissioner of Patents, United States Patent Office; James Sheehan; Frank J. Cohen; **International Patent Institute (IIB):** Lawrence F.W. Knight, Computerization Advisor, The Hague; Pieter van Waasbergen; André Vandecasteele; Geo Putz; A.J. Kirscht.

Special observer States: **France:** Daniel Civelot, Head, Documentation, Publications and Information Division, National Institute of Industrial Property; **Switzerland:** Max Leuthold, Head of Section, Swiss Federal Intellectual Property Office.

Special observer organizations: **International Patent Documentation Center (INPADOC):** O. Auracher, Director General, Vienna; Gustav A. Rubitschka; **The Institution of Electrical Engineers (INSPEC):** Derek H. Barlow, Director, London; Ralph B. Cox.

Officers: Chairman: Richard A. Wahl (United States of America); Vice-Chairmen: Karl-Heinz Hoffmann (Germany (Federal Republic of)) and Kazuaki Takami (Japan); Secretary: Klaus Pfanner (WIPO).

WIPO Secretariat: Arpad Bogsch, First Deputy Director General; Klaus Pfanner, Senior Counsellor, Head, Industrial Property Division; Yury Gromov, Counsellor, Head, PCT Section, Industrial Property Division; Paul Claus, Counsellor, Head, ICIREPAT Section, Industrial Property Division; Yury Gyrdymov, Technical Officer, PCT Section, Industrial Property Division; James Kohlen, Legal Officer, PCT Section, Industrial Property Division; Lee J. Schroeder, Technical Officer, PCT Section, Industrial Property Division; Takatoshi Takeda, Consultant, PCT Section, Industrial Property Division.

WIPO Document Series: PCT/TCO/SS/IV

Summary of Conclusions/Recommendations: The Standing Subcommittee continued to review the progress made in the establishment of INPADOC. In particular, it noted that cooperation agreements between INPADOC and a number of national patent offices and the International Patent Institute (IIB) had been concluded during the reporting period with the good offices of the International Bureau. The Standing Subcommittee also continued to examine draft forms to be used for communications in the procedures under the PCT, as well as flowcharts showing the sequence of processing tasks under the said procedures. Work also continued on the technical questions mentioned in connection with the previous sessions of the Subcommittee.



Emeric, "New York Awakens," oil on canvas. Gift of the artist to WIPO in honor of Arpad Bogsch

**PCT Working Group on Guidelines for International Search and for International Preliminary Examination (a Working Group of the TCO)
First Session, Geneva, February 14 to 18, 1977**

Authority/Membership: The Working Group was established by the November 1976 session of the PCT Interim Committee for Technical Cooperation for the purpose of assisting in the establishment of the PCT Guidelines for International Search and for International Preliminary Examination. The Interim Committee decided that the Working Group would be open to all those member States as well as to all those observer organizations of the Interim Committee which, by December 1, 1976, expressed the wish to do so.

Participants: The meeting of the Working Group was attended by 10 member States (with 15 delegates), two intergovernmental organizations (with three representatives) and four non-governmental organizations (with four representatives), as follows:

Member States: **Austria:** Günter Gall, Ratssekretär, Austrian Patent Office; **Germany (Federal Republic of):** Johann Haugg, Regierungsdirektor, German Patent Office; **Hungary:** Eva Parragh (Mrs.), Deputy Head of Section, National Office of Inventions; **Japan:** Ichio Shamoto, Appeal Examiner-in-Chief, Department of Appeal, Japanese Patent Office; **Netherlands:** Jacob Dekker, Vice-President, Netherlands Patent Office; Siep de Vries; **Norway:** Ole Os, Overingenior, Norwegian Patent Office; **Soviet Union:** Lev E. Komarov, Deputy Chairman, State Committee for Inventions and Discoveries; Vitaly Troussov; Stanislav Egorov; **Sweden:** Yngve Truvé, Member of the Board of Appeal, Royal Patent and Registration Office; Birgitta Sandberg (Mrs.); **United Kingdom:** Derek G. Gay, Superintending Examiner, Patent Office; Michael F. Vivian; **United States of America:** Louis O. Maassel, Patent Procedure Specialist, United States Patent and Trademark Office.

Intergovernmental organizations: **European Patent Organisation (EPO):** Keith Mellor, Administrator, Secretariat of the Interim Committee of the European Patent Organisation, Brussels; **International Patent Institute (IIB):** Jacques Delorme, Director General, Rijswijk (Netherlands); J.A.H. van Voorthuizen.

Non-governmental organizations: **Council of European Industrial Federations (CEIF):** Martin van Dam, Patent Agent, Eindhoven (Netherlands); **European Federation of Industrial Property Representatives of Industry (FEMIPD):** Felix A. Jenny, Patent Department, Ciba-Geigy A.G., Basel (Switzerland); **International Federation of Industrial Property Attorneys (FICPI):** Robert M. Chauchard, Patent Counsel, Paris; **Union of Industries of the European Community (UNICE):** Martin van Dam, Patent Agent, Eindhoven (Netherlands).

Officers: Chairman: Jacques Delorme (IIB); Vice-Chairmen: Louis O. Maassel (United States of America) and Ichio Shamoto (Japan); Secretary: Jordan Franklin (WIPO).

WIPO Secretariat: Felix A. Sviridov, Deputy Director General; E. Murray Haddrick, Head, PCT Division; Jordan Franklin, Counsellor, Head, PCT Technical Section; Normando Scherrer, Counsellor, PCT Division; Daniel Bouchez, Technical Counsellor, PCT Division; Yury Gyrdymov, Technical Officer, PCT Division; Akira Okawa, Consultant, PCT Division.

WIPO Document Series: PCT/WG/GSE/I

Summary of Conclusions/Recommendations: The Working Group examined in detail the draft guidelines for international search under the PCT which had been prepared by the International Bureau and agreed on a revised text of such draft guidelines to be submitted for approval to the PCT Interim Committee for Technical Cooperation at its forthcoming session. Concerning draft guidelines for international preliminary examination, the Working Group, having examined the documents prepared by the International Bureau, requested the International Bureau to prepare a single draft for further discussion at the second session of the Working Group.

Second and last Session, Geneva, June 20 to 24, 1977

Participants: The meeting of the Working Group was attended by nine member States (with 11 delegates), two intergovernmental organizations (with three representatives) and four non-governmental organizations (with six representatives), as follows:

Member States: **Austria:** Günter Gall, Ratssekretär, Austrian Patent Office; **Germany (Federal Republic of):** Johann Haugg, Regierungsdirektor, German Patent Office; **Japan:** Sadao Muramatsu, Director General, Fifth Examination Department, Japanese Patent Office; Kiyoyasu Hatakawa; **Netherlands:** Jacob Dekker, Vice-President, Netherlands Patent Office; Siep de Vries; **Norway:** Ole Os, Overingenior, Norwegian Patent Office; **Soviet Union:** Yevgeny Buryak, Head, International Patent Cooperation Division, All-Union Research Institute of the State Patent Examination, State Committee for Inventions and Discoveries; **Sweden:** Yngve Truvé, Member of the Board of Appeal, Royal Patent and Registration Office; **United Kingdom:** Michael F. Vivian, Senior Examiner, Patent Office; **United States of America:** H. Dieter Hoinkes, International Patent Specialist, Office of Legislation and International Affairs, United States Patent and Trademark Office.

Intergovernmental organizations: **European Patent Organisation (EPO):** Romuald Singer, Head of the Planning Group of the Interim Committee of the European Patent Organisation, Munich; **International Patent Institute (IIB):** Jacques Delorme, Director General, Rijswijk (Netherlands); J.A.H. van Voorthuizen.

Non-governmental organizations: **Council of European Industrial Federations (CEIF):** Martin van Dam, Patent Agent, Eindhoven (Netherlands); Reinhard Kockläuner; **European Federation of Agents of Industry in Industrial Property (FEMIP):** Felix A. Jenny, Patent Department, Ciba-Geigy A.G., Basel (Switzerland); **International Federation of Patent Agents (FICPI):** Valentin Balass, Patent Attorney, Zurich (Switzerland); **Union of Industries of the European Community (UNICE):** Martin van Dam, Patent Agent, Eindhoven (Netherlands); Reinhard Kockläuner.

Officers: Chairman: Jacques Delorme (IIB); Secretary: Jordan Franklin (WIPO).

WIPO Secretariat: Felix A. Sviridov, Deputy Director General; E. Murray Haddrick, Head, PCT Division; Jordan Franklin, Counsellor, Head, PCT Technical Section; Daniel Bouchez, Technical Counsellor, PCT Division; Yury Gyrdymov, Technical Officer, PCT Division; Akira Okawa, Consultant, PCT Division.

WIPO Document Series: PCT/WG/GSE/II

Summary of Conclusions/Recommendations: The Working Group examined the single draft text prepared by the International Bureau on possible guidelines for international preliminary examination under the PCT. The Working Group noted that the said text had been based to the extent possible on the examination guidelines of the European Patent Organisation (EPO). It also noted that it was the opinion of the International Bureau that, since it was the wish of the International Bureau that the EPO should participate in the operation of both Chapters I and II of the PCT, and the basic concepts upon which international preliminary examination would be carried out under the PCT were also found in the European Patent Convention, a large degree of uniformity between the applicable guidelines should be achieved. The Working Group agreed on the text of the guidelines which would be submitted to the approval of the October 1977 session of the Interim Committee for Technical Cooperation.

PCT Interim Advisory Committee for Administrative Questions (AAQ) First Session, Geneva, February 8 to 11, 1971

Authority/Membership: The Interim Committee was set up by the September 1970 sessions of the Assembly, the Conference of Representatives and the Executive Committee of the Paris Union, pursuant to the "Resolution Concerning Preparatory Measures for the Entry Into Force of the Patent Cooperation Treaty" adopted by the Washington Diplomatic Conference on June 17, 1970. According to the said Resolution, the Interim Committee should "study and recommend measures on the questions which will require solutions by the national Offices and the International Bureau when the Treaty enters into force." The said sessions of the Assembly, the Conference of Representatives and the Executive Committee of the Paris Union decided that all States which had signed, or would sign the PCT, would be members of the Interim Committee. At the time of its first session, the Interim Committee had 35 member States.

Participants: The meeting of the Interim Committee was attended by 27 member States (with 54 delegates), seven intergovernmental organizations (with nine representatives) and 11 non-governmental organizations (with 23 representatives), as follows:

Member States: **Algeria:** Salah Bouzidi, Head, Industrial Property Division, National Industrial Property Office; Ahmed Boussaïd; Khelifa Lokmane; **Argentina:** Luis M. Laurelli, Secretary, Permanent Mission in Geneva; **Austria:** Thomas Lorenz, Presiding Counsellor, Ministry of Commerce and Industry; Günter Gall; P. Klein; **Brazil:** Paulo Cabral de Mello, Deputy Permanent Representative, Permanent Mission in Geneva; Thomaz Thedim Lobo; Mauro Couto; **Canada:** Gordon A. Asher, Director, Planning and Special Duties Division, Patent and Copyright Office; **Denmark:** Erik Tuxen, Director, Danish Patent Office; Dagmar Simonsen (Mrs.); Eigil Mølgaard; **Finland:** Paavo Salmi, Head of Section, Central Board of Patents and Registration; Bengt Norring; **France:** Roger Labry, Counsellor, Department of Economic and Financial Affairs, Ministry of Foreign Affairs; Philippe Guérin; **Germany (Federal Republic of):** Romuald Singer, Abteilungspräsident, German Patent Office; Karl-Heinz Hofmann; Dietrich Bernecker; **Hungary:** Emil Tasnádi, President, National Office of Inventions; Jenő Bobrovsky; **Ireland:** Michael J. Quinn, Controller of Patents, Designs and Trade Marks, Patents Office; **Israel:** Mayer Gabay, Commissioner of Patents, Designs and Trade Marks, Ministry of Justice; **Italy:** Giuseppe Trotta, Judge, Ministry of Foreign Affairs; Alfonso Annunziata; **Japan:** Ichio Shamoto, Chief Examiner, Fourth Examination Division, Japanese Patent Office; Makoto Kuroda; **Monaco:** Jean-Marie Notari, Director, Industrial Property Service; **Netherlands:** Jacob Dekker, Vice-President, Netherlands Patent Office; Martin van Dam; **Norway:** Leif Nordstrand, Director, Norwegian Patent Office; Terje Alfsen; **Romania:** Ioan Camenita, Legal Counsel, State Office for Inventions and Marks; F. Dinu (Mrs.); **Soviet Union:** Yury Maksarev, Chairman, State Committee for Inventions and Discoveries; Valery Kalinin; **Sweden:** Göran Borggård, Director General, Royal Patent and Registration Office; Saul Lewin; Bo Hansson; **Switzerland:** Roger Kämpf, Deputy Director, Swiss Federal Intellectual Property Office; Max Leuthold; **Syrian Arab Republic:** Mikhail Wehbeh, Attaché, Permanent Mission in Geneva; **Togo:** Michel Elko, First Counsellor, Embassy in Paris; **United Arab Republic:** Ahmed Elshalakany, Director for International Agreements, Ministry of Industry; Youssri Rizk; **United Kingdom:** Derek G. Gay, Superintending Examiner, Patent Office; Ivor J.G. Davis; **United States of America:** Rene D. Tegtmeyer, Acting Assistant Commissioner for Appeals, Legislation and Trademarks, United States Patent Office; Harvey J. Winter; Richard A. Spencer; H. Dieter Hoinkes; **Yugoslavia:** Stojan Pretnar, Director, Federal Patent Office.

Intergovernmental organizations: **African and Malagasy Industrial Property Office (OAMPI):** Jean-François Anguilé-Ousmane, Deputy Director General, Yaoundé; **Industrial Development Center for Arab States (IDCAS):** Ali Abdel Hak, Head, Industrial Property Section, Department of Productivity Studies, Cairo; **International Patent Institute (IIB):** Pieter van Waasbergen, Technical Director, The Hague; Lawrence F.W. Knight; **United Nations (UN):** Henri Cornil, Trade and Technology Division, Economic Commission for Europe, Geneva; **United Nations Conference on Trade and Development (UNCTAD):** Rangaswami Krishnamurti, Acting Director, Manufacturers Division, Geneva; Robert E. Smith; **United Nations Development Programme (UNDP):** Mohammad Mir Khan, Consultant to the Administrator, Geneva; **United Nations Industrial Development Organization (UNIDO):** Louay Katkhouda, Acting Chief, Industrial Institutions Section, Vienna.

Non-governmental organizations: **Asian Patent Attorneys Association (APAA):** Akihide Sugimura, Patent Attorney, Tokyo; Kim Chun Bong; Shosuke Imai; Fumiaki Ohtsuka; **Committee of National Institutes of Patent Agents (CNIPA):** Cornelis H.J. van Soest, Netherlands Patent Office, The Hague; **Council of European Industrial Federations (CEIF):** Marcel Meunier, Head, Patent Department, Ateliers de Constructions Electriques (ACEC), Charleroi (Belgium); Jakob Willems; **European Industrial Research Management Association (EIRMA):** Roberto Messerotti-Benvenuti, Legal Counsel, Montecatini-Edison, Milan (Italy); André van der Auweraer; **International Association for the Protection of Industrial Property (AIPPI):** Cornelis M.R. Davidson, Patent Counsel, The Hague; **International Chamber of Commerce (ICC):** Daniel A. Was, Industrial Property Advisor, Royal Dutch/Shell Group, The Hague; David O. Lewis; Henri Vanderborght; **International Federation of Inventors' Associations (IFIA):** Harald Romanus, Inventor, Stockholm; Alfred L. Cotterell; **International Federation of Patent Agents (FICPI):** Heinz Bardehle, Patent Agent, Munich; Jacques Corré; Paul O. Langballe; **Pacific Industrial Property Association (PIPA):** Edgar W. Adams, Patent Attorney/Director, Bell Telephone Laboratories, Holmdel (United States of America); Alvah L. Snow; **Union of European Patent Agents (UNEPA):** Gordon H. Edmunds, Chartered Patent Agent, Standard Telephones and Cables Ltd., Footscray (United Kingdom); **Union of Industries of the European Community (UNICE):** I. Pieter L. Hazelzet, Patent Counsel, Eindhoven (Netherlands); Clément Payraudeau.

Officers: Chairman: Stojan Pretnar (Yugoslavia); Vice-Chairmen: Erik Tuxen (Denmark) and Ichio Shamoto (Japan); Secretary: Arpad Bogsch (WIPO).

WIPO Secretariat: Georg H.C. Bodenhausen, Director General; Arpad Bogsch, First Deputy Director General; Klaus Pfanner, Senior Counsellor, Head, Industrial Property Division; Ivan Morozov, Counsellor, Industrial Property Division; Paul Claus, Technical Counsellor, Industrial Property Division.

WIPO Document Series: PCT/AAQ/I

Summary of Conclusions/Recommendations: Pursuant to the decisions adopted by the Assembly, the Conference of Representatives and the Executive Committee of the Paris Union in September 1970, the Interim Committee suggested to the September 1971 ordinary session of the Executive Committee of the Paris Union rules of procedure and a draft program of its activities for the year 1972 and beyond. The Interim Committee also discussed its mandate and tasks on the basis of a document prepared by the International Bureau. The Interim Committee suggested that its rules of procedure be those applicable to "ad hoc committees of experts" provided for in the General Rules of Procedure of WIPO, subject to the understanding that the members would be States and would be represented by government-appointed delegations. Regarding its tasks, the Interim Committee agreed that it should be competent for all questions not within the province of the Interim Committee for Technical Cooperation and the Interim Committee for Technical Assistance, namely, all PCT questions other than technical assistance to developing countries and other than questions mainly concerning the prospective International Searching and Preliminary Examining Authorities. The Interim Committee also agreed that its future work program should concentrate on the study of options for national legislations consistent with the PCT and procedures to be followed in national offices and in the International Bureau when the Treaty became operational, including the establishment of model forms and the drafting of the relevant parts of the Administrative Instructions. The Committee agreed that priority should be placed on work relating to national legislations and the PCT.

Second Session, Geneva, December 6 to 8, 1971

Participants: The meeting of the Interim Committee was attended by 25 member States (with 43 delegates), two observer States (with three representatives), four intergovernmental organizations (with six representatives) and seven non-governmental organizations (with nine representatives), as follows:

Member States: **Argentina:** Luis M. Laurelli, Secretary, Permanent Mission in Geneva; **Austria:** Thomas Lorenz, Presiding Counsellor, Austrian Patent Office; **Belgium:** Jan Verlinden, Administrator, Industrial Property Service, Ministry of Economic Affairs; **Brazil:** Thomaz Thedim Lobo, Director General, National Institute of Industrial Property; Luiz A. de Araujo Castro; **Canada:** Gordon A. Asher, Director, Planning and Special Duties Division, Patent and Copyright Office; **Denmark:** Erik Tuxen, Director, Danish Patent Office; Dagmar Simonsen (Mrs.); Eigil Mølgaard; **Egypt:** Youssri Rizk, First Secretary, Permanent Mission in Geneva; **Finland:** Bengt Norring, Assistant Head of Department, Central Board of Patents and Registration; **France:** Roger Labry, Counsellor, Department of Economic and Financial Affairs, Ministry of Foreign Affairs; Philippe Guérin; **Germany (Federal Republic of):** Heribert Mast, Ministerialrat, Federal Ministry of Justice; Romuald Singer; Ulrich C. Hallmann; **Hungary:** Emil Tasnádi, President, National Office of Inventions; Jenő Bobrovsky; **Italy:** Roberto Messerotti-Benvenuti, Patent Counsel, Montecatini-Edison; **Japan:** Kotaro Otani, Second Examination Department, Japanese Patent Office; Makoto Kuroda; Kazuaki Takami; **Luxembourg:** Jean-Pierre Hoffmann, Head, Industrial Property Service, Ministry of National Economy; **Monaco:** Jean-Marie Notari, Director, Industrial Property Service; **Netherlands:** Jacob Dekker, Vice-President, Netherlands Patent Office; Martin van Dam; **Norway:** Leif Nordstrand, Director, Norwegian Patent Office; Arne G. Modal; **Philippines:** Maxie A. Aguillon, Third Secretary, Permanent Mission in Geneva; **Senegal:** Babacar Niang, Technical Advisor, Ministry of Industrial Development; **Soviet Union:** Lev E. Komarov, Director, All-Union Research Institute of State Patent Examination, State Committee for Inventions and Discoveries; Igor Tcherviakov; Tatiana Nemanova (Mrs.); Valery Kalinin; **Sweden:** Saul Lewin, Head of Division, Royal Patent and Registration Office; Bo Hansson; **Switzerland:** Roger Kämpf, Head of Section, Swiss Federal Intellectual Property Office; Max Leuthold; **United Kingdom:** Ronald Bowen, Superintending Examiner, Patent Office; Anthony F.C. Miller; **United States of America:** H. Dieter Hoinkes, Legislative and International Patent Specialist, Office of Legislation and International Affairs, United States Patent Office; Edward G. Misesy; **Yugoslavia:** Stojan Pretnar, Director, Federal Patent Office.

Observer States: **Greece:** Georges Helmis, Second Secretary, Permanent Mission in Geneva; André Galatopoulos; **Mexico:** Arturo Muñoz-Ledo, Counsellor, Permanent Mission in Geneva.

Intergovernmental organizations: **Intergovernmental Conference for the Setting Up of a European System for the Grant of Patents:** Dennis Thompson, Legal Advisor, European Free Trade Association (EFTA), Geneva; **International Patent Institute (IIB):** Guillaume Finnis, Director General, The Hague; Pieter van Waasbergen; Lawrence F.W. Knight; **United Nations (UN):** Henri Cornil, Trade and Technology Division, Economic Commission for Europe, Geneva; **United Nations Conference on Trade and Development (UNCTAD):** Harry Stordel, Deputy Director, Manufacturers Division, Geneva.

Non-governmental organizations: **Council of European Industrial Federations (CEIF):** Werner Kuster, Patent Agent, Zurich (Switzerland); **International Association for the Protection of Industrial Property (AIPPI):** Gaylord E. Kirker, Patent Counsel, Geneva; **International Chamber of Commerce (ICC):** Daniel A. Was, Industrial Property Advisor, Royal Dutch/Shell Group, The Hague; **International Federation of Inventors' Associations (IFIA):** Harald Romanus, Inventor, Stockholm; Alfred L. Cotterell; **International Federation of Patent Agents (FICPI):** André Braun, Patent Agent, Basel (Switzerland); Knud Høst-Madsen; **Union of European Patent Agents (UNEPA):** Gaylord E. Kirker, Patent Counsel, Geneva; **United States National Association of Manufacturers (NAM):** Edgar W. Adams, Patent Attorney/Director, Bell Telephone Laboratories, Holmdel (United States of America).

Officers: Chairman: Heribert Mast (Germany (Federal Republic of)); Vice-Chairmen: Kotaro Otani (Japan) and Babacar Niang (Senegal); Secretary: Klaus Pfanner (WIPO).

WIPO Secretariat: Georg H.C. Bodenhausen, Director General; Arpad Bogsch, First Deputy Director General; Klaus Pfanner, Senior Counsellor, Head, Industrial Property Division; Ivan Morozov, Counsellor, Industrial Property Division; Gust Ledakis, Counsellor; Ludwig Baeumer, Counsellor, Head, Legislation and Patent Classification Section, Industrial Property Division.

WIPO Document Series: PCT/AAQ/II

Summary of Conclusions/Recommendations: The Interim Committee considered: (i) options for national legislations under the PCT (on the basis of a working paper prepared by the International Bureau and listing all those instances in which the PCT allowed various options and giving comments on the consequences of choosing one or other of such possibilities); and (ii) model provisions for implementing the PCT, particularly as far as the BIRPI Model Law for Developing Countries was concerned. Regarding (i), the Committee invited the International Bureau to prepare a revised paper taking into account certain comments and suggestions. Regarding (ii), the Committee advised the Director General as to possible suggestions he might wish to make to a committee of experts for developing countries to which the Model Law was to be submitted for revision.

Third Session, Geneva, October 4 to 9, 1972

Authority/Membership: Pursuant to a decision of the 1972 session of the Executive Committee of the Paris Union, the members of the Interim Committee were, in addition to States which had signed or acceded to the PCT, all those States which had pledged a special financial contribution to the PCT budget. At the time of the second session of the Interim Committee, one State, Australia, had qualified under the latter criterion.

Participants: The meeting of the Interim Committee was attended by 28 member States (with 53 delegates), three intergovernmental organizations (with four representatives) and six non-governmental organizations (with 12 representatives), as follows:

Member States: **Algeria:** Salah Bouzidi, Director, National Industrial Property Office; Ahmed Boussaïd; Ghaoutia Sellali (Mrs.); **Argentina:** Ricardo A. Ramayon, First Secretary, Permanent Mission in Geneva; **Australia:** Karl B. Petersson, Commissioner of Patents, Patents, Trade Marks and Designs Offices; **Austria:** Günter Gall, Oberkommissär, Industrial Property Section, Ministry of Commerce, Trade and Industry; **Belgium:**

Jan Verlinden, Administrator, Industrial Property Service, Ministry of Economic Affairs; **Brazil:** G. Roberto Coaracy, Assistant to the President, National Institute of Industrial Property; Renato I. Cantiello; Flavio M. Perri; **Canada:** Finlay W. Simons, Senior Representative of the Commissioner of Patents, Patent and Copyright Office; Jacques Corbeil; **Denmark:** Erik Tuxen, Director, Danish Patent Office; Dagmar Simonsen (Mrs.); Eigil Mølgaard; **Egypt:** Abdel M. El-Dek, The General Organization for Industrialization; Sayed A. Abou-Ali; **Finland:** Paavo Salmi, Head of Section, Central Board of Patents and Registration; **France:** Roger Labry, Counsellor, Department of Economic and Financial Affairs, Ministry of Foreign Affairs; Philippe Guérin; **Germany (Federal Republic of):** Heribert Mast, Ministerialrat, Ministry of Justice; Karl-Heinz Hofmann; Anna R. von Schleussner (Ms.); Ulrich C. Hallmann; Werner Massalski; **Hungary:** Emil Tasnádi, President, National Office of Inventions; Jenő Bobrovsky; **Iran:** Ghassem Raissian, Under-Secretary of State, Ministry of Justice; Mehdi Naraghi; **Ireland:** Michael J. Quinn, Controller of Patents, Patents Office; **Israel:** Mayer Gabay, Commissioner of Patents, Designs and Trade Marks, Ministry of Justice; **Italy:** Roberto Messerotti-Benvenuti, Patent Counsel, Montecatini-Edison; **Japan:** Kotaro Otani, Director General, Second Examination Department, Japanese Patent Office; **Monaco:** Jean-Marie Notari, Director, Industrial Property Service; **Netherlands:** Jacob Dekker, Vice-President, Netherlands Patent Office; Martin van Dam; **Norway:** Leif Nordstrand, Director General, Norwegian Patent Office; Arne G. Modal; Terje Alfsen; **Romania:** Ioan Camenita, Legal Advisor, State Office for Inventions and Marks; **Senegal:** Babacar Niang, Technical Advisor, Ministry of Industrial Development; **Soviet Union:** Yevgeny Artemiev, First Deputy Chairman, State Committee for Inventions and Discoveries; Lev E. Komarov; Vladimir Evgeniev; **Sweden:** Sture Persson, Head of Division, Royal Patent and Registration Office; **Switzerland:** Jean-Louis Comte, Deputy Director, Swiss Federal Intellectual Property Office; Max Leuthold; François Curchod; **United Kingdom:** Derek G. Gay, Superintending Examiner, Patent Office; Anthony F.C. Miller; **United States of America:** Richard A. Wahl, Assistant Commissioner of Patents, United States Patent Office; Michael K. Kirk; H. Dieter Hoinkes.

Intergovernmental organizations: **Intergovernmental Conference for the Setting Up of a European System for the Grant of Patents:** Dennis Thompson, European Free Trade Association (EFTA), Geneva; **International Patent Institute (IIB):** Lawrence F.W. Knight, Computerization Advisor, The Hague; André Vandecasteele; **United Nations Conference on Trade and Development (UNCTAD):** Thomas Ganiatsos, Associate Economic Affairs Officer, Transfer of Technology Branch, Division for Invisibles, Geneva.

Non-governmental organizations: **Council of European Industrial Federations (CIFE):** Christian Sordet, Attorney-at-Law, Vevey (Switzerland); Jakob Willems; **European Federation of Agents of Industry in Industrial Property (FEMIPD):** Marcel Meunier, Head, Patent Department, Ateliers de Constructions Electriques (ACEC), Charleroi (Belgium); **International Association for the Protection of Industrial Property (AIPPI):** Heinz Meyer, Deputy Director and Head of the Patent Department, Hoffmann-La Roche, Basel (Switzerland); **International Chamber of Commerce (ICC):** Daniel A. Was, Industrial Property Advisor, Royal Dutch/Shell Group, The Hague; David O. Lewis; Henri Vanderborcht; **International Federation of Inventors' Associations (IFIA):** Harald Romanus, Inventor, Stockholm; Karl E. Sundström; **International Federation of Patent Agents (FICPI):** Georges Deriaz, Patent Counsel, Geneva; Karshub Halvorsen; Paul O. Langballe.

Officers: Chairman: Heribert Mast (Germany (Federal Republic of)); Vice-Chairmen: Yevgeny Artemiev (Soviet Union) and Babacar Niang (Senegal); Secretary: Klaus Pfanner (WIPO).

WIPO Secretariat: Georg H.C. Bodenhausen, Director General; Arpad Bogsch, First Deputy Director General; Klaus Pfanner, Senior Counsellor, Head, Industrial Property Division; Paul Claus, Technical Counsellor, Head, ICIREPAT Section; Yury Gromov, PCT Section, Industrial Property Division.

WIPO Document Series: PCT/AAQ/III

Summary of Conclusions/Recommendations: The Interim Committee considered the first draft of certain provisions of the Administrative Instructions referred to in Article 58(4) of the PCT and Rule 89 of the Regulations under the PCT, and a revised document on options for national legislation under the PCT. The Committee agreed that both issues should continue to have priority on its agenda.

Fourth Session, Tokyo, September 22 to 27, 1973

Participants: The meeting of the Interim Committee was attended by 18 member States (with 36 delegates), one intergovernmental organization (with one representative), six non-governmental organizations (with 21 representatives) and two observer organizations (with two representatives), as follows:

Member States: **Austria:** Günter Gall, Oberkommissär, Industrial Property Section, Ministry of Commerce, Trade and Industry; **Brazil:** G. Roberto Coaracy, Head, Patent Information Center, National Institute of Industrial Property; Arthur C. Bandeira; **Canada:** Archibald M. Laidlaw, Assistant Deputy Minister, Bureau of Intellectual Property; Jacques Corbeil; **Finland:** Erkki Wuori, Deputy Director, Central Board of Patents and Registration; **France:** Philippe Guérin, Advisor to the Director, National Institute of Industrial Property; **Germany (Federal Republic of):** Heribert Mast, Ministerialrat, Federal Ministry of Justice; Karl-Heinz Hofmann; **Hungary:** Emil Tasnádi, President, National Office of Inventions; Gábor Bánrévy; **Iran:** Ghassem Raissian, Under-Secretary of State, Ministry of Justice; Hamid Jamshidi; **Japan:** Hideo Siato, Director General, Japanese Patent Office; Kotaro Otani; Hideo Saegusa; Ichio Shamoto; Yoshiro Hashimoto; Kazuaki Takami; Katsuhiro Ichioka; **Netherlands:** Jacob Dekker, Vice-President, Netherlands Patent Office; **Norway:** Ingebrigt Aune, Head, Examining Department, Norwegian Patent Office; **Philippines:** Manuel R. de Joya, Attaché, Embassy in Tokyo; **Romania:** Lucian Marinete, Director, State Office for Inventions and Marks; Ioan Camenita; **Soviet Union:** Lev Inozemtsev, Advisor, State Committee for Inventions and Discoveries; Lev E. Komarov; Alexander S. Ignatiev; **Sweden:** Saul Lewin, Head of Division, Royal Patent and Registration Office; Lennarth Törnroth; **Switzerland:** Jean-Louis Comte, Deputy Director, Swiss Federal Intellectual Property Office; **United Kingdom:** Anthony F.C. Miller, Principal Examiner, Patent Office; **United States of America:** William I. Merkin, Assistant Commissioner, United States Patent Office; H. Dieter Hoinkes; Frank J. Cohen; George R. Clark.

Intergovernmental organization: International Patent Institute (IIB): André Vandecasteele, Advisor to the Technical Department, The Hague.

Non-governmental organizations: Asian Patent Attorneys Association (APAA): Kyozo Yuasa, Patent Counsel, Tokyo; Masao Okabe; Kiyoshi Asamura; Kiyoshi Inomata; **International Association for the Protection of Industrial Property (AIPPI):** George R. Clark, General Patent Counsel, Sunbeam Corporation, Chicago (United States of America); Shoji Matsui; Masahiko Takeda; Akira Aoki; Akihide Sugimura; Koe Toyosaki; Akira Kukimoto; Nagaski Oshima; **International Chamber of Commerce (ICC):** Tatsuo Fujii, Patent Agent, Tokyo; Fuminori Yoshida; Susumu Ichikawa; **International Federation of Patent Agents (FICPI):** André Braun, Patent Attorney, Basel (Switzerland); **Pacific Industrial Property Association (PIPA):** Masaaki Suzuki, Manager, Patent Department, Tokyo Central Research and Development Laboratory Inc., Tokyo; Hisashi Sugino; Hiroshi Ono; **Union of European Patent Agents (UNEPA):** Werner Cohausz, Patent Agent, Düsseldorf (Germany (Federal Republic of)); Klaus Hoffmann.

Observer organizations: International Patent Documentation Center (INPADOC): Gustav A. Rubitschka, Head, Commercial Department, Vienna; **The Institution of Electrical Engineers (INSPEC):** Ralph B. Cox, Manager, Product Development, London.

Officers: Chairman: Heribert Mast (Germany (Federal Republic of)); Vice-Chairmen: Lev Inozemtsev (Soviet Union) and Archibald M. Laidlaw (Canada); Secretary: Klaus Pfanner (WIPO).

WIPO Secretariat: Arpad Bogsch, First Deputy Director General; Klaus Pfanner, Senior Counsellor, Head, Industrial Property Division; Yury Gromov, Counsellor, Head, PCT Division; James Kohnen, Legal Assistant, PCT Section, Industrial Property Division; Takatoshi Takeda, Consultant, PCT Section, Industrial Property Division.

WIPO Document Series: PCT/AAQ/IV

Summary of Conclusions/Recommendations: The Interim Committee examined a revised draft of the Administrative Instructions relating to Chapter I of the PCT, and a first draft of the Administrative Instructions relating to Chapter II of the PCT. The Committee also established a Working Group on Forms to deal with draft forms to be employed by international authorities under Chapters I and II of the PCT, as well as with draft printed forms for the request and the international search report. Finally, the Committee decided to add to its work program the preparation of: (i) a first draft of guidelines setting forth the duties of the receiving Offices under the PCT; (ii) a first draft of guidelines for applicants under the PCT; and (iii) a draft model agreement between the International Bureau and an International Searching Authority.

Fifth Session, Geneva, November 12 to 19, 1974

Participants: The meeting of the Interim Committee was attended by 21 member States (with 39 delegates), two intergovernmental organizations (with three representatives), seven non-governmental organizations (with 13 representatives) and two observer organizations (with three representatives), as follows:

Member States: **Austria:** Günter Gall, Oberkommissär, Section for Industrial Property, Federal Ministry for Trade Commerce and Industry; G. Mautner-Markhof; **Belgium:** Jan Verlinden, Administrator, Industrial and Commercial Property Service, Ministry of Economic Affairs; **Brazil:** Gilberto F. Martins, Secretary, Permanent Mission in Geneva; **Canada:** Robert B. McKenzie, Head of Section, Electrical and Physical Sciences Division, Intellectual Property Bureau, Department of Consumer and Corporate Affairs; **Denmark:** Dagmar Simonsen (Mrs.), Head of Department, Danish Patent Office; Lise Østerborg (Mrs.); **Egypt:** Sayed A. Abou-Ali, First Secretary, Permanent Mission in Geneva; **Finland:** Erkki Wuori, Deputy Director General, Central Board of Patents and Registration; Paavo Salmi; **France:** Roger Labry, Counsellor, Department of Economic and Financial Affairs, Ministry of Foreign Affairs; Philippe Guérin; **Germany (Federal Republic of):** Ulrich C. Hallmann, Regierungsdirektor, German Patent Office; Karl-Heinz Hofmann; Werner Massalski; **Hungary:** Emil Tasnádi, President, National Office of Inventions; György Szemző; **Iran:** Hamid Jamshidi, Director General, Department for Registration of Companies and Industrial Property, Ministry of Justice; **Japan:** Takatoshi Takeda, Examiner, Applied Physics Division, Second Examination Department, Japanese Patent Office; Toyomaro Yoshida; **Luxembourg:** Fernand Schlessler, Industrial Property Service, Ministry of National Economy; **Netherlands:** Jacob Dekker, Vice-President, Netherlands Patent Office; **Norway:** Ole Os, Overingeniør, Norwegian Patent Office; **Soviet Union:** Lev E. Komarov, Deputy Chairman, State Committee for Inventions and Discoveries; Alexandre S. Ignatiev; E.V. Makhluva (Mrs.); **Sweden:** Lennarth Törnroth, Principal Examiner, Royal Patent and Registration Office; Eva Henriksson (Mrs.); **Switzerland:** Roger Kämpf, Head of Section, Swiss Federal Intellectual Property Office; Edouard Caussignac; Max Leuthold; Jean Mirimanoff-Chilikine; **Syrian Arab Republic:** A. Jouman-Agha, Minister Counsellor, Permanent Mission in Geneva; **United Kingdom:** Derek G. Gay, Superintending Examiner, Patent Office; Anthony F.C. Miller; Arthur R. Summers; **United States of America:** Robert F. Burnett, Special Assistant to the Assistant Commissioner for Patents, United States Patent Office; H. Dieter Hoinkes; Louis O. Maassel.

Intergovernmental organizations: **International Patent Institute (IIB):** J.A.H. van Voorthuizen, Deputy Technical Director, Rijswijk (Netherlands); André Vandecasteele; **United Nations Conference on Trade and Development (UNCTAD):** Pedro Roffe, Economic Affairs Officer, Transfer of Technology Branch, Geneva.

Non-governmental organizations: **Council of European Industrial Federations (CEIF):** Daniel Lachat, Patent Counsel, Paris; Reinhard Kockläuner; **European Federation of Agents of Industry in Industrial Property (FEMIP):** Felix A. Jenny, Patent Counsel, Ciba-Geigy A.G., Basel (Switzerland); Reinhard Kockläuner; **International Association for the Protection of Industrial Property (AIPPI):** Maurice Mathez, Director, Hoffmann-La Roche, Basel (Switzerland); **International Federation of Inventors' Associations (IFIA):** Friedrich Burmester, Inventor, Reutlingen (Germany (Federal Republic of)); Harald Romanus; Sven-Erik Angert; **International Federation of Patent Agents (FICPI):** Paul O. Langballe, Patent Agent, Copenhagen; **Union of European Professional Patent Representatives (UNION):** Arnold R. Egli, Patent Counsel, Zürich (Switzerland); Werner F. Schaad; **Union of Industries of the European Community (UNICE):** Marcel Meunier, Head, Patent Department, Ateliers de Constructions Electriques (ACEC), Charleroi (Belgium); Reinhard Kockläuner.

Observer organizations: **International Patent Documentation Center (INPADOC):** Gustav A. Rubitschka, Head, Commercial Department, Vienna; Gerhard Quarda; **The Institution of Electrical Engineers (INSPEC):** Ralph B. Cox, Manager, Product Development, Hitchin (United Kingdom).

Officers: Chairman: Jacob Dekker (Netherlands); Vice-Chairmen: Robert F. Burnett (United States of America) and Takatoshi Takeda (Japan); Secretary: Jordan Franklin (WIPO).

WIPO Secretariat: Arpad Bogsch, Director General; Klaus Pfanner, Deputy Director General; Paul Claus, Technical Counsellor, Head of Section, Industrial Property Division; Jordan Franklin, Technical Counsellor, Head, PCT Section, Industrial Property Division; Normando Scherrer, Counsellor, PCT Section, Industrial Property Division; Yury Gyrdymov, Technical Officer, PCT Section, Industrial Property Division; Fumio Iizuka, Consultant, PCT Section, Industrial Property Division; James Kohnen, Legal Officer, PCT Section, Industrial Property Division.

WIPO Document Series: PCT/AAQ/V

Summary of Conclusions/Recommendations: The Interim Committee discussed the second revised draft of the PCT Administrative Instructions, as well as the draft forms under the Administrative Instructions, which had previously been considered by the Working Group on Forms at its first and only session in September 1974. The Committee decided on a number of changes in both the draft Administrative Instructions and the draft forms. The Interim Committee also decided to include in its work program for 1975: (i) plans for testing the draft Administrative Instructions (including the draft PCT forms), through simulation of PCT proceedings; and (ii) a review of the compatibility and consistency of the solutions envisaged in the framework of the PCT, the European Patent Organisation (EPO) and any other relevant regional arrangement, as far as questions within the jurisdiction of the Interim Committee were concerned.

Sixth Session, Geneva, October 29 to November 3, 1975

Authority/Membership: At the time of the sixth session of the Interim Committee, a second State, Cuba, had qualified to become a member through the pledging of a special contribution to the PCT budget.

Participants: The meeting of the Interim Committee was attended by 22 member States (with 36 delegates), two intergovernmental organizations (with three representatives), seven non-governmental organizations (with 10 representatives) and two observer organizations (with three representatives), as follows:

Member States: **Algeria:** Ghaoutia Sellali (Mrs.), Counsellor, Permanent Mission in Geneva; **Austria:** Günter Gall, Head of Division, Industrial Property Section, Federal Ministry for Trade, Commerce and Industry; **Brazil:** Alvaro G. de Alencar, Counsellor, Permanent Mission in Geneva; **Denmark:** Johs J. P. Irgens, Head of Section, Ministry of Commerce; Oluf P. Callesen; **Egypt:** Sayed A. Abou-Ali, First Secretary, Permanent Mission in Geneva; **Finland:** Paavo Salmi, Head of Section, Central Board of Patents and Registration; Esko Friman; **France:** Philippe Guérin, Advisor to the Director, National Institute of Industrial Property; **Germany (Federal Republic of):** Ulrich C. Hallmann, Regierungsdirektor, German Patent Office; Werner Massalski; **Hungary:** Eva Parragh (Mrs.), Deputy Head of Section, National Office of Inventions; **Ireland:** Patrick Slavin, Principal Examiner, Patents Office; **Ivory Coast:** Lilian M.L. Boa (Mrs.), Second Secretary, Permanent Mission in Geneva; **Japan:** Takefumi Shiroshita, Director General, Department of Appeals, Japanese Patent Office; Toyomaro Yoshida; **Luxembourg:** Fernand Schlessler, Deputy Head, Industrial Property Service, Ministry of National Economy; **Netherlands:** Jacob Dekker, Vice-President, Netherlands Patent Office; **Norway:** Ole Os, Overingenior, Norwegian Patent Office; **Philippines:** Esteban Bautista, Assistant Head, Division of Research and Law Reform, University of Philippines Law Center; **Romania:** Valeriu Tudor, Counsellor, Permanent Mission in Geneva; **Soviet Union:** Lev E. Komarov, Deputy Chairman, State Committee for Inventions and Discoveries; Evgeniy Buryak; **Sweden:** Saul Lewin, Deputy Director General, Royal Patent and Registration Office; Birgitta Sandberg (Mrs.); Lennarth Törnroth; **Switzerland:** Jean-Louis Comte, Deputy Director, Swiss Federal Intellectual Property Office; Roger Kämpf; Max Leuthold; Jean Mirimanoff-Chilikine; **United Kingdom:** Anthony F.C. Miller, Principal Examiner, Patent Office; Derek G. Gay; Robert W. Heinink; **United States of America:** Alfred C. Marmor, Administrator for Documentation, United States Patent and Trademark Office; Louis O. Maassel; Mary E. Turowski (Ms.).

Intergovernmental organizations: **International Patent Institute (IIB):** J.A.H. van Voorthuizen, Deputy Technical Director, Rijswijk (Netherlands); André Vandecasteele; **Organization of American States (OAS):** Gérard J. Schamis, Permanent Representative for Europe, Geneva.

Non-governmental organizations: **Council of European Industrial Federations (CEIF):** Reinhard Kockläuner, Patent Counsel, Hoechst A.G. Werk Albert, Wiesbaden-Biebrich (Germany (Federal Republic of)); **European Federation of Agents of Industrial Property in Industry (FEMIP):** Felix A. Jenny, Patent Counsel, Ciba-Geigy A.G., Basel (Switzerland); Blasco Dousse; **International Association for the Protection of Industrial Property (AIPPI):** Maurice Mathez, Director, Hoffmann-La Roche, Basel (Switzerland); **International Federation of Inventors' Associations (IFIA):** Sven-Erik Angert, Patent Agent, Stockholm; Paul Feldmann; **International Federation of Patent Agents (FICPI):** Hans Brühwiler, Patent Agent, Zürich (Switzerland); Gaylord E. Kirker; **Union of European Professional Patent Representatives (UNION):** Gaylord E. Kirker, Patent Counsel, Geneva; **Union of Industries of the European Community (UNICE):** Marcel Meunier, Head, Patent Department, Ateliers de Constructions Electriques (ACEC), Charleroi (Belgium).

Observer organizations: **International Patent Documentation Center (INPADOC):** Gerhard Quarda, Deputy Technical Director, Vienna; **The Institution of Electrical Engineers (INSPEC):** Derek H. Barlow, Director, London; Ralph B. Cox.

Officers: Chairman: Jacob Dekker (Netherlands); Vice-Chairmen: Lev E. Komarov (Soviet Union) and Takefumi Shiroshita (Japan); Secretary: Jordan Franklin (WIPO).

WIPO Secretariat: Klaus Pfanner, Deputy Director General; Paul Claus, Technical Counsellor, Head of Section, Industrial Property Division; Jordan Franklin, Counsellor, Head, PCT Section, Industrial Property Division; Normando Scherrer, Counsellor, PCT Section, Industrial Property Division; Yury Gyrdymov, Technical Officer, PCT Section, Industrial Property Division; Busso Bartels, Consultant, PCT Section, Industrial Property Division; Toyanara Ogiue, Consultant, PCT Section, Industrial Property Division; James Sheehan, Consultant, PCT Section, Industrial Property Division.

WIPO Document Series: PCT/AAQ/VI

Summary of Conclusions/Recommendations: The Interim Committee examined the third revised draft of the PCT Administrative Instructions, the draft forms under the Administrative Instructions and the first draft of the guidelines for applicants. The Committee also considered the first draft of the guidelines for receiving Offices and the draft of a model agreement between the International Bureau and an International Searching Authority. The Committee noted the initiative of the Soviet Union in proposing a program relating to the conducting of tests for the processing of sample PCT international applications and the intention of the interested offices (Austria, Germany (Federal Republic of), Soviet Union, Sweden, Switzerland, United Kingdom, United States of America), the International Patent Institute (IIB) and the International Bureau to participate in or contribute to the test program. Finally, the Committee decided that the program for 1976 should include two new items, namely: (i) the preparation of a study of the staff and equipment requirements of the International Bureau during the year before the entry into force of the PCT and during the first year of its effective operation; and (ii) the preparation of draft guidelines for publication reflecting the form, style and layout of publications which the International Bureau would be required to issue under the PCT.

Seventh Session, Geneva, November 1 to 8, 1976

Authority/Membership: At the time of the seventh session of the Interim Committee, a third State, Spain, had qualified to become a member through the pledging of a special contribution to the PCT budget.

Participants: The meeting of the Interim Committee was attended by 26 member States (with 41 delegates), three intergovernmental organizations (with seven representatives), seven non-governmental organizations (with 10 representatives) and one observer organization (with two representatives), as follows:

Member States: **Algeria:** Salah Lebdioui, Attaché, Ministry of Foreign Affairs; Ahmed-Rezu Bendisari; **Argentina:** Carlos Passalacqua, Secretary, Permanent Mission in Geneva; **Austria:** Günter Gall, Oberkommissär, Industrial Property Section, Ministry for Commerce, Trade and Industry; **Brazil:** Adhemar G. Bahadian, First Secretary, Permanent Mission in Geneva; **Cameroon:** Louis Wansek, Permanent Mission for Economic Affairs in Bonn; **Canada:** Robert B. McKenzie, Chief, Electrical and Physical Sciences Section, Bureau of Intellectual Property, Department of Consumer and Corporate Affairs; **Cuba:** Juan Otero Solanès, Deputy Director General, National Office of Inventions, Technical Information and Marks; **Denmark:** Oluf P. Callesen, Deputy Head of Section, Danish Patent Office; Lise Østerborg (Mrs.); **Egypt:** Fawzi El Ibrashi, Plenipotentiary Minister, Permanent Mission in Geneva; **Finland:** Paavo Salmi, Head of Department, Central Board of Patents and Registration; Sirkka-Liisa Lahtinen (Ms.); **France:** Philippe Guérin, Advisor to the Director, National Institute of Industrial Property; **Germany (Federal Republic of):** Ulrich C. Hallmann, Regierungsdirektor, German Patent Office; Norbert Haugg; **Hungary:** Eva Parragh (Mrs.), Deputy Head of Section, National Office of Inventions; **Iran:** Latif Ansari-Mahabadian, Head, Industrial Property Bureau; **Ivory Coast:** Largaton Quattara, Permanent Mission in Geneva; **Japan:** Kazuo Hoshikawa, Counsellor for PCT-TRT Affairs, Japanese Patent Office; Toyomaro Yoshida; **Luxembourg:** Fernand Schlessler, Deputy Head, Industrial Property Service, Ministry of National Economy; **Netherlands:** Jacob Dekker, Vice-President, Netherlands Patent Office; **Norway:** Ole Os, Overingenior, Norwegian Patent Office; **Romania:** Constantin Ivascu, Permanent Mission in Geneva; **Soviet Union:** Victor Bakastov, Member of the Board, State Committee for Inventions and Discoveries; Yevgeny Buryak; **Spain:** Julio Delicado Montero-Ríos,

Head, Inventions and Designs Division, Industrial Property Registry; **Sweden:** Saul Lewin, Deputy Director General, Royal Patent and Registration Office; Jan-Eric Bodin; Birgitta Sandberg (Mrs.); **Switzerland:** Jean-Louis Comte, Deputy Director, Swiss Federal Intellectual Property Office; Christian Blaser; René Egli; Roger Kämpf; Max Leuthold; **United Kingdom:** Derek G. Gay, Superintending Examiner, Patent Office; Michael F. Vivian; Robert W. Heinink; **United States of America:** H. Dieter Hoinkes, Legislative and International Patent Specialist, United States Patent and Trademark Office; Louis O. Maassel.

Intergovernmental organizations: **European Patent Organisation (EPO):** Peter E. Catchlove, Member of the Planning Group of the Interim Committee of the European Patent Organisation, Munich; Jean-Max Creskens; Keith Mellor; **International Patent Institute (IIB):** J.A.H. van Voorthuizen, Deputy Technical Director, Rijswijk (Netherlands); Ulrich J. Schatz; André Vandecasteele; **United Nations Development Programme (UNDP):** Raymonde Collomb (Ms.), External Relations Officer, Geneva.

Non-governmental organizations: **Council of European Industrial Federations (CEIF):** Martin van Dam, Patent Attorney, Eindhoven (Netherlands); **European Federation of Agents of Industry in Industrial Property (FEMIP):** Felix A. Jenny, Patent Counsel, Ciba-Geigy A.G., Basel (Switzerland); **International Association for the Protection of Industrial Property (AIPPI):** Maurice Mathez, Director, Hoffmann-La Roche, Basel (Switzerland); **International Federation of Inventors' Associations (IFIA):** Sven-Erik Angert, Patent Agent, Stockholm; Paul Feldmann; **International Federation of Patent Agents (FICPI):** Gaylord E. Kirker, Industrial Property Counsel, Geneva; Michel P. Micheli; **Union of European Professional Patent Representatives (UNION):** Gaylord E. Kirker, Industrial Property Counsel, Geneva; **Union of Industries of the European Community (UNICE):** Reinhard Kockläuner, Hoechst A.G. Werk Albert, Wiesbaden-Biebrich (Germany (Federal Republic of)); Renée Sadones Laurent (Mrs.).

Observer organization: **The Institution of Electrical Engineers (INSPEC):** Derek H. Barlow, Director, London; Ralph B. Cox.

Officers: Chairman: Jean-Louis Comte (Switzerland); Vice-Chairmen: Jacob Dekker (Netherlands) and H. Dieter Hoinkes (United States of America); Secretary: E. Murray Haddrick (WIPO).

WIPO Secretariat: Arpad Bogsch, Director General; Klaus Pfanner, Deputy Director General; Felix A. Sviridov, Deputy Director General; Paul Claus, Director, Patent Information Division; E. Murray Haddrick, Head, PCT Division; Jordan Franklin, Counsellor, Head, PCT Technical Section; Daniel Bouchez, Technical Counsellor, PCT Division; Normando Scherrer, Counsellor, PCT Division; Yury Gyrdymov, Technical Officer, PCT Division; Akira Okawa, Consultant, PCT Division; James Sheehan, Consultant, Industrial Property Division.

WIPO Document Series: PCT/AAQ/VII

Summary of Conclusions/Recommendations: The Interim Committee examined: (i) the fourth revised draft of the Administrative Instructions (including revised forms); (ii) the second revised draft of the guidelines for receiving Offices; (iii) the second revised draft model agreement between the International Bureau and an International Searching Authority; (iv) the first draft of the guidelines for publication under the PCT; and (v) the first draft of the guidelines for the publication and execution of drawings under the PCT. The Committee decided to establish a Working Group on Guidelines for Publication and Drawings and to refer to it all further work on points (iv) and (v). The Committee also examined a preliminary study of the staff, equipment and budgetary requirements of the International Bureau in the year before and in the first year of effective operation of the PCT, and decided to refer further work on this subject to a new Working Group on Budgetary Questions to be convened in early 1977. Concerning the date from which international applications may be filed under the PCT, the Committee decided to recommend to the PCT Assembly that international applications may be filed after the expiration of a period of six months after the entry into force of the Treaty. Finally, the Committee decided to include in its work program for 1977 the following new items: (i) negotiation of individual agreements between the International Bureau and the prospective International Searching Authorities; (ii) a study relating to a review of the level of fees fixed by the Regulations under the PCT and the handling of fees under the PCT; and (iii) preparation of a draft model agreement between the International Bureau and an International Preliminary Examining Authority.

Eighth and last Session, Geneva, October 10 to 18, 1977

Participants: The meeting was attended by 20 member States (with 33 delegates), three intergovernmental organizations (with four representatives) and eight non-governmental organizations (with 10 representatives), as follows:

Member States: **Austria:** Günter Gall, Abteilungsleiter, Industrial Property Section, Federal Ministry for Trade, Commerce and Industry; **Brazil:** G. Roberto Coaracy, Director, Documentation and Technical Information Center, National Institute of Industrial Property; **Canada:** Earl W. Bown, Senior Patent Examiner, Bureau of Intellectual Property, Department of Consumer and Corporate Affairs; **Denmark:** Oluf P. Callesen, Deputy Head of Section, Danish Patent Office; Lise Osterborg (Mrs.); **Egypt:** Ahmed Aboul-Kheir, Counsellor, Permanent Mission in Geneva; **Finland:** Paavo Salmi, Head, Patent Department, Central Board of Patents and Registration; **France:** Philippe Guérin, Advisor to the Director, National Institute of Industrial Property; **Germany (Federal Republic of):** Ulrich C. Hallmann, Regierungsdirektor, German Patent Office; Norbert Haugg; **Hungary:** Eva Parragh (Mrs.), Deputy Head of Section, National Office of Inventions; **Japan:** Kazuo Hoshikawa, Counsellor for PCT Affairs, Japanese Patent Office; Kiyoyasu Hatakawa; **Madagascar:** Solofo Rabearivelo, Counsellor, Permanent Mission in Geneva; Olivier Raveloson; **Netherlands:** Jacob Dekker, Vice-President, Netherlands Patent Office; Siep de Vries; **Norway:** Ole Os, Overingenior, Norwegian Patent Office; **Senegal:** Sidy L. Ba, Director of Industry and Handicrafts, Directorate of Industry; **Soviet Union:** Lev Komarov, Deputy Chairman, State Committee for Inventions and Discoveries; Yevgeny Buryak; **Spain:** Julio Delicado Montero-Ríos, Head, Inventions and Designs Division, Industrial Property Registry; **Sweden:** Saul Lewin, Deputy Director General, Royal Patent and Registration Office; Birgitta Sandberg (Mrs.); Yngve Truvé; **Switzerland:** Jean-Louis Comte, Deputy Director, Swiss Federal Intellectual Property Office; Roger Kämpf; **United Kingdom:** Michael F. Vivian, Principal Examiner, Patent Office; Alexander F. Gilmour; Edward F. Blake; Andrew Hunter; **United States of America:** Louis O. Maassel, Patent Procedure Specialist, United States Patent and Trademark Office; Mary E. Turowski (Ms.).

Intergovernmental organizations: **European Patent Organisation (EPO):** Peter E. Catchlove, Member of the Planning Group of the Interim Committee of the European Patent Organisation, Munich; **International Patent Institute (IIB):** J.A.H. van Voorthuizen, Deputy Technical Director, Rijswijk (Netherlands); Ferdinand Duhr; **Organization of American States (OAS):** F.E. Hurtado de Mendoza, Counsellor, Permanent Delegation in Geneva.

Non-governmental organizations: **Council of European Industrial Federations (CEIF):** Martin van Dam, Patent Agent, Eindhoven (Netherlands); **European Federation of Industrial Property Representatives of Industry (FEMIP):** Felix A. Jenny, Patent Counsel, Ciba-Geigy A.G., Basel (Switzerland); **Inter-American Association of Industrial Property (ASIP):** Euripides Terrero, Patent Attorney, Caracas; Viviane Terrero (Ms.); **International Association for the Protection of Industrial Property (AIPPI):** Egon Zurrer, Vice Manager, Hoffmann-La Roche, Basel (Switzerland); **International Federation of Inventors' Associations (IFIA):** Sven-Erik Angert, Engineer, Stockholm; Paul Feldmann; **International Federation of Patent Agents (FICPI):** Valentin Balass, Patent Attorney, Zurich (Switzerland); **Union of European Patent Attorneys (UNION):** Gaylord E. Kirker, Industrial Property Counsel, Geneva; **Union of Industries of the European Community (UNICE):** Reinhard Kockläuner, Hoechst A.G. Werk Albert, Wiesbaden (Germany (Federal Republic of)).

Officers: Chairman: Jean-Louis Comte (Switzerland); Vice Chairmen: Ulrich C. Hallmann (Germany (Federal Republic of)) and Kazuo Hoshikawa (Japan); Secretary: E. Murray Haddrick (WIPO).

WIPO Secretariat: Arpad Bogsch, Director General; Klaus Pfanner, Deputy Director General; Felix A. Sviridov, Deputy Director General; Paul Claus, Director, Patent Information Division; E. Murray Haddrick, Head, PCT Division; Jordan Franklin, Head, PCT Technical Section; Normando Scherrer, Counsellor, PCT Division; Daniel Bouchez, Technical Counsellor, PCT Division; Yury Gyrdymov, Technical Officer, PCT Division; Akira Okawa, Consultant, PCT Division.

WIPO Document Series: PCT/AAQ/VIII

Summary of Conclusions/Recommendations: The main agenda items of the eighth and last session of the Interim Committee were: (i) various questions relating to publications under the PCT (including draft guidelines for publication under the PCT); (ii) draft guidelines for drawings under the PCT; (iii) questions concerning the priority date; (iv) amendments of the Regulations under the PCT (other than amendments relating to fees); (v) a progress report on budgetary questions; (vi) a progress report on negotiations with prospective International Searching and Preliminary Examining Authorities; (vii) various questions relating to the level of fees and their handling under the PCT; (viii) time limits under the PCT; and (ix) the completion of guidelines for applicants under Chapter II of the PCT. The main outcome

of the session was the adoption of: (i) guidelines for publication and guidelines for drawings under the PCT (they would be issued by the International Bureau in November and December 1977); (ii) guidelines for receiving Offices for the processing of international applications under the PCT (they would be issued by the International Bureau at the end of October 1977); and (iii) guidelines for applicants under Chapter II of the PCT (they would be issued by the International Bureau at the end of 1977). Also, the Committee decided to recommend to the first session of the PCT Assembly (to meet in 1978) the amendment of certain Rules in the Regulations under the PCT (including the Rules on fees). Concerning the handling of fees, the Committee considered principles proposed by the International Bureau in order to solve questions which might arise due to currency fluctuations. Finally, the Committee decided, in joint session with the PCT Interim Committee for Technical Cooperation, that consideration of any further substantive preparatory work for the implementation of the PCT was no longer necessary in view of the imminent entry into force of the PCT and consequent imminent convening of the first PCT Assembly.



*Lalique, “Yeso,” crystal cup (top) and “Antinea,” crystal vase (bottom).
Gifts of the International Association for the Protection of Intellectual Property (AIPPI) to WIPO*

PCT Working Group on Forms (under the AAQ)
First and only Session, Geneva, September 9 to 13, 1974

Authority/Membership: The Working Group was established by the October 1973 session of the PCT Interim Advisory Committee for Administrative Questions for the purpose of assisting in the establishment of forms to be utilized in PCT procedures. The Interim Advisory Committee decided that the Working Group would be composed of specialists in standardization of patent office procedures. All members of the Interim Advisory Committee were invited to participate in the Working Group.

Participants: The meeting of the Working Group was attended by 13 member States (with 18 delegates), two intergovernmental organizations (with three representatives) and two non-governmental organizations (with three representatives), as follows:

Member States: **Cameroon:** Jean-Marie Happy-Tchankou, Counsellor, Permanent Mission in Bonn; **Canada:** Douglas V. Cummings, Director, Patent Publications and Services Division, Bureau of Intellectual Property, Department of Consumer and Corporate Affairs; **France:** Gisèle M. Guilhemotonia (Miss), Patent Division, National Institute of Industrial Property; **Germany (Federal Republic of):** Karl-Heinz Hofmann, Abteilungspräsident, German Patent Office; Ulrich C. Hallmann; **Iran:** Bijan Esfandiary, Third Secretary, Permanent Mission in Geneva; **Japan:** Yoshiro Hashimoto, Director, High Polymers Division, Fourth Examination Department, Japanese Patent Office; **Norway:** Ole Os, Head of Section, Norwegian Patent Office; **Philippines:** Calixto V. Espejo, Permanent Mission in Geneva; **Soviet Union:** Yevgeny Buryak, Head, International Patent Cooperation Division, All-Union Research Institute of State Patent Examination; Mikhail Plakhoutine; **Sweden:** Birgitta Sandberg (Mrs.), Legal Advisor, Royal Patent and Registration Office; **Switzerland:** Max Leuthold, Head of Section, Swiss Federal Intellectual Property Office; **United Kingdom:** Anthony F.C. Miller, Principal Examiner, Patent Office; Arthur R. Summers; **United States of America:** William A. Smith, Deputy Director, Office of Patent Program Control, United States Patent Office; Louis O. Maassel; Mary E. Turowski (Ms.).

Intergovernmental organizations: **International Patent Institute (IIB):** Robert Weber, Head of Section, Rijswijk (Netherlands); A.J. Kirscht; **United Nations Conference on Trade and Development (UNCTAD):** Fabio R. Fiallo, Economic Affairs Officer, Manufacturers Division, Geneva.

Non-governmental organizations: **International Federation of Inventors' Associations (IFIA):** Karl Lerstrup, Inventor, Copenhagen; Karl E. Sundström; **Union of Industries of the European Community (UNICE):** Marcel Meunier, Head, Patent Department, Ateliers de Constructions Electriques (ACEC), Charleroi (Belgium).

Officers: Chairman: William A. Smith (United States of America); Vice-Chairmen: Yevgeny Buryak (Soviet Union) and Yoshiro Hashimoto (Japan); Secretary: Paul Claus (WIPO).

WIPO Secretariat: Klaus Pfanner, Director, Head, Industrial Property Division; Paul Claus, Technical Counsellor, Acting Head, PCT Section, Industrial Property Division; Normando Scherrer, Counsellor, PCT Section, Industrial Property Division; Yury Gyrdymov, Technical Officer, PCT Section, Industrial Property Division; James Kohnen, Legal Officer, PCT Section, Industrial Property Division..

WIPO Document Series: PCT/AAQ/WGF/I

Summary of Conclusions/Recommendations: The Working Group considered, and made recommendations on, draft forms under the PCT Administrative Instructions, in particular: (i) the receiving Office and the International Searching Authority forms; (ii) the International Bureau and the International Preliminary Examining Authority forms; and (iii) the printed drafts of the request, the international search report, the demand and the international examination report. The Working Group also agreed that the Interim Advisory Committee for Administrative Questions should consider the possibility of requesting the International Bureau to conduct a survey with respect to the mandatory or optional use of the forms under (i) and (ii) above.

**PCT Working Group on Guidelines for Publication and for Drawings (under the AAQ)
First and only Session, Geneva, February 21 to 25, 1977**

Authority/Membership: The Working Group was established by the November 1976 session of the PCT Interim Advisory Committee for Administrative Questions for the purpose of assisting in the establishment of the PCT Guidelines for Publication and for Drawings. The Interim Committee decided that the Working Group would be open to all those member States as well as all those observer organizations of the Interim Committee which wished to do so. The International Patent Documentation Center (INPADOC) was also represented in accordance with the decision of the Interim Committee in that respect.

Participants: The meeting of the Working Group was attended by 10 member States (with 13 delegates), two intergovernmental organizations (with two representatives) and five non-governmental organizations (with eight representatives), as follows:

Member States: **Austria:** Günter Gall, Ratssekretär, Austrian Patent Office; **France:** Philippe Guérin, Advisor to the Director, National Institute of Industrial Property; **Germany (Federal Republic of):** Ulrich C. Hallmann, Regierungsdirektor, German Patent Office; Norbert Haugg; **Japan:** Ichio Shamoto, Appeal Examiner-in-Chief, Department of Appeal, Japanese Patent Office; **Netherlands:** Jacob Dekker, Vice-President, Netherlands Patent Office; **Soviet Union:** Lev E. Komarov, Deputy Chairman, State Committee for Inventions and Discoveries; Vitaly Troussov; **Spain:** Nicolas Rodriguez Toro, Consultant for Technical Information, Industrial Property Registry; **Switzerland:** Max Leuthold, Head of Section, Swiss Federal Intellectual Property Office; **United Kingdom:** Michael F. Vivian, Senior Examiner, Patent Office; Andrew Hunter; **United States of America:** Louis O. Maassel, Patent Procedure Specialist, United States Patent and Trademark Office.

Intergovernmental organizations: **European Patent Organisation (EPO):** Peter E. Catchlove, Member of the Planning Group of the European Patent Organisation, Munich; **International Patent Institute (IIB):** A.J. Kirscht, Head, Administration and Research, Rijswijk (Netherlands).

Non-governmental organizations: **Council of European Industrial Federations (CEIF):** Martin van Dam, Patent Agent, Eindhoven (Netherlands); Renée Sadones Laurent (Mrs.); **European Federation of Industrial Property Representatives of Industry (FEMIP):** Renée Sadones Laurent (Mrs.), Legal and Industrial Property Department, L'Air Liquide, Paris; Martin A. Lobeck; **International Federation of Industrial Property Attorneys (FICPI):** Joachim Beier, Patent Counsel, Stuttgart (Germany (Federal Republic of)); **International Patent Documentation Center (INPADOC):** Gerhard Quarda, Deputy Technical Director, Vienna; **Union of Industries of the European Community (UNICE):** Martin van Dam, Patent Agent, Eindhoven (Netherlands); Renée Sadones Laurent (Mrs.).

Officers: Chairman: Jacob Dekker (Netherlands); Vice-Chairmen: Ulrich C. Hallmann (Germany (Federal Republic of)) and Max Leuthold (Switzerland); Secretary: Daniel Bouchez (WIPO).

WIPO Secretariat: Klaus Pfanner, Deputy Director General; E. Murray Haddrick, Head, PCT Division; Jordan Franklin, Counsellor, Head, PCT Technical Section; Normando Scherrer, Counsellor, PCT Division; Daniel Bouchez, Technical Counsellor, PCT Division.

WIPO Document Series: PCT/WG/GPD/I

Summary of Conclusions/Recommendations: The Working Group discussed the first draft of guidelines for publication and of guidelines on the presentation of drawings under the PCT, on the basis of a number of documents prepared by the International Bureau. The Working Group also discussed the form of publication of the international search report, on the basis of draft forms prepared by the International Bureau.

**PCT Financing Working Group (under the AAQ)
First Session, Washington, June 15 and 19, 1970**

Authority/Membership: The Working Group was established by the 1970 session of the Executive Committee of the Paris Union with the mandate "to study, with the Director General of WIPO, the financial repercussions of the Patent Cooperation Treaty until such time as it enters into force" (document P/EC/VI/, paragraph 29). At the time of its first session, the eight members of the Working Group were Germany (Federal Republic of), Japan, the Netherlands, the Soviet Union, Sweden, Switzerland, the United Kingdom and the United States of America.

Participants: The meeting of the Working Group was attended by its eight member States (with 15 delegates), as follows:

Member States: **Germany (Federal Republic of):** Heribert Mast, Ministerialrat, Ministry of Justice; **Japan:** Kotaro Otani, Chief, Third Examination Division, Japanese Patent Office; Yoshiro Hashimoto; Noriaki Ohwada; **Netherlands:** Willem M.J.C. Phaf, Head, Legislation and Legal Affairs Department, Ministry of Economic Affairs; **Soviet Union:** Yevgeny Artemiev, First Deputy Chairman, State Committee for Inventions and Discoveries; Yury Gyrdaymov; **Sweden:** Göran Borggård, Director General, Royal Patent and Registration Office; **Switzerland:** Walter Stamm, Director, Swiss Federal Intellectual Property Office; **United Kingdom:** Edward Armitage, Comptroller-General of Patents, Designs and Trademarks, Comptroller of the Industrial Patent and Copyright Department, Board of Trade; James D. Fergusson; Ronald Bowen; **United States of America:** William E. Schuyler, Commissioner of Patents, United States Patent Office; Rene D. Tegmeyer; H. Dieter Hoinkes.

Officers: Chairman: Göran Borggård (Sweden); Secretary: Arpad Bogsch (BIRPI).

WIPO/BIRPI Secretariat: Arpad Bogsch, First Deputy Director General, BIRPI.

WIPO Document Series: PCT/FWG/I

Summary of Conclusions/Recommendations: The Working Group discussed the program of the International Bureau in 1971 in the field of the PCT and its possible financing through special contributions. Discussions were based on a memorandum prepared by the International Bureau. The Working Group agreed that, its function being only of an advisory nature, any final views or commitments on the above matters were reserved to the September 1970 meetings of the Governing Bodies of WIPO.

Second and last Session, Geneva, February 11 and 12, 1971

Authority/Membership: The fifth session of the Executive Committee of the Paris Union enlarged the membership of the Working Group to 11 member States. The three new member States of the Working Group, at the time of its second and last session, were Canada, France and Italy.

Participants: The Working Group was attended by 10 of its 11 member States (with 22 delegates), as follows:

Member States: **Canada:** Gordon A. Asher, Director, Planning and Special Duties Division, Patent and Copyright Office; **France:** Roger Labry, Counsellor, Department of Economic and Financial Affairs, Ministry of Foreign Affairs; Pierre Fressonnet; Philippe Guérin; **Germany (Federal Republic of):** Romuald Singer, Abteilungspräsident, German Patent Office; Karl-Heinz Hofmann; Dietrich Bernecker; Peter P. Wrany; Siegfried Schumm; **Japan:** Ichio Shamoto, Chief Examiner, Fourth Examination Division, Japanese Patent Office; **Netherlands:** Jacob Dekker, Vice-

President, Netherlands Patent Office; **Soviet Union:** Yury Maksarev, Chairman, State Committee for Inventions and Discoveries; Valery Kalinin; **Sweden:** Göran Borggård, Director General, Royal Patent and Registration Office; Bo Hansson; **Switzerland:** Walter Stamm, Director, Swiss Federal Intellectual Property Office; Max Leuthold; **United Kingdom:** Ivor J.G. Davis, Principal Examiner, Patent Office; **United States of America:** Rene D. Tegtmeyer, Acting Assistant Commissioner for Appeals, Legislation and Trademarks, United States Patent Office; Harvey J. Winter; Richard A. Spencer; H. Dieter Hoinkes.

Officers: Chairman: Göran Borggård (Sweden); Secretary: Arpad Bogsch (WIPO).

WIPO Secretariat: Georg H.C. Bodenhausen, Director General; Arpad Bogsch, First Deputy Director General; Klaus Pfanner, Senior Counsellor, Head, Industrial Property Division; Bernard A. Armstrong, Senior Counsellor, Head, Administrative Division; Ivan Morozov, Counsellor, Industrial Property Division.

WIPO Document Series: PCT/FWG/II

Summary of Conclusions/Recommendations: The second session of the Working Group discussed the program of the International Bureau in 1972 in the field of the PCT and its financing through special contributions. The amount of special contributions for certain States for 1972 and the basis for calculating the said special contributions were, in particular, dealt with by the Working Group. The report of the Working Group was to be submitted for approval by the Executive Committee of the Paris Union at its 1971 ordinary session.



*Max Bilde, "Nocturne"
("Commemorative Ceremony for Dag Hammarsköld and A. Gardet, Stockholm, September 29, 1961"), oil on canvas.
Gift of the artist to WIPO*

PCT Working Group on Budgetary Questions

First and only Session, Geneva, February 28 to March 4, 1977

Authority/Membership: The Working Group on Budgetary Questions was established by the November 1976 session of the PCT Advisory Interim Committee for Administrative Questions for the purpose of assisting in the preparation of a study on the budgetary questions connected with the implementation of the PCT in the initial period. The following States, members of the Interim Advisory Committee, expressed the wish to be members of the Working Group: Austria, Brazil, France, Germany (Federal Republic of), Japan, Netherlands, Soviet Union, Spain, Sweden, Switzerland, United Kingdom, United States of America.

Participants: The meeting of the Working Group was attended by 11 member States (with 17 delegates), as follows:

Member States: **Austria:** Günter Gall, Ratssekretär, Austrian Patent Office, Federal Ministry of Trade and Industry; **Brazil:** Adhemar G. Bahadian, First Secretary, Permanent Mission in Geneva; **France:** Paul Pierson, Head, Finance Service, National Institute of Industrial Property; **Germany (Federal Republic of):** Ulrich C. Hallmann, Regierungsdirektor, German Patent Office; Gerhard Wirth; **Japan:** Ichio Shamoto, Appeal Examiner-in-Chief, Department of Appeal, Japanese Patent Office; **Soviet Union:** Lev E. Komarov, Deputy Chairman, State Committee for Inventions and Discoveries; Vitaly Troussov; **Spain:** Julio Delicado Montero-Ríos, Head, Inventions and Designs Division, Industrial Property Registry; **Sweden:** Curt Edfjäll, Head, Planning and Budget Division, Ministry of Commerce; Sören Sjöberg; **Switzerland:** Jean-Louis Comte, Deputy Director, Swiss Federal Intellectual Property Office; Moritz Isenschmid; Yves Emery; **United Kingdom:** Christopher F. Gadd, Senior Examiner, Patent Office; **United States of America:** Louis O. Maassel, Patent Procedure Specialist, United States Patent and Trademark Office; Irving A. Williamson.

Officers: Chairman: Jean-Louis Comte (Switzerland); Vice-Chairmen: Lev E. Komarov (Soviet Union) and Adhemar Bahadian (Brazil); Secretary: E. Murray Haddrick (WIPO).

WIPO Secretariat: Arpad Bogsch, Director General; Klaus Pfanner, Deputy Director General; Maurice Lagesse, Head, Budget and Systems Section; E. Murray Haddrick, Head, PCT Division; Jordan Franklin, Head, PCT Technical Section; Normando Scherrer, Counsellor, PCT Division; Daniel Bouchez, Technical Counsellor, PCT Division; Yury Gyrdymov, Technical Officer, PCT Division; Akira Okawa, Consultant, PCT Division.

WIPO Document Series: PCT/WG/BUD/I

Summary of Conclusions/Recommendations: The Working Group reviewed a memorandum prepared by the International Bureau, setting forth estimates of the budgetary requirements of the International Bureau in relation to different numbers of international applications per year and considered the various elements influencing expenditure, income and the financing of the difference between expenditure and income. The Working Group noted the various hypotheses under which the break-even point (expressed as the number of applications) would be reached, and considered the principles proposed by the International Bureau for a contribution scheme to finance the initial deficit. The Working Group adopted seven principles for that scheme, which included, *inter alia*, the payment for 1978 to 1980 of "basic" contributions by all countries then making contributions, "supplementary" contributions by countries which had deposited their instruments of ratification prior to or during those years, as well as by States which became Contracting States during those years (intended to cover the deficit attributable to those years not covered by the "basic" contributions), and in the reimbursement of contributions from any excess of income over expenditure after the break-even point was reached. Finally, the Working Group agreed on estimates of expenditure and income for the years 1978 to 1980. The said estimates were 12,010,000 and 5,807,000 Swiss francs, respectively.

PART III

**PCT Assembly, Committee, Working Group and
Other Meetings Held Between the Entry Into Force
of the PCT (January 24, 1978) and December 31, 1994**

Serial Number of Meeting	Title of Meeting	Venue and Dates of Meeting
	PCT Preparatory Committee	
59	First and only Session	Geneva, February 6 to 10, 1978
	PCT Union Assembly	
60	First Session (1st Extraordinary)	Geneva, April 10 to 14, 1978
61	Second Session (1st Ordinary)	Geneva, September 25 to October 3, 1978
62	Third Session (2nd Extraordinary)	Geneva, April 25 to May 1, 1979
63	Fourth Session (2nd Ordinary)	Geneva, September 24 to October 2, 1979
64	Fifth Session (3rd Extraordinary)	Geneva, June 9 to 16, 1980
65	Sixth Session (4th Extraordinary)	Geneva, September 22 to 26, 1980
66	Seventh Session (5th Extraordinary)	Geneva, June 29 to July 3, 1981
67	Eighth Session (3rd Ordinary)	Geneva, November 16 to 24, 1981
68	Ninth Session (6th Extraordinary)	Geneva, September 10, 1982
69	Tenth Session (4th Ordinary)	Geneva, September 26 to October 4, 1983
70	Eleventh Session (7th Extraordinary)	Geneva, January 30 to February 3, 1984
71	Twelfth Session (8th Extraordinary)	Geneva, September 24 to 28, 1984
72	Thirteenth Session (5th Ordinary)	Geneva, September 23 to October 1, 1985
73	Fourteenth Session (9th Extraordinary)	Geneva, September 8 to 12, 1986
74	Fifteenth Session (6th Ordinary)	Geneva, September 21 to 30, 1987
75	Sixteenth Session (7th Ordinary)	Geneva, September 25 to October 4, 1989
76	Seventeenth Session (10th Extraordinary)	Geneva, September 24 to October 2, 1990
77	Eighteenth Session (11th Extraordinary)	Geneva, July 8 to 12, 1991
78	Nineteenth Session (8th Ordinary)	Geneva, September 23 to October 2, 1991
79	Twentieth Session (12th Extraordinary)	Geneva, September 21 to 29, 1992
80	Twenty-First Session (9th Ordinary)	Geneva, September 20 to 29, 1993
81	Twenty-Second Session (10th Ordinary)	Geneva, September 26 to October 4, 1994

PCT Committee for Technical Cooperation (CTC)		
82	First Session	Geneva, September 19 to 22, 1978
83	Second Session	Geneva, September 22 to 26, 1979
84	Third Session	Geneva, September 20 to 24, 1980
85	Fourth Session	Geneva, December 7 to 11, 1981
86	Fifth Session	Geneva, November 29 to December 3, 1982
87	Sixth Session	Geneva, September 19 to 23, 1983
88	Seventh Session	Geneva, September 18 to 21, 1984
89	Eighth Session	Geneva, September 16 to 20, 1985
90	Ninth Session	Geneva, September 1 to 5, 1986
91	Tenth Session	Geneva, September 3 to 11, 1987
92	Eleventh Session	Geneva, May 26 and 27, 1988
93	Twelfth Session	Geneva, June 5 to 9, 1989
94	Thirteenth Session	Geneva, September 22 and 23, 1992
95	Fourteenth Session	Geneva, December 7 to 11, 1992
96	Fifteenth Session	Geneva, June 3 to 11, 1993
97	Sixteenth Session	Geneva, September 21 and 22, 1993
98	Seventeenth Session	Geneva, December 13 to 17, 1993
PCT Committee for Administrative and Legal Matters (CAL)		
99	First Session	Geneva, September 6 to 10, 1982
100	Second Session	Geneva, April 25 to 29, 1983
101	Third Session, First Part	Geneva, July 2 to 6, 1990
102	Third Session, Second Part	Geneva, September 17 to 21, 1990
103	Fourth Session, First Part	Geneva, December 10 to 14, 1990
104	Fourth Session, Second Part	Geneva, March 11 to 15, 1991
105	Fifth Session	Geneva, May 24 to 28, 1993
PCT and Budapest Treaty Working Group		
106	First Session	Geneva, February 12 to 14, 1979
107	Second and last Session	Geneva, December 10 to 12, 1979
PCT Management and Budget Consultants Group		
108	First Session	Geneva, March 17 to 28, 1980
109	Second and last Session	Geneva, April 6 to 8, 1981
PCT Users Meetings		
110	First Meeting	Geneva, October 5, 1979
111	Second Meeting	Geneva, September 21, 1981
112	Third Meeting	Geneva, May 26, 1982
113	Fourth Meeting	Geneva, March 27, 1992

114	PCT International Meeting	Tokyo, May 25 to 29, 1981
115	Meeting with Non-Governmental Organizations	Geneva, April 1 and 2, 1982
	Meetings of International Authorities Under the PCT	
116	First Session	Geneva, January 15 to 19, 1990
117	Second Session	Geneva, March 9 to 13, 1992
118	Third Session	Geneva, June 21 to 25, 1993
119	Fourth Session	Geneva, June 27 to July 1, 1994
120	Fifth Session	Geneva, November 28 to December 1, 1994

PCT Preparatory Committee

First and only Session, Geneva, February 6 to 10, 1978

Authority/Membership: The Committee was convened by the Director General of WIPO to assist in the preparation of the first session of the Assembly of the PCT Union (hereinafter referred to as "the Assembly"). Invitations to participate, as members, in the session, were sent to those States (17) which had, prior to the session, ratified or acceded to the PCT. States which, not having ratified or acceded to the PCT, had been members of the Interim Committees, were invited to be represented by observers. Invitations to be represented by observers were also sent to selected organizations.

Participants: The meeting of the Preparatory Committee was attended by 12 member States (with 16 delegates), 10 observer States (with 14 delegates), two intergovernmental organizations (with three representatives) and five non-governmental organizations (with five representatives), as follows:

Member States: **Brazil:** G. Roberto Coaracy, Director, Technological Documentation and Information Center, National Institute of Industrial Property; **Cameroon:** Balla Yaya Garga, First Secretary, Permanent Mission in Brussels; **Central African Empire:** E.-L. Bayangha, Permanent Representative in Berne; **France:** Pierre Fressonnet, Deputy Director, National Institute of Industrial Property; Philippe Guérin; **Germany (Federal Republic of):** Ulrich C. Hallmann, Leitender Regierungsdirektor, German Patent Office; **Luxembourg:** Fernand Schlessler, Deputy Head, Industrial Property Service, Ministry of National Economy; **Madagascar:** Solofo Rabearivelo, Counsellor, Permanent Mission in Geneva; **Senegal:** Parsine Crespin, Counsellor, Permanent Mission in Geneva; **Soviet Union:** Yevgeny Buryak, Head, International Patent Cooperation Division, State Committee for Inventions and Discoveries; **Switzerland:** Jean-Louis Comte, Deputy Director, Swiss Federal Intellectual Property Office; Roger Kämpf; **United Kingdom:** Ronald Bowen, Assistant Comptroller, Patent Office; Edward F. Blake; **United States of America:** H. Dieter Hoinkes, International Patent Specialist, Office of Legislation and International Affairs, United States Patent and Trademark Office; Louis O. Maassel.

Observer States: **Austria:** Günter Gall, Counsellor, Industrial Property Section, Federal Ministry for Trade, Commerce and Industry; **Canada:** Bruce Gillies, Third Secretary, Permanent Mission in Geneva; **Egypt:** Fawzi El Ibrashi, Plenipotentiary Minister, Permanent Mission in Geneva; Taher Dinana; Ahmed A. Omar; **Hungary:** Eva Parragh (Mrs.), Counsellor, National Office of Inventions; **Japan:** Kazuo Hoshikawa, Counsellor for PCT Affairs, Japanese Patent Office; Kiyoyasu Hatakawa; **Netherlands:** Siep de Vries, Deputy Member, Netherlands Patent Office; **Norway:** Ole Os, Overingeniør, Norwegian Patent Office; **Romania:** Valeriu Tudor, Counsellor, Permanent Mission in Geneva; **Spain:** Antonio C. Ortega Lechuga, Head, Licensing Section, Industrial Property Registry; **Sweden:** Jan-Eric Bodin, Head of Section, Royal Patent and Registration Office; Birgitta Sandberg (Mrs.).

Intergovernmental organizations: **European Patent Organisation (EPO):** Jenö Staehelin, Vice-President, Directorate General 5, European Patent Office, Munich; J.A.H. van Voorthuizen; **Interim Committee of the Community Patent:** Ole Petersen, Administrator, General Secretariat of the Council of Ministers of the European Communities, Brussels.

Non-governmental organizations: **Council of European Industrial Federations (CEIF):** Martin van Dam, Patent Agent, Eindhoven (Netherlands); **European Federation of Agents of Industry in Industrial Property (FEMIP):** Jan d' Haemer, Patent Counsel, Sandoz A.G., Basel (Switzerland); **International Federation of Inventors' Associations (IFIA):** Paul Feldmann, Engineer, Opfikon (Switzerland); **International Federation of Patent Agents (FICPI):** Michel P. Micheli, Industrial Property Counsel, Geneva; **Union of Industries of the European Community (UNICE):** Reinhard Kockläuner, Patent Department, Hoechst A.G. Werk Albert, Wiesbaden (Germany (Federal Republic of)).

Officers: Chairman: Pierre Fressonnet (France); Vice-Chairmen: Yevgeny Buryak (Soviet Union) and Balla Yaya Garga (Cameroon); Secretary: E. Murray Haddrick (WIPO).

WIPO Secretariat: Arpad Bogsch, Director General; Klaus Pfanner, Deputy Director General; Felix A. Sviridov, Deputy Director General; E. Murray Haddrick, Head, PCT Division; Jordan Franklin, Head, PCT Administrative Section; Normando Scherrer, Counsellor, PCT Division; Daniel Bouchez, Technical Counsellor, PCT Division; Yury Gyrdymov, Technical Counsellor, PCT Division; Akira Okawa, Consultant, PCT Division.

WIPO Document Series: PCT/PREP/I

Summary of Conclusions/Recommendations: The major conclusions reached by the Preparatory Committee were as follows: (i) Rules of Procedure of the PCT Assembly: The Preparatory Committee recommended the adoption by the Assembly of Rules of Procedure as contained in a draft considered by the Preparatory Committee and amended by it. (ii) Admission of Observers: The Preparatory Committee recommended to the Assembly that it admit to its sessions: (a) as special observers, the States not members of the PCT Union which contribute to the budget of that Union, the European Patent Office (EPO) and the Office of the African Intellectual Property Organization (OAPI); and (b) as observers, all States members of the Paris Union which do not have special observer status, four intergovernmental organizations and 15 international non-governmental organizations. (iii) Dates from Which International Applications May Be Filed and Demands for International Preliminary Examination May be Submitted: The Preparatory Committee recommended that the Assembly fix June 1, 1978, as the date from which international (PCT) applications may be filed and demands for international preliminary examination of such applications may be submitted. (iv) Amendment of the PCT Regulations: The Preparatory Committee recommended that the Assembly adopt amendments to Rules 4.10(d) (correction or cancellation of indications of dates in priority claims which do not fall within one year before the international filing date), 11.6(a) and (b) (smaller margins at top of the first sheet of certain parts of international applications), 11.13(a) (execution of drawings using black lines only), 48.2(a)(v) and 48.3(c) (elimination of certain pages of the international search report containing duplicative information for the purposes of publication). The Committee further recommended that the Assembly adopt new Rules 32*bis* (withdrawal of the priority claim to the time of international publication of the international application) and 74*bis* (notification of the withdrawal of the priority claim to the International Preliminary Examining Authority). (v) Fees and Prices: The Preparatory Committee decided to call the attention of the Assembly to certain conclusions reached by the PCT Working Group on Budgetary Questions as to certain PCT fees and the prices of certain PCT publications and to inform the Assembly that the majority of the Preparatory Committee were of the opinion that the initial fees and prices should be fixed at a lower level than that contemplated in those conclusions. (vi) PCT Committees: The Preparatory Committee recommended that the Assembly adopt various decisions relating to the establishment, membership and Rules of Procedure of the PCT Committees for Technical Assistance, for Technical Cooperation and for Administrative and Legal Matters. (vii) Draft Agenda of the First Session of the Assembly of the PCT Union: The Committee approved the draft agenda of the first session of the Assembly. (viii) Progress Reports by the Director General: The Director General reported to the Preparatory Committee on contacts that had taken place with the offices expected to become the receiving, designated and elected Offices, and the International Searching and Preliminary Examining Authorities, on preparations for the printing of PCT publications and on the dissemination of information about the PCT, including the holding of seminars in London, Munich, Paris, Washington and Chicago.

PCT Union Assembly First Session (1st Extraordinary), Geneva, April 10 to 14, 1978

Authority/Membership: The members of the Assembly were those States which had deposited their instrument of ratification of, or accession to, the PCT with the Director General of WIPO prior to the opening of the session. Furthermore, the first session of the Assembly decided to admit to its sessions: (i) as special observers, States not members of the PCT Union which contributed to the budget of the PCT Union and intergovernmental authorities having the power to grant patents effective in one or more States members of the PCT Union (at the time of the session, the European Patent Office (EPO) and the Office of the African Intellectual Property Organization (OAPI)); and (ii) as observers, all States members of the Paris Union which were not members of the PCT Union and which had no special observer status, as well as certain intergovernmental (nine) and international non-governmental organizations (15).

Participants: The meeting of the Assembly was attended by 12 member States (with 34 delegates), 17 observer States¹ (with 31 representatives), three intergovernmental organizations² (with eight representatives) and 10 non-governmental organizations (with 12 representatives), as follows:

Member States: **Brazil:** Ubirajara Quaranta Cabral, President, National Institute of Industrial Property; **Cameroon:** Denis Ekani, Director General, African Intellectual Property Organization (OAPI); **France:** Georges J. Vianès, Director, National Institute of Industrial Property; François Savignon; Philippe Guérin; André Nemo; **Germany (Federal Republic of):** Albrecht Krieger, Ministerialdirektor, Federal Ministry of Justice; Erich Häusser; Manfred Deiters; Ulrich C. Hallmann; Alfons Schäfers; Norbert Haugg; Alexander Mühlen; **Luxembourg:** Jean-Pierre Hoffmann, Director, Industrial Property Service; **Madagascar:** Solofo Rabearivelo, Counsellor, Permanent Mission in Geneva; **Senegal:** Parsine Crespin, Counsellor, Permanent Mission in Geneva; **Soviet Union:** Lev E. Komarov, Deputy Chairman, State Committee for Inventions and Discoveries; Yevgeny Buryak; Stanislav Egorov; **Sweden:** Göran Borggård, Director General, Royal Patent and Registration Office; Lars Jonson; Ulf Jansson; **Switzerland:** Paul Braendli, Director, Swiss Federal Intellectual Property Office; Roger Kämpf; **United Kingdom:** Ronald Bowen, Assistant Comptroller, Patent Office; Edward F. Blake; Desmond Cecil; **United States of America:** Lutrelle F. Parker, Acting Commissioner of Patents and Trademarks, United States Patent and Trademark Office; H. Dieter Hoinkes; Donald W. Banner; George R. Clark; Louis O. Maassel; William E. Schuyler; Irving A. Williamson.

Special observers: **Australia:** Francis J. Smith, Commissioner of Patents, Patent Office; David B. Fitzpatrick; **Austria:** Otto Leberl, President, Austrian Patent Office; Heinrich Querner; **Canada:** Earl W. Bown, Patent Examiner, Canadian Patent Office; **Denmark:** Karl Skjødt, Director, Danish Patent Office; Dagmar Simonsen (Mrs.); **Finland:** Erkki Tuuli, Director General, Central Board of Patents and Registration; Paavo Salmi; **Hungary:** Emil Tasnádi, President, National Office of Inventions; Gyula Pusztai; **Ireland:** Michael J. Quinn, Controller of Patents, Patents Office; **Japan:** Z. Kumagai, Director General, Japanese Patent Office; Hiroshi Iwata; Yoshiro Hashimoto; Kiyoyasu Hatakawa; **Netherlands:** Jacob Dekker, President, Netherlands Patent Office; Siep de Vries; **Norway:** Arne Gerhardsen, Director General, Norwegian Patent Office; Ole Os; **Romania:** Valeriu Tudor, Counsellor, Permanent Mission in Geneva; **Spain:** Antonio Villalpando Martinez, Director General, Industrial Property Registry; Julio Delicado Montero-Ríos; **European Patent Office (EPO):** J. Bob van Benthem, President, Munich; Jenö Stachelin; Ulrich J. Schatz; J.A.H. van Voorthuizen; Jean-François Mezières; **Office of the African Intellectual Property Organization (OAPI):** Denis Ekani, Director General, Yaoundé.

Observer States: **Algeria:** Leila Zebdji (Miss), Deputy Head, Department of Inventions, Algerian Institute for Standardization and Industrial Property; Farida Bouzid (Mrs.); **German Democratic Republic:** Christa Micheel (Ms.), Third Secretary, Permanent Mission in Geneva; **Italy:** Sebastiano Samperi, Director, Italian Patent Office; Italo Papini; Mario F. Pini; **Portugal:** Ruy Serrão, Director of Services, National Institute of Industrial Property; **Uruguay:** Alvaro Moerzinger, Third Secretary, Permanent Mission in Geneva.

Intergovernmental organization: Interim Committee of the Community Patent: G.A.V.M. van Grevenstein, Director General, Brussels; Keith Mellor.

Non-governmental organizations: Committee of National Institutes of Patent Agents (CNIPA): Cyril G. Wickham, Patent Agent, London; **Council of European Industrial Federations (CEIF):** Martin van Dam, Patent Agent, Eindhoven (Netherlands); **European Federation of Industrial Property Representatives of Industry (FEMIP):** Christian Gugerell, Patent Counsel, Scherico Ltd., Lucerne (Switzerland); **Inter-American Association of Industrial Property (ASIPI):** David Merrylees, Chartered Patent Agent, Rio de Janeiro (Brazil); **International Association for the Protection of Industrial Property (AIPPI):** George R. Clark, Vice-President, Sunbeam Corporation, Chicago (United States of America); **International Federation of Inventors' Associations (IFIA):** Sven-Erik Angert, Engineer, Stockholm; Paul Feldmann;

¹ In this and the following Assembly profiles, the expression "observer States" includes both "special observer" and "observer" States.

² In this and the following Assembly profiles, the expression "intergovernmental organizations" includes both "special observer" and "observer" intergovernmental organizations.

International Federation of Patent Agents (FICPI): Ernest Gutmann, Industrial Property Counsel, Paris; Gaylord E. Kirker: **Pacific Industrial Property Association (PIPA):** David J. Mugford, Chief Patent and Trademark Counsel, Bristol-Meyers Company, New York; **Union of European Patent Attorneys and Other Representatives Before the European Patent Office:** Utz U. Kador, Patent Counsel, Munich; **Union of Industries of the European Community (UNICE):** Reinhard Kockläuner, Patent Counsel, Hoechst A.G. Werk Albert, Wiesbaden (Germany (Federal Republic of)).

Guests of Honor: William E. Schuyler; J. Bob van Benthem; Denis Ekani; Albrecht Krieger; François Savignon; Kurt Haertel; Georg H.C. Bodenhausen.

Officers: Chairman: Denis Ekani (Cameroon); Vice-Chairmen: Paul Braendli (Switzerland) and Lev E. Komarov (Soviet Union); Secretary: E. Murray Haddrick (WIPO).

WIPO Secretariat: Arpad Bogsch, Director General; Klaus Pfanner, Deputy Director General; Felix A. Sviridov, Deputy Director General; E. Murray Haddrick, Head, PCT Division; Jordan Franklin, Head, Administrative Section, PCT Division; Vitaly Trousov, Senior Counsellor, PCT Division; Normando Scherrer, Counsellor, PCT Division; Daniel Bouchez, Technical Counsellor, PCT Division; Yury Gyrdymov, Technical Counsellor, PCT Division; Akira Okawa, Consultant, PCT Division.

WIPO Document Series: PCT/A/I

Summary of Conclusions/Recommendations: The first session of the PCT Assembly was opened by the Director General of WIPO, Dr. Arpad Bogsch. He delivered the following speech:

"I have the honor to open the first session of the Assembly of the International Patent Cooperation Union, also called the PCT Union.

This meeting is an event of great significance in the history of the Patent Cooperation Treaty since it marks the occasion on which what, until now has been a mere plan, becomes a living reality.

The plan was drawn up in Washington in 1970 at the Diplomatic Conference which adopted the Patent Cooperation Treaty.

The main substantive work of that Conference was carried out in what was called Main Committee I. It was presided over by Mr. William Schuyler, then Commissioner of Patents of the United States of America. He is here today in two capacities: as a guest of honor invited by me and as a delegate of his country. His merits in connection with the Patent Cooperation Treaty are both great and numerous. Not only was he the Chairman of Main Committee I and not only did he have a decisive role in preparing the Washington Conference, but he also played a decisive part in bringing about the ratification of the Treaty by the United States. Indeed, in this matter, the views of private circles in the United States, including in particular those of the American Bar Association, were determinative, and it is thanks in a large measure to Bill Schuyler that these views were favorable and so articulated that the US Congress acted favorably both as to the ratification of the Treaty and as to the adoption of the necessary implementing legislation.

The other main committee of the Washington Diplomatic Conference, Main Committee II, was presided over by Mr. Bob van Benthem, then President of the Netherlands Patent Office. He, too, is here in two capacities: as a guest of honor, in recognition of the eminent role he played in bringing the PCT into existence, and as the representative of the European Patent Office, of which he is now the President. In his new capacity, Bob van Benthem's merits in connection with the Patent Cooperation Treaty still prevail, close cooperation between his Office and the organs of the Patent Cooperation Treaty being indispensable for the smooth functioning of the latter. He has already given many proofs of his readiness to contribute to such cooperation.

Mr. Denis Ekani, Director General of the Office of the African Intellectual Property Organization, represented that Office in the Washington Diplomatic Conference. His Office acts as the intellectual

property office of twelve African countries. At Washington, he was the representative of the only regional patent office in the world. His attitude then and ever since has pointed the way to constructive cooperation between a regional system and a worldwide system such as that which the Patent Cooperation Treaty is intended to represent. It is largely thanks to his continued constructive attitude that the first ratifications of the Treaty came from African countries members of his Organization. Thus, the role played by our guest of honor, Mr. Denis Ekani, was of the utmost importance in making the Treaty operational.

May I now greet, as guest of honor and delegate of the Federal Republic of Germany, Mr. Albrecht Krieger. His merits in the field of international cooperation in matters of industrial property are well known and have frequently placed his country in the forefront of that field. It is to a great extent because of the personal merit of Albrecht Krieger that, among all the European countries, his was the first to ratify the Patent Cooperation Treaty. This event was of decisive significance for the acceptance and entry into force of the Patent Cooperation Treaty.

Mr. François Savignon is also a guest of honor. It was he, in fact, who led the French Delegation in the Washington Diplomatic Conference. He was then the Director of the French National Institute of Industrial Property. In that position, and in his present position as professor and director of an Institute at the Strasbourg University specially devoted to work for developing countries, François Savignon's interest in and merits in connection with international cooperation have been and continue to be of the highest order.

It is a pleasure to be able to greet here as a guest of honor Mr. Kurt Haertel. He is usually considered to be the main artisan of the European Patent Conventions, and rightly so. But his role in the Washington Diplomatic Conference, as a delegate of the Federal Republic of Germany, was also extremely active and important: it was Kurt Haertel who saw to it, among other things and with the help of fellow Europeans, that the Patent Cooperation Treaty and the European Patent Conventions would be not only compatible but also complementary.

I have kept for the end of the list of our guests of honor Professor Georg Bodenhausen. Not because his were the smallest merits--on the contrary, in actual fact--but because, as the former Director General of the World Intellectual Property Organization, he is still, in some ways, not only a guest but also a host. The success of the Washington Diplomatic Conference was, to a great extent, the result of foresight and courage on the part of what was then called BIRPI, which he directed at that time. Foresight, because he recognized the need for and the feasibility of such a far-reaching international system as that provided for by the Patent Cooperation Treaty. Courage, because doubts about the Treaty's feasibility and criticism of the proposed solutions were never lacking. Without the perseverance and the imperturbability of Georg Bodenhausen, without his diplomatic skill and his awareness of what was needed in practice--after all he was a practicing lawyer before assuming the direction of BIRPI--the preparatory work leading to the Washington Diplomatic Conference would probably never have been completed. The Patent Cooperation Treaty was prepared and adopted at a time when Professor Bodenhausen was at the helm of BIRPI, and I congratulate him today when one of the most important accomplishments of his tenure has become a reality.

Ladies and Gentlemen, I hope you will forgive me for having dwelt for a few minutes on the merits of our guests of honor. Naturally, there were and are many other persons--most of you here today, in fact--who had the great merit of making the Patent Cooperation Treaty an institution which will really function. May I thank and congratulate each and every one of you, for this new instrument and this new institution are achievements you can be proud of. Your devotion to them will, I have no doubt, make the governments, the inventors and the industry of your countries grateful to you. And I hope that this gratitude will give you much satisfaction in your work.

Now that you are on the point of making a new start to this work, and on behalf of the World Intellectual Property Organization, may I express my ardent wishes for its entire success."

The main agenda items and the main conclusions of the Assembly in respect thereto were as follows: (i) Adoption of the Rules of Procedure of the Assembly: The Assembly adopted as its Rules of Procedure the draft Rules of Procedure. (ii) Admission of Observers: The Assembly decided to admit to its sessions as special observers and observers the States and organizations referred to above. (iii) Date From Which International Applications May Be Filed and From Which Demands for International Preliminary Examination May be Submitted: As recommended by the said Preparatory Committee, the Assembly fixed June 1, 1978, as the date from which applicants may file international applications under the PCT and may submit demands for the international preliminary examination of such applications. (iv) Fees: The Assembly fixed the amounts of the fees under Rule 15.2 (international fee) and Rule 57.2 (handling fee). The Assembly also noted that, as regards the payment of the fees in other currencies prescribed by the receiving Offices (in the case of the international fee) or by the International Preliminary Examining Authorities (in the case of the handling fee), certain (equivalent) amounts had been fixed. (v) Amendments to the Regulations Under the PCT: In addition to the above mentioned Rules on fees, the Assembly amended Rules 4, 11, 48, 58, 61 and 86 of the Regulations under the PCT which had been recommended by the PCT Preparatory Committee at its first and only session in February 1978. The Assembly also adopted a new Rule 32*bis* (relating to the withdrawal of the priority claim) and a new Rule 74*bis* (relating to notification of withdrawals under Rule 32) (see Chapter III). (vi) Appointment of International Searching Authorities and International Preliminary Examining Authorities: The Assembly appointed: (a) as International Searching and Preliminary Examining Authorities, the Patent Office of Austria (as from the date on which Austria would become bound by the PCT), the Patent Office of Japan (as from the date on which Japan would become bound by the PCT), the State Committee for Inventions and Discoveries of the U.S.S.R. Council of Ministers, the Royal Patent and Registration Office of Sweden (as from the date on which Sweden would be bound by the PCT) and the European Patent Office; (b) as an International Searching Authority, the United States Patent and Trademark Office; and (c) as an International Preliminary Examining Authority, the Patent Office of the United Kingdom (see Chapter VIII). (vii) Establishment of Committees: The Assembly adopted decisions establishing the PCT Committees for Technical Cooperation (PCT/CTC), for Technical Assistance (PCT/CTA)³ and for Administrative and Legal Matters (PCT/CAL), as well as the Rules of Procedure of each of those Committees. In addition, with a view to avoiding an overlap between the mandates of the PCT/CTC and the PCT/CAL, the Assembly agreed with the interpretation that the PCT/CTC, particularly since it would be closely associated with the WIPO Permanent Committee on Patent Information, would deal only with patent documentation matters within the framework of the PCT. (viii) Administrative Instructions: Following consultations held during the session between the International Bureau and the receiving Offices and the International Searching and Preliminary Examining Authorities on the subject of the Administrative Instructions, the Assembly noted that, in the light of the favorable advice of the said Offices and Authorities, the Director General would promulgate the said Administrative Instructions and publish them in the first issue of the *PCT Gazette* to appear on May 1, 1978, fixing June 1, 1978, as the date of their entry into force. (ix) "Minimum Documentation": The Assembly noted a statement by the Director General informing it of the agreement, reached at a meeting of the International Searching Authorities convened by him, on the items of non-patent literature to form part of the PCT minimum documentation under Rule 34.1(b)(iv). The said items were to be published in the May 25, 1978, issue of the *PCT Gazette*. (x) Questions Related to Copyright Protection of PCT Publications: The Assembly decided that no copyright notice should be placed on pamphlets publishing international applications, and that no copyright of the International Bureau, even if existing, should be enforced in respect thereof.

Second Session (1st Ordinary), Geneva, September 25 to October 3, 1978

Participants: This session of the Assembly--which was meeting at the same time as the governing bodies of WIPO and other Unions administered by WIPO--was attended by 12 member States, namely, Brazil, France, Germany (Federal Republic of), Japan, Luxembourg, Madagascar, Senegal,

³ At the time of writing this book, the PCT Committee for Technical Assistance (PCT/CTA) has never met.

Sweden, Switzerland, the Soviet Union, the United Kingdom and the United States of America. Furthermore, it was attended, as observers, by a number of other States and intergovernmental and non-governmental organizations.

Officers: Chairman: Valentin Bykov (Soviet Union); Vice-Chairmen: Martin Nzue Nkoghe (Gabon) and Paul Braendli (Switzerland); Secretary: E. Murray Haddrick (WIPO).

WIPO Secretariat: Arpad Bogsch, Director General; Klaus Pfanner, Deputy Director General; E. Murray Haddrick, Head, PCT Division, Jordan Franklin, Head, Administrative Section, PCT Division; Vitaly Trousov, Senior Counsellor, PCT Division; Normando Scherrer, Counsellor, PCT Division; Daniel Bouchez, Technical Counsellor, PCT Division; Akira Okawa, Counsellor, PCT Division.

WIPO Document Series: PCT/A/II and AB/IX

Summary of Conclusions/Recommendations: The main agenda items and the main conclusions of the Assembly in respect thereto were as follows: (i) Financial Regulations of the PCT Union, Auditors for the PCT Union, Working Capital Fund: The Assembly adopted the financial regulations of the PCT Union. The Assembly also appointed the Swiss Government as auditor of the accounts of the PCT Union up to and including the financial year 1979 and decided that the question of the constitution of the working capital fund of the PCT Union would not be dealt with until the ordinary session of the Assembly to be held in 1982. (ii) Amendments to the PCT Regulations: The Assembly adopted amendments to Rules 15 and 57 of the Regulations under the PCT (see Chapter III). Furthermore the Assembly adopted an official interpretation of Rule 48.3(b). As concerns Rule 47.2, the Assembly noted that the International Bureau would, on a transitional basis, apply the interpretation of the said rule which had been proposed by the International Bureau (see Chapter VII). (iii) Official Texts: The Assembly designated Arabic and Italian as languages in which the Director General of WIPO should establish, under Article 67(1)(b) of the Treaty, official texts of the PCT. (iv) Administrative Instructions: The Assembly was informed by the Director General of his intention to promulgate and publish certain changes in, and additions to, the Administrative Instructions in the light of the favorable advice he had received in consultations with the receiving Offices and International Searching and Preliminary Examining Authorities.

Third Session (2nd Extraordinary), Geneva, April 25 to May 1, 1979

Participants: This session of the Assembly was attended by 15 member States (with 27 delegates), 10 observer States (with 19 representatives), one intergovernmental organization (with two representatives) and five non-governmental organizations (with six representatives), as follows:

Member States: **Austria:** Otto Leberl, President, Austrian Patent Office; **Brazil:** Adolfo Westphalen, Counsellor, Permanent Mission in Geneva; **Denmark:** Karl Skjodt, Director, Danish Patent Office; Dagmar Simonsen (Mrs.); **France:** Philippe Guérin, Advisor to the Director, National Institute of Industrial Property; **Germany (Federal Republic of):** Ulrich C. Hallmann, Leitender Regierungsdirektor, German Patent Office; **Japan:** Kenichi Matsuie, Engineer General, Japanese Patent Office; Shozo Uemura; **Luxembourg:** Jean-Pierre Hoffmann, Director, Industrial Property Service; **Madagascar:** Solofo Rabearivelo, Counsellor, Permanent Mission in Geneva; **Netherlands:** Jacob Dekker, President, Netherlands Patent Office; Huib J.G. Pieters; J. Tak; **Romania:** Ion Marinescu, Deputy Director, State Office for Inventions and Marks; Valeriu Tudor; **Soviet Union:** Lev E. Komarov, First Deputy Chairman, State Committee for Inventions and Discoveries; Yevgeny Buryak; Konstantin Saenko; **Sweden:** Göran Borggård, Director General, Royal Patent and Registration Office; Saul Lewin; Birgitta Sandberg (Mrs.); **Switzerland:** Paul Braendli, Director, Swiss Federal Intellectual Property Office; Roger Kämpf; **United Kingdom:** Ronald Bowen, Assistant Comptroller, Patent Office; Anthony J. Needs; **United States of America:** H. Dieter Hoinkes, Legislative and International Patent Specialist, United States Patent and Trademark Office; Louis O. Maassel.

Observer States: **Australia:** L. Thompson, Permanent Representative in Geneva; Francis J. Smith; Helen Freeman (Ms.); **Canada:** Earl W. Bown, Patent Examiner, Bureau of Intellectual Property, Department of Consumer and Corporate Affairs; **Czechoslovakia:** Josef Cizek, Second Secretary, Permanent Mission in Geneva; **Finland:** Paavo Salmi, Head, Patent Department, Central Board of Patents and Registration; **Hungary:** Zoltán Szilvássy, Vice-President, National Office of Inventions; Eva Parragh (Mrs.); **Italy:** Italo Papini, Plenipotentiary Minister, Ministry of Foreign Affairs; Sebastiano Samperi; Maria Puglisi (Miss); **Mexico:** Ofelia Reyes-Retana (Ms.), Minister Counsellor, Permanent Mission in Geneva; Maria F. Charrin (Miss); **Niger:** Ibrahim Foukori, Head of Division, Department of Industry and Crafts, Ministry of Economic Affairs, Commerce and

Industry: **Norway:** Arne G. Gerhardsen, Director General, Norwegian Patent Office; Per T. Lossius; Ingolf Lillevik; **Spain:** Julio Delicado Montero-Ríos, Director, Department of Studies and International Relations, Industrial Property Registry; José M. García Oyaregui.

Intergovernmental organization: **European Patent Organisation (EPO):** Ulrich J. Schatz, Principal Director, Department of International Affairs, Munich; Larissa Gruszow (Mrs.).

Non-governmental organizations: **Council of European Industrial Federations (CEIF):** Martin van Dam, Patent Agent, Eindhoven (Netherlands); **European Federation of Industrial Property Representatives of Industry (FEMIP):** Christian Gugerell, International Patent Department, Scherico Ltd., Lucerne (Switzerland); **International Federation of Inventors' Associations (IFIA):** Paul Feldmann, Engineer, Opfikon-Glattbrugg (Switzerland); **International Federation of Patent Agents (FICPI):** Ernest Gutmann, Patent Counsel, Paris; **Union of Industries of the European Community (UNICE):** Cyril G. Wickham, Chairman, Confederation of British Industry, London; Reinhard Kockläuner.

Officers: Acting Chairman: Paul Braendli (Switzerland); Vice-Chairmen: H.E. Martin Nzue Nkoghe (Gabon) and Paul Braendli (Switzerland); Secretary: E. Murray Haddrick (WIPO).

WIPO Secretariat: Arpad Bogsch, Director General; Klaus Pfanner, Deputy Director General; Manuel Pereyra, Head, Administrative Division; E. Murray Haddrick, Head, PCT Division; Jordan Franklin, Deputy Head, PCT Division; Daniel Bouchez, Head, PCT Publications Section; Maurice Lagesse, Head, Budget and Systems Section; Normando Scherrer, Head, PCT Fees, Sales and Statistics Section; Vitaly Trousov, Senior Counsellor, PCT Division; Akira Okawa, Counsellor, PCT Examination Section.

WIPO Document Series: PCT/A/III

Summary of Conclusions/Recommendations: The main agenda items and the main conclusions of the Assembly in respect thereto were as follows: (i) Level of Fees and Prices; Financial Contributions: The Assembly decided to raise the fees as from August 1, 1979; it also: (a) noted that the Director General would raise the prices of the pamphlets and the *PCT Gazette* as from January 1, 1980; (b) decided that, barring unforeseen circumstances, it would let the new fees and prices remain in effect until the end of 1980 and that, at the latest in September 1980, the Assembly would examine the question of fees, prices and deficit-covering contributions; and (c) authorized the International Bureau to cover provisionally, from a loan, any deficit arising before the end of 1980 and not covered by the deficit-covering contributions already voted. (ii) Amendments to the PCT Regulations: The Assembly adopted amendments to Rules 15, 47 and 57 of the PCT Regulations, a new Schedule of Fees and a new Rule (Rule 96) relating thereto (see Chapter III). The Assembly also established directives concerning the establishment of the amounts of fees in currencies other than Swiss francs. As concerns proposals for possible amendments to the PCT Regulations and the Regulations under the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure, the Assembly, in joint session with the Interim Advisory Committee for the Preparation of the Entry into Force of the Budapest Treaty, entrusted to a new Working Group ("the PCT and Budapest Working Group") the task of drawing up further proposals on the subject, for submission to a subsequent joint session of the PCT Assembly and the said Interim Committee. (iii) Questions Concerning the Use of the PCT System: The Assembly invited the Director General to keep under review questions affecting the use of the PCT system by applicants, to proceed with his plan for the assembling of information specific to the national laws of Contracting States which would facilitate the entry of the national phase by applicants and to invite both the governments and the international organizations representing the users of the PCT system to make specific proposals which could lead to a simplification of the system without necessitating a revision of the Treaty and without prejudicing the safeguards contained in the PCT for applicants. (iv) International Searching and International Preliminary Examining Authorities: The Assembly approved a draft Agreement between the International Bureau of WIPO and the Australian Patent Office and appointed that Office as an International Searching and International Preliminary Examining Authority as from the entry into force of the PCT for Australia. The Agreement approved by the Assembly provided for the Australian Patent Office to act for applicants from developing countries as well as from Australia itself. The Delegation of Australia stressed the particular interest its Office would have in the countries of South East Asia and the Pacific. (v) Participation of Spain in the PCT: The Assembly noted a statement of the Delegation of Spain on the subject of the participation of Spain in the PCT. The said Delegation stated that the competent Spanish authorities had considered, at a meeting with the Director General of WIPO, possible solutions to language questions which would facilitate Spain's accession to the PCT. Those questions would probably lead to proposals for changes to the PCT Regulations.

Fourth Session (2nd Ordinary), Geneva, September 24 to October 2, 1979

Participants: This session of the Assembly--which was meeting at the same time as the governing bodies of WIPO and other Unions administered by WIPO--was attended by 20 member States, namely, Austria, Brazil, Cameroon, Denmark, France, Germany (Federal Republic of), Gabon, Japan, Luxembourg, Madagascar, Monaco, the Netherlands, Romania, Senegal, the Soviet Union, Sweden, Switzerland, Togo, the United Kingdom and the United States of America. Furthermore, it was attended, as observers, by a number of other States and intergovernmental and non-governmental organizations.

Officers: Chairman: Harvey J. Winter (United States of America); Vice-Chairman: Ivan Nayashkov (Soviet Union); Secretary: E. Murray Haddrick (WIPO).

WIPO Secretariat: Arpad Bogsch, Director General; Klaus Pfanner, Deputy Director General; E. Murray Haddrick, Head, PCT Division; Jordan Franklin, Deputy Head, PCT Division; Daniel Bouchez, Head, PCT Publications Section; Normando Scherrer, Head, PCT Fees, Sales and Statistics Section; Vitaly Troussov, Senior Counsellor, PCT Division; Akira Okawa, Counsellor, PCT Examination Section.

WIPO Document Series: PCT/A/IV and AB/X

Summary of Conclusions/Recommendations: The main substantive item on the agenda of this revision of the Assembly was the adoption of measures, including the amendment of the Patent Cooperation Treaty, concerning the periodicity of the Programs and Budgets and of the ordinary sessions of the Assembly. The Assembly amended Articles 53(ii) and 54(6)(a) of the Treaty (see Chapter V). In accordance with the provisions of Article 61 of the Treaty, the said amendments entered into force on May 3, 1984.

Fifth Session (3rd Extraordinary), Geneva, June 9 to 16, 1980

Participants: This session of the Assembly was attended by 19 member States (with 40 delegates), six observer States (with seven representatives), one intergovernmental organization (with three representatives) and 10 non-governmental organizations (with 14 representatives), as follows:

Member States: **Australia:** Francis J. Smith, Commissioner of Patents, Australian Patent Office; David B. Fitzpatrick; Douglas A. Freckleton; Helen Freeman (Ms.); **Austria:** Herwig Marchart, Senior Counsellor, Austrian Patent Office; **Brazil:** Adhemar G. Bahadian, Counsellor, Permanent Mission in Geneva; G. Roberto Coaracy; Maria M.R. Mittelbach (Mrs.); **Denmark:** Dagmar Simonsen (Mrs.), Head of Division, Danish Patent Office; Jens Dam; **France:** Georges J. Vianès, Director, National Institute of Industrial Property; Philippe Guérin; **Germany (Federal Republic of):** Ulrich C. Hallmann, Leitender Regierungsdirektor, German Patent Office; **Hungary:** Zoltán Szilvássy, Vice-President, National Office of Inventions; Eva Parragh (Mrs.); **Japan:** Ichio Shamoto, Director General, Fourth Examination Department, Japanese Patent Office; Yoshihiro Masuda; Shozo Uemura; **Liechtenstein:** Anton F. Gerliczy-Burian, Head, International Relations Office; **Luxembourg:** Fernand Schlessler, Deputy Director, Industrial Property Service, Ministry of National Economy; **Madagascar:** Solofo Rabearivelo, Counsellor, Permanent Mission in Geneva; **Netherlands:** Jacob Dekker, President, Netherlands Patent Office; Siep de Vries; **Norway:** Per T. Lossius, Deputy Director General, Norwegian Patent Office; Ingolf Lillevik; **Romania:** Ion Marinescu, Deputy Director, State Office for Inventions and Marks; Teodor Melescanu; **Soviet Union:** Lev E. Komarov, First Deputy Chairman, State Committee for Inventions and Discoveries; Yevgeny Buryak; Koustantin Saenko; **Sweden:** Erik Tersmeden, Legal Advisor, Ministry of Justice; Lars G. Björklund; Birgitta Sandberg (Mrs.); **Switzerland:** Jean-Louis Comte, Director, Swiss Federal Intellectual Property Office; Roger Kämpf; Max Leuthold; **United Kingdom:** Derrick F. Carter, Superintending Examiner, Patent Office; Cedric G.M. Hoptroff; **United States of America:** H. Dieter Hoinkes, Legislative and International Patent Specialist, United States Patent and Trademark Office; Louis O. Maassel.

Observer States: **Finland:** Paavo Salmi, Head, Patent Department, National Board of Patents and Registration; **Italy:** Giandonato Caggiano, Legal Advisor, National Research Council; **Niger:** Housseyn Alou, Ministry of Foreign Affairs and Cooperation; **Spain:** José M. Garcia Oyaregui, Director, Division of Patents and Designs, Industrial Property Registry; Alberto Casado Cerviño; **Turkey:** Erdel Tümer, Counsellor, Permanent Mission in Geneva; **Zaire:** Kazadi Luanda, Head, Industrial Property Division, National Department of Economy, Industry and Commerce.

Intergovernmental organization: **European Patent Organisation (EPO):** Jenö Staehelin, Vice-President, Munich; Gert D. Kolle; Edgar Simon.

Non-governmental organizations: **Committee of National Institutes of Patent Agents (CNIPA):** Richard P. Lloyd, Chartered Patent Agent, London; **Council of European Industrial Federations (CEIF):** John L. Beton, Patent Counsel, London; **European Federation of Agents of Industry in Industrial Property (FEMIP):** Felix A. Jenny, Patent Counsel, Ciba-Geigy A.G., Basel (Switzerland); Gérard Tasset; Christian Gugerell; **International Association for the Protection of Industrial Property (AIPPI):** George R. Clark, Vice-President, Sunbeam Corporation, Chicago (United States of America); Gérard Tasset; **International Chamber of Commerce (ICC):** René Hervé, Director General, Gevers S.A., Brussels; **International Federation of Inventors' Associations (IFIA):** Sven-Erik Angert, Engineer, Stockholm; **International Federation of Patent Agents (FICPI):** Heinz Bardehle, Patent Agent, Munich; **International Federation of Pharmaceutical Manufacturers Associations (IFPMA):** Gérard Tasset, Manager, Patent Department, Smith Kline-RIT, Rixensart (Belgium); **Union of European Practitioners in Industrial Property (UEPIP):** Gaylord E. Kirker, Industrial Property Counsel, Geneva; **Union of Industries of the European Community (UNICE):** Reinhard Kockläuner, Head, Central Patent Department, Hoechst A.G. Werk Albert, Frankfurt (Germany (Federal Republic of)); Cyril G. Wickham. **Officers:** Acting Chairman: Jean-Louis Comte (Switzerland); Vice-Chairman: Ivan Nayashkov (Soviet Union); Secretary: E. Murray Haddrick (WIPO).

WIPO Secretariat: Arpad Bogsch, Director General; Klaus Pfanner, Deputy Director General; E. Murray Haddrick, Director, PCT Division; Jordan Franklin, Deputy Head, PCT Division; Busso Bartels, Head, PCT Legal and General Section; Daniel Bouchez, Head, PCT Publications Section; Normando Scherrer, Head, PCT Fees, Sales and Statistics Section; Vitaly Trousov, Senior Counsellor, PCT Legal and General Section; Akira Okawa, PCT Examination Section; Françoise Simon (Miss), Consultant, PCT Legal and General Section.

WIPO Document Series: PCT/A/V

Summary of Conclusions/Recommendations: The main agenda items and the main conclusions of the Assembly in respect thereto were as follows: (i) Amendments to the PCT Regulations: The Assembly adopted amendments to a number of Rules of the PCT Regulations and to the Schedule of Fees annexed thereto, deleted a few existing Rules and adopted several new Rules. Except for new Rule 13*bis*, which entered into force on January 1, 1981, all of the amendments, deletions and additions entered into force on October 1, 1980. The amended Rules were Rules 4, 10, 11, 13, 17, 19, 22, 30, 41, 46, 47, 49, 55, 57, 60, 76, 80, 90 and 92. The additional new Rules were Rules 11.10(d), 13*bis*, 16*bis*, 20.3*bis* 90.3(d), 91.2, 92.4, and 92*bis*. The Rules deleted were Rules 10.1(c), 15.5, 18.5 and 54.4. The more significant subjects of the amendments and new Rules were microorganisms, late payment of fees, priority documents, competent receiving Offices in case of several applicants, date of amendments to claims, communication of copy of international application to designated Offices, effective date of demand for international preliminary examination, delays in the mail, communications by telegram, teleprinter, etc., transmittal of record copy (see Chapters III and V). (ii) Computerization of the Administrative Management by WIPO of International Applications Under the PCT: The Assembly decided to authorize the International Bureau to commit funds in 1980 for the computerization of certain aspects of the management of international applications under the PCT. The decision was adopted on the basis of the recommendation of the PCT Management and Budget Consultants Group. The said Group had been set up by the Assembly at its fourth (2nd ordinary) session in September/October 1979. (iii) Development of the PCT Union: The Assembly considered a report by the International Bureau on progress with regard to ratification of or accession to the PCT (at the time of the session by 29 Contracting States). The Assembly also adopted a resolution inviting all States members of the Paris Union which were not members of the PCT Union to take, at an early date, the steps necessary to become members of the PCT Union. With regard to States party to regional treaties, the Assembly noted the desirability of all States parties to the European Patent Convention and the Libreville Agreement⁴ being also party to the PCT. The Assembly also considered a report on the state of acceptance of Chapter II by PCT Contracting States and expressed its interest in the acceptance of Chapter II by all Contracting States of the PCT. (iv) Consultations with the Receiving Offices and the International Searching and Preliminary Examining Authorities Relating to the Administrative Instructions: The Assembly was informed that, following consultations held with the receiving Offices and the International Searching and Preliminary Examining Authorities as provided in PCT Rule 89.2(a), modified Administrative Instructions would be promulgated by the Director General with October 1, 1980, as the date of entry into force.

⁴ The Libreville Agreement, adopted in 1962, established the African and Malagasy Office of Industrial Property (OAMPI). In 1977, a new treaty (the "Bangui Agreement") replaced the Libreville Agreement and replaced the African and Malagasy Office of Industrial Property by the African Intellectual Property Organization (OAPI). The Bangui Agreement entered into force on February 8, 1982.

Sixth Session (4th Extraordinary), Geneva, September 22 to 26, 1980

Participants: This session of the Assembly--which was meeting at the same time as the governing bodies of WIPO and other Unions administered by WIPO--was attended by 24 member States, namely, Australia, Austria, Brazil, Cameroon, the Congo, the Democratic People's Republic of Korea, Denmark, France, Gabon, Germany (Federal Republic of), Hungary, Japan, Liechtenstein, Luxembourg, Madagascar, the Netherlands, Norway, Romania, Senegal, the Soviet Union, Sweden, Switzerland, the United Kingdom and the United States of America. Furthermore, it was attended, as observers, by a number of other States and intergovernmental and non-governmental organizations.

Officers: Chairman: Harvey J. Winter (United States of America); Vice-Chairman: Ivan S. Nayashkov (Soviet Union); Secretary: E. Murray Haddrick (WIPO).

WIPO Secretariat: Arpad Bogsch, Director General; Klaus Pfanner, Deputy Director General; E. Murray Haddrick, Director, PCT Division; Jordan Franklin, Deputy Head, PCT Division; Busso Bartels, Head, PCT Legal and General Section; Daniel Bouchez, Head, PCT Publications Section; Normando Scherrer, Head, PCT Fees, Sales and Statistics Section; Vitaly Troussov, Senior Counsellor, PCT Legal and General Section; Akira Okawa, Counsellor, PCT Examination Section.

WIPO Document Series: PCT/A/VI and AB/XI

Summary of Conclusions/Recommendations: The main agenda items and the main conclusions of the Assembly in respect thereto were as follows: (i) Financial Matters of the PCT Union: Having received the advice of the WIPO Coordination Committee, the Assembly took a number of decisions relating to financial matters. In particular, it expressed its appreciation for the work accomplished by the PCT Management and Budget Consultants Group, renewed the composition and mandate of that Group and asked that it be consulted by the Director General in the course of 1981; it approved a revised budget of the PCT Union for 1980 and the budget for 1981, and fixed the amount and the sharing of deficit-covering contributions for 1981; in this connection, it decided that a member State from which less than 10 international applications emanated in a year would not be required to pay contributions for that year; the Assembly also fixed new amounts of basic, designation and handling fees, and new prices for the *PCT Gazette* and pamphlets, and decided to amend the PCT Regulations accordingly. (ii) Amendments to the PCT Regulations: In addition to the amendments referred to under (i), above, the Assembly adopted, with effect on January 1, 1981, amendments to Rules 22.2(e) and 22.3(a) and deleted, with effect as from the same day, Rule 22.3(b). These changes to the PCT Regulations were based on discussions at the preceding (fifth) session at which the Assembly could not adopt the amendments due to the procedural requirements of Rule 88.4. The Assembly adopted amendments to Rules 82.1(a) and 82.2(a), which also took into account discussions at its preceding (fifth) session at which it was agreed that those Rules ought to apply "to mailings by a national Office or intergovernmental organization and, in particular, to the transmittal of the record copy by the receiving Office." In adopting the amendments, the Assembly accepted the statement of the International Bureau that, following the deletion of references in those Rules to the provisions of Rule 22.3 (more precisely to Rule 22.3(b), deleted as mentioned above), those Rules would apply to mailings by a national Office or intergovernmental organization and that this interpretation would be applied by the International Bureau with regard to the transmittal of the record copy by the receiving Offices. The Assembly decided that the amendments would enter into effect on January 1, 1981. The other amendment adopted by the Assembly was for the purpose of avoiding doubt as to the effect of an amendment to Rule 80.6 adopted by the Assembly at its preceding (fifth) session. The Assembly decided that the amendment would enter into effect on the same day as the amendment adopted at its preceding (fifth) session, namely, October 1, 1980 (see Chapter III). (iii) PCT International Meeting: The Assembly accepted an offer by the Government of Japan to act as host for an international meeting concerned mainly with matters affecting the activities of the International Searching and International Preliminary Examining Authorities and to be held in Tokyo in 1981.

Seventh Session (5th Extraordinary), Geneva, June 29 to July 3, 1981

Participants: This session of the Assembly was attended by 20 member States (with 40 delegates), five observer States (with six representatives), two intergovernmental organizations (with three representatives) and eight non-governmental organizations (with eight representatives), as follows:

Member States: **Australia:** Copley H. Friemann, Deputy Commissioner of Patents, Australian Patent Office; **Austria:** Josef Fichte, Vice-President, Austrian Patent Office; **Brazil:** Adhemar G. Bahadian, Counsellor, Permanent Mission in Geneva; Maria M.R. Mittelbach (Mrs.); Ana R. Holanda Cavalcanti (Miss); **Congo:** Emile Kouloufoua, Head, Patent and Trade Mark Section, Ministry of Industry; Desiré Nkounkou; **Denmark:** Dagmar Simonsen (Mrs.), Head of Division, Danish Patent Office; Jens Dam; **Finland:** Timo Kivi-Koskinen, Director General, Central Board of Patents and Registration; Veikko Soralahti; **France:** Georges J. Vianès, Director, National Institute of Industrial Property; Philippe Guérin; Jacques Vérone; **Germany (Federal Republic of):** Ulrich C. Hallmann, Leitender Regierungsdirektor, German Patent Office; Herbert Wesener; **Hungary:** Zoltán Szilvássy, Vice-President, National Office of Inventions; Eva Parragh (Mrs.); **Japan:** Ichio Shimoto, Director General, Department of Appeals, Japanese Patent Office; Shozo Uemura; Makoto Fujioka; **Liechtenstein:** Anton F. Gerliczy-Burian, Head, Office for International Relations; **Luxembourg:** Fernand Schlessler, Inspector, Industrial Property Service, Ministry of National Economy; **Netherlands:** Jacob Dekker, President, Netherlands Patent Office; Siep de Vries; **Norway:** Per T. Lossius, Deputy Director General, Norwegian Patent Office; Ingolf Lillevik; **Romania:** Petru Gavrilescu, Third Secretary, Permanent Mission in Geneva; **Soviet Union:** Lev E. Komarov, First Deputy Chairman, State Committee for Inventions and Discoveries; Yevgeny Buryak; Vladimir Piliakov; **Sweden:** Sven Norberg, Under-Secretary for Legal Affairs, Ministry of Commerce; Erik Tersmeden; Lars G. Björklund; Birgitta Sandberg (Mrs.); **Switzerland:** Roger Kämpf, Head of Section, Swiss Federal Intellectual Property Office; Max Leuthold; **United Kingdom:** Derrick F. Carter, Superintending Examiner, Industrial Property and Copyright Department, Patent Office; **United States of America:** H. Dieter Hoinkes, International and Legislative Patent Specialist, United States Patent and Trademark Office; Louis O. Maassel.

Observer States: **Iraq:** Hanaa Wafor (Mrs.), Assistant Manager, Planning Board, Central Organization for Standardization and Quality Control, Industrial Property Division; **Italy:** Sebastiano Samperi, Director, Italian Patent Office; **Niger:** Hadia Diallo (Miss), Directorate of Industry, Ministry of Mines and Industry; **Spain:** Alberto Casado Cerviño, Head, International Relations Service, Industrial Property Registry; Antonio C. Ortega Lechuga; **Zaire:** Ekanga Esaki-Kabeya (Mrs.), First Secretary, Permanent Mission in Geneva.

Intergovernmental organizations: **African Intellectual Property Organization (OAPI):** Denis Ekani, Director General, Yaoundé; **European Patent Organisation (EPO):** Ulrich J. Schatz, Principal Director, Munich; Gert D. Kolle.

Non-governmental organizations: **Asian Patent Attorneys Association (APAA):** Teruyuki Yamaguchi, Patent Attorney, Tokyo; **Committee of National Institute of Patent Agents:** Richard P. Lloyd, Patent Agent, London; **European Federation of Agents of Industry in Industrial Property (FEMIP):** Felix A. Jenny, Patent Counsel, Ciba-Ceigy A.G., Basel (Switzerland); **Inter-American Association of Industrial Property (ASIPI):** Federico Ferro, Patent Agent, Buenos Aires; **International Association for the Protection of Industrial Property (AIPPI):** George R. Clark, Vice-President, Sunbeam Corporation, Chicago (United States of America); **International Federation of Inventors' Associations (IFIA):** Clarence P. Feldmann, Engineer, Glattbrugg (Switzerland); **International Federation of Patent Agents:** Heinz Bardehle, Patent Attorney, Munich; **Union of Industries of the European Community (UNICE):** Cyril G. Wickham, Chairman, Industrial Property Panel, Confederation of British Industry, London.

Officers: Acting Chairman: Jacob Dekker (Netherlands); Vice Chairman: Ivan Nayashkov (Soviet Union); Secretary: E. Murray Haddrick (WIPO).

WIPO Secretariat: Klaus Pfanner, Deputy Director General; E. Murray Haddrick, Director, PCT Division; Maurice Lagesse, Acting Director, Administrative Division; Jordan Franklin, Deputy Head, PCT Division; Busso Bartels, Head, PCT Legal Section; Daniel Bouchez, Head, PCT Publications Section; Normando Scherrer, Head, PCT Fees, Sales and Statistics Section; Vitaly Troussov, Senior Counsellor, PCT Legal Section; Akira Okawa, Counsellor, PCT Examination Section.

WIPO Document Series: PCT/A/VII

Summary of Conclusions/Recommendations: The main agenda items and the main conclusions of the Assembly in respect thereto were as follows: (i) **Amendments of the PCT Regulations:** The Assembly adopted amendments to Rules 3 and 4 of the PCT Regulations and to the Schedule of Fees annexed thereto (see Chapter III). The Assembly also adopted an interpretation of an Article of the Treaty (Article 9) (see Chapter VII). (ii) **Report of the PCT International Meeting (Tokyo):** The Assembly took note of the report of the PCT International Meeting held in Tokyo in May 1981, and endorsed a proposal by the International Bureau to make appropriate recommendations to all designated and elected Offices and to the International Searching Authorities concerning advantages which should be afforded to applicants when offices

receive applications from them accompanied by international search and international preliminary examination reports and questions relating to the translation of documents cited in the international search report. (iii) Application of National Remedies Preserving the Rights of Applicants: The Assembly noted, with approval, the objectives of a proposal submitted by the Royal Patent and Registration Office of Sweden concerning the application of national remedies for preserving the rights of applicants in cases of error. The Assembly urged all PCT Offices and authorities to seek to achieve the objectives of the proposal and to include the question in its study of the PCT. (iv) Proposals for Further Improvement of the PCT System: The Assembly discussed proposals by the Government of Sweden and by the Delegation of Switzerland for studies to examine how the PCT system could be improved and simplified and to identify provisions which could be transferred from the Regulations to the Administrative Instructions. It decided to entrust to the International Bureau a study of the said two questions, on the basis of a number of conclusions concerning the aims and methods of the study. (v) Development of the PCT Union: The Assembly considered a report by the International Bureau on progress to date with regard to ratification of, or accession to, the PCT (at the time of the session by 30 States). The Assembly confirmed a resolution previously adopted by it at its fifth session inviting all States members of the Paris Union which were not members of the PCT Union to take, at an early date, the steps necessary to become members of the PCT Union. The Assembly noted an intervention by the Delegation of Spain expressing the continued interest of its country in the consideration of certain questions, in particular relating to the use of the Spanish language bearing upon its possible acceptance of the PCT. The urgency and importance of this matter was noted in view of its bearing on the participation of Spain and the Latin American countries of Spanish language in the PCT system. With regard to States parties to regional treaties, the Assembly reaffirmed its position taken at its said fifth session. The Assembly also considered a report on the state of acceptance of Chapter II by PCT member States and noted that, following the withdrawal by France of its reservation excluding the application of Chapter II, only six of the 30 States party to the PCT continued to maintain such reservations. The Assembly renewed the expression of its interest, formulated at its said fifth session, in the acceptance of Chapter II by all member States. (vi) Composition of the Committee for Technical Cooperation (PCT/CTC) and the Committee for Technical Assistance (PCT/CTA): The Assembly adopted a decision amending, until the ordinary session of the Assembly in 1985, the membership conditions of the PCT/CTC and the PCT/CTA. (vii) Consultations Relating to the Administrative Instructions: The Assembly noted that following consultations with the receiving Offices as provided in PCT Rule 89.2(a), a modified "Request" form and modified Administrative Instructions would be promulgated by the Director General, with October 1, 1981, as the date of entry into force.

Eighth Session (3rd Ordinary), Geneva, November 16 to 24, 1981

Participants: This session of the Assembly--which was meeting at the same time as the governing bodies of WIPO and other Unions administered by WIPO--was attended by 26 member States, namely, Australia, Austria, Brazil, Cameroon, the Congo, the Democratic People's Republic of Korea, Denmark, Finland, France, Gabon, Germany (Federal Republic of), Hungary, Japan, Liechtenstein, Luxembourg, Madagascar, Monaco, the Netherlands, Norway, Senegal, the Soviet Union, Sweden, Switzerland, the United Kingdom and the United States of America. Furthermore, it was attended, as observers, by a number of other States and intergovernmental and non-governmental organizations.

Officers: Chairman: Göran Borggård (Sweden); Vice-Chairmen: Alvaro Gurgel de Alencar (Brazil) and Gyula Pusztai (Hungary); Secretary: François Curchod (WIPO).

WIPO Secretariat: Arpad Bogsch, Director General; Klaus Pfanner, Deputy Director General; François Curchod, Director, PCT Division.

WIPO Document Series: PCT/A/VIII and AB/XII

Summary of Conclusions/Recommendations: The main item on the agenda of this session of the Assembly was the designation of auditors. Having heard the advice of the WIPO Coordination Committee, the Assembly designated the Swiss Government as auditor of the accounts of the PCT Union up to and including the financial year 1985.

Ninth Session (6th Extraordinary), Geneva, September 10, 1982

Participants: This session of the Assembly was attended by 19 member States (with 26 delegates), four observer States (with four representatives), one intergovernmental organization (with one representative) and three non-governmental organizations (with three representatives), as follows:

Member States: **Australia:** Kelvin Widdows, First Secretary, Permanent Mission in Geneva; **Austria:** Norbert Marterer, Vice-President, Austrian Patent Office; **Belgium:** Paul Ceuninck, Administrator, Industrial Property Service, Ministry of Economic Affairs; **Brazil:** Enio Cordeiro, Second Secretary, Permanent Mission in Geneva; **Denmark:** Jens Dam, Head of Section, Danish Patent Office; **Finland:** Elina Häkli (Mrs.), Head of Section, National Board of Patents and Registration; **France:** Ghyslaine Rajot (Ms.), Legal Advisor, National Institute of Industrial Property; **Germany (Federal Republic of):** Ulrich C. Hallmann, Leitender Regierungsdirektor, German Patent Office; **Japan:** Haruo Goto, Director, International Application Office, First Application Division, First Examination Department, Japanese Patent Office; Shinjiro Ono; **Liechtenstein:** Anton F. de Gerliczy-Burian, Head, International Relations Office; **Luxembourg:** Fernand Schlessler, Deputy Head, Industrial Property Service, Ministry of National Economy; **Monaco:** Etienne Franzi, Director of Industry, Commerce and Industrial Property; **Netherlands:** Siep de Vries, Netherlands Patent Office; **Norway:** Per T. Lossius, Deputy Director General, Norwegian Patent Office; Ingolf Lillevik; **Soviet Union:** Serguei N. Afanassiev, Acting Head of Department, All-Union Institute of State Patent Examination, State Committee for Inventions and Discoveries; **Sweden:** Göran Borggård, Director General, Royal Patent and Registration Office; Erik Tersmeden; Pernilla Lindh (Ms.); Birgitta Sandberg (Ms.); **Switzerland:** Max Leuthold, Head, Administrative Division, Swiss Federal Intellectual Property Office; **United Kingdom:** Alec Sugden, Principal Examiner, Patent Office; John Sharrock; **United States of America:** Louis O. Maassel, Patent Practice Specialist, United States Patent and Trademark Office; H. Dieter Hoinkes.

Observer States: **Ivory Coast:** Kanon Zobo, Legal Advisor; **Mexico:** Francisco J. Cruz González, Counsellor, Permanent Mission in Geneva; **Republic of Korea:** Shi Hyung Kim, Commercial Attaché, Permanent Mission in Geneva; **Trinidad and Tobago:** Michael Lashley, First Secretary, Permanent Mission in Geneva.

Intergovernmental organization: **European Patent Organisation (EPO):** Ulrich J. Schatz, Principal Director, International Affairs, Munich.

Non-governmental organizations: **Committee of National Institutes of Patent Agents (CNIPA):** Richard P. Lloyd, Patent Department, Plastics Division, ICI Plc, London; **International Association for the Protection of Industrial Property (AIPPI):** George R. Clark, Vice-President, Sunbeam Corporation, Chicago (United States of America); **International Federation of Industrial Property Attorneys (FICPI):** Heinz Bardehle, Patent Counsel, Munich.

Officers: Chairman: Göran Borggård (Sweden); Vice-Chairmen: Alvaro Gurgel de Alencar (Brazil) and Gyula Pusztai (Hungary); Secretary: François Curchod (WIPO).

WIPO Secretariat: Arpad Bogsch, Director General; Klaus Pfanner, Deputy Director General; François Curchod, Director, PCT Division; Busso Bartels, Head, PCT Legal Section; Maurice Lagesse, Controller, Administrative Division; Normando Scherrer, Head, PCT Fees, Sales and Statistics Section.

WIPO Document Series: PCT/A/IX

Summary of Conclusions/Recommendations: The only substantive item on the agenda of the Assembly was the fixing of fees. The Assembly increased the fees, with effect from January 1, 1983.

Tenth Session (4th Ordinary), Geneva, September 26 to October 4, 1983

Participants: This session of the Assembly--which was meeting at the same time as the governing bodies of WIPO and other Unions administered by WIPO--was attended by 26 member States, namely, Australia, Austria, Belgium, Brazil, Cameroon, the Democratic People's Republic of Korea, Denmark, Finland, France, Germany (Federal Republic of), Hungary, Japan, Liechtenstein, Luxembourg, Madagascar, Monaco, the Netherlands, Norway, Romania, Senegal, the Soviet Union, Sri Lanka, Sweden, Switzerland, the United Kingdom and the United States of America. Furthermore, it was attended, as observers, by a number of other States and intergovernmental and non-governmental organizations.

Officers: Chairman: Ion Marinescu (Romania); Vice Chairman: Göran Borggård (Sweden); Secretary: François Curchod (WIPO).

WIPO Secretariat: Arpad Bogsch, Director General; Klaus Pfanner, Deputy Director General; François Curchod, Director, PCT Division.

WIPO Document Series: PCT/A/X and AB/XIV

Summary of Conclusions/Recommendations: The main agenda items and the main conclusions of the Assembly in respect thereto were as follows: (i) Fixing of Fees: The Assembly fixed new amounts of the fees, with effect from January 1, 1984. (ii) Working Capital Fund of the PCT Union: The establishment of the working capital fund of the PCT Union was decided upon by the Assembly. The amount of the said working capital fund was decided to be 2,000,000 Swiss francs to be covered by installments of 500,000 Swiss francs each year, payable on July 1, 1984, 1985, 1986 and 1987; the amount that each State member of the PCT Union would pay each year was decided to be in the same proportion to 500,000 Swiss francs as the number of international applications filed by residents of that State in the preceding year would be to the total number of international applications filed in that (that is, the preceding) year. It was also decided that the possible need for a working capital fund in excess of 2,000,000 Swiss francs would be examined during the subsequent (1985) ordinary session of the Assembly in the light of the report of the Director General and any views expressed by the WIPO Budget Committee on the question.

Eleventh Session (7th Extraordinary), Geneva, January 30 to February 3, 1984

Participants: This session of the Assembly was attended by 19 member States (with 36 delegates), two observer States (with four representatives), one intergovernmental organization (with three representatives) and nine non-governmental organizations (with 10 representatives), as follows:

Member States: **Australia:** Philip Thomas, Senior Assistant Commissioner, Patent, Trade Marks and Designs Office; **Austria:** Norbert Marterer, Vice-President, Austrian Patent Office; **Belgium:** Paul Ceuninck, Administrator, Industrial Property Service, Ministry of Economic Affairs; **Brazil:** Enio Cordeiro, First Secretary, Permanent Mission in Geneva; **Denmark:** Jens Dam, Head of Section, Danish Patent Office; **Finland:** Sirkka-Liisa Lahtinen (Mrs.), Acting Deputy Director General, Central Board of Patents and Registration; Elina Häkli (Mrs.); **France:** Philippe Guérin, Advisor to the Director, National Institute of Industrial Property; Ghyslaine Rajot (Miss); **Germany (Federal Republic of):** Frank P. Goebel, Head, Legal Division, German Patent Office; Jürgen Schade; **Hungary:** István Iványi, Vice-President, National Office of Inventions; Eva Parragh (Mrs.); **Japan:** Yoshiro Hashimoto, Director General, Industrial Property Training Institute, Japanese Patent Office; Eiiti Sirakasi; Shinjiro Ono; **Luxembourg:** Fernand Schlessler, Principal Inspector, Intellectual Property Service, Ministry of National Economy; **Netherlands:** Jacob J. Bos, President, Netherlands Patent Office; Siep de Vries; **Norway:** Per T. Lossius, Deputy Director General, Norwegian Patent Office; Ingolf Lillevik; Knut H. Reinskou; **Romania:** Ion Marinescu, Director, State Office for Inventions and Marks; Petru-Pavel Vavriloescu; **Soviet Union:** Lev E. Komarov, First Deputy Chairman, State Committee for Inventions and Discoveries; Vitaly Troussov; **Sweden:** Göran Borggård, Director General, Royal Patent and Registration Office; Birgitta Sandberg (Mrs.); Erik Tersmeden; **Switzerland:** Max Leuthold, Head, Administration Department, Swiss Federal Intellectual Property Office; Karl Grünig; Jean-Marie Souche; **United Kingdom:** Alec Sugden, Principal Examiner, Patent Office; John Sharrock; **United States of America:** H. Dieter Hoinkes, Legislative and International Patent Specialist, United States Patent and Trademark Office; Louis O. Maassel.

Observer States: **Republic of Korea:** Jae Uk Chae, Commercial Attaché, Permanent Mission in Geneva; **Spain:** Julio Delicado Montero-Ríos, Director General, Industrial Property Registry; Suzanne Jessel (Mrs.); Alberto Casado Cerviño.

Intergovernmental organization: **European Patent Organisation (EPO):** Ulrich J Schatz, Principal Director, International Affairs, Munich; Larissa Gruszow (Mrs.); Mats S. Pärup.

Non-governmental organizations: **Asian Patent Attorneys Association (APAA):** Teruyuki Yamaguchi, Patent Attorney, Tokyo; **Committee of National Institutes of Patent Agents (CNIPA):** Christopher J.W. Everitt, Patent Agent, London; **European Federation of Agents of Industry in Industrial Property (FEMIPD):** Felix A. Jenny, Patent Counsel, Ciba-Geigy A.G., Basel (Switzerland); **Institute of Professional Representatives Before the European Patent Office (EPI):** Felix A. Jenny, Patent Counsel, Ciba-Geigy A.G., Basel (Switzerland); **International Association for the Protection of Industrial Property (AIPPI):** George R. Clark, Attorney-at-Law, membre d'honneur AIPPI, Chicago (United States of America); **International Federation of Industrial Property Attorneys (FICPI):** Heinz Bardehle, Patent Attorney, Munich; Knud Raffnsøe; **International Federation of Inventors' Associations (IFIA):** Clarence P. Feldmann, Engineer, Glattbrugg (Switzerland); **Union of**

European Practitioners in Industrial Property (UEPIP): Gaylord E. Kirker, Industrial Property Counsel, Geneva; **Union of Industries of the European Community (UNICE):** Reinhard Kockläuner, Patent Attorney, Hoechst A.G. Werk Albert, Frankfurt (Germany (Federal Republic of)).

Officers: Chairman: Ion Marinescu (Romania); Vice-Chairman: Göran Borggård (Sweden); Secretary: François Curchod (WIPO).

WIPO Secretariat: Arpad Bogsch, Director General; Klaus Pfanner, Deputy Director General; François Curchod, Director, PCT Division; Jordan Franklin, Deputy Head, PCT Division; Busso Bartels, Head, PCT Legal Section; Normando Scherrer, Head, PCT Publications, Fees and Statistics Section; Yury Plotnikov, Senior Counsellor, PCT Legal Section; Tamotsu Hirai, Examination Procedures Officer, PCT Examination Section.

WIPO Document Series: PCT/A/XI

Summary of Conclusions/Recommendations: The main agenda items and the main conclusions of the Assembly in respect thereto were as follows: (i) Amendment of the Rules of Procedure of the Assembly, of the PCT Committee for Technical Cooperation, of the PCT Committee for Administrative and Legal Matters and of the PCT Committee for Technical Assistance: The Assembly amended the said Rules of Procedure. The purpose of the said amendments was to delete the reference to a category of "special observers" which, since January 1981, no longer existed. Those "special observers" were States not members of the PCT Union which contributed to the budget of the PCT Union. Since January 1981, there were no longer any States contributing to the budget of the PCT Union without being members of it. (ii) Amendment of the Agreements Concluded Between Certain International Searching Authorities and the International Bureau: The Assembly approved amendments to the Agreements concluded between the International Bureau and the Australian Patent Office, the Federal Ministry of Trade, Commerce and Industry of Austria, the Japanese Patent Office, the Royal Patent and Registration Office of Sweden, the U.S.S.R. State Committee for Inventions and Discoveries and the European Patent Organisation. (iii) Amendment of Certain Time Limits in the PCT and of the Regulations Under the PCT: The Assembly unanimously adopted amendments to the PCT and to the Regulations under the PCT (including, where applicable, the deletion of some Rules or the inclusion of new Rules). Those amendments concerned Articles 22(2) and 39(1)(a) of the Treaty and the following Rules of the Regulations: 4, 6, 8, 11, 12, 13*bis*, 15, 16*bis*, 17, 20, 22, 23, 24, 26, 28, 29, 32, 34, 42, 46, 47, 48, 49, 51, 53, 54, 55, 58, 60, 61, 62, 66, 69, 70, 74, 75, 76, 80, 82, 88, 90, 91, 92 (see Chapters III and V). The main purposes of the said amendments were: (a) making the procedure during the international phase under Chapter I safer and simpler for the applicant; (b) making the procedure under Chapter II more attractive for the applicant; (c) making it safer and simpler for the applicant to enter the national phase; (d) including certain patent documents published in the Spanish language in the PCT minimum documentation and including the Spanish language among the languages of publication of international applications; (e) simplifying the tasks of the international authorities involved in the PCT procedure; and (f) simplifying the PCT Regulations in general. (iv) Questions of Special Interest to Developing Countries: The Assembly adopted a Resolution recommending to all States members of the PCT Union that they seek ways and means of financing at least part of the fees payable by applicants from developing countries for international search and international preliminary examination, recommending to all International Searching and Preliminary Examining Authorities that they study the possibility of reducing such fees, and recommending to all States members of the PCT Union that they study whether national or regional funds could be used to assist applicants from developing countries in paying the said fees.

Twelfth Session (8th Extraordinary), Geneva, September 24 to 28, 1984

Participants: This session of the Assembly--which was meeting at the same time as the governing bodies of WIPO and other Unions administered by WIPO--was attended by 30 member States, namely, Australia, Austria, Belgium, Brazil, Bulgaria, Cameroon, the Congo, Denmark, Finland, France, Gabon, Germany (Federal Republic of), Hungary, Japan, Liechtenstein, Luxembourg, Madagascar, Monaco, the Netherlands, Norway, the Republic of Korea, Romania, Senegal, the Soviet Union, Sri Lanka, Sudan, Sweden, Switzerland, the United Kingdom and the United States of America. Furthermore, it was attended, as observers, by a number of other States and intergovernmental and non-governmental organizations.

Officers: Chairman: Ion Marinescu (Romania); Vice-Chairman: Göran Borggård (Sweden); Secretary: François Curchod (WIPO).

WIPO Secretariat: Arpad Bogsch, Director General; Klaus Pfanner, Deputy Director General; François Curchod, Director, PCT Division.

WIPO Document Series: PCT/A/XII and AB/XV

Summary of Conclusions/Recommendations: The main agenda items and the main conclusions of the Assembly in respect thereto were as follows: (i) Fixing of Fees: The Assembly fixed new amounts of the fees, with effect from January 1, 1985. The Assembly also decided that where the number of designations exceeds 10, only the equivalent of 10 designation fees would be payable (irrespective of the number of designations above 10). (ii) Amendment of the Agreement Between the International Bureau and the European Patent Organisation (EPO): The Assembly approved an amendment to Article 3 of the Agreement between the International Bureau of WIPO and the EPO. (iii) Filing by Telecopier of International Applications: The Assembly agreed that an international application which was received by telecopier by the receiving Office was to be accorded an international filing date if all the requirements listed in items (i) to (iii) of Article 11(1) of the Treaty were complied with and that any formal defect, such as the lack of signature or of fitness for reproduction, may be corrected upon an invitation issued by the receiving Office under Article 14(1) of the Treaty. It was understood, however, that no receiving Office would be obliged to make telecopier facilities available to applicants.

Thirteenth Session (5th Ordinary), Geneva, September 23 to October 1, 1985

Participants: This session of the Assembly--which was meeting at the same time as the governing bodies of WIPO and other Unions administered by WIPO--was attended by 29 member States, namely, Australia, Austria, Belgium, Brazil, Bulgaria, Cameroon, the Democratic People's Republic of Korea, Denmark, Finland, France, Germany (Federal Republic of), Hungary, Italy, Japan, Luxembourg, Madagascar, Monaco, the Netherlands, Norway, the Republic of Korea, Romania, Senegal, the Soviet Union, Sri Lanka, Sudan, Sweden, Switzerland, the United Kingdom and the United States of America. Furthermore, it was attended, as observers, by a number of other States and intergovernmental and non-governmental organizations.

Officers: Chairman: Patrick A. Smith (Australia); Vice Chairmen: Kristo Iliev (Bulgaria) and Ion Marinescu (Romania); Secretary: François Curchod (WIPO).

WIPO Secretariat: Arpad Bogsch, Director General; Klaus Pfanner, Deputy Director General; François Curchod, Director, PCT Division.

WIPO Document Series: PCT/A/XIII and AB/XVI

Summary of Conclusions/Recommendations: The main agenda items and the main conclusions of the Assembly in respect thereto were as follows: (i) Fixing of Fees: The Assembly increased the amounts of the fees. (ii) PCT Gazette: The Assembly decided that the *PCT Gazette* would continue to be published in an English-language edition and a French-language edition, the two editions being separate. (iii) PCT Pamphlets: The Assembly decided that the current format of the PCT pamphlets should not be changed, at least as regards the printing of drawings and the number of pages of the international application which should appear on each page of the pamphlet. (iv) Executive Committee of the PCT Union: The Assembly agreed to postpone any decision concerning the establishment of the Executive Committee until any State member of the PCT Union or the Director General proposed that the matter be reconsidered. (v) Membership of the PCT Committees: The Assembly decided that all PCT member States--in addition, in the case of the Committee for Technical Cooperation, to the *ex officio* members according to Article 56(2)(b) of the Treaty--would continue to be members of the Committee for Technical Cooperation and the Committee for Technical Assistance until any State member of the PCT Union or the Director General proposed that the matter be reconsidered.

Fourteenth Session (9th Extraordinary), Geneva, September 8 to 12, 1986

Participants: This session of the Assembly--which was meeting at the same time as the governing bodies of WIPO and other Unions administered by WIPO--was attended by 30 member States, namely, Australia, Austria, Belgium, Brazil, Bulgaria, Cameroon, Denmark, Finland, France, Germany (Federal Republic of), Hungary, Italy, Japan, Luxembourg, Madagascar, Monaco, the Netherlands, Norway, the People's Democratic Republic of Korea, the Republic of Korea, Romania, Senegal, the Soviet Union, Sri Lanka, Sudan, Sweden, Switzerland, Togo, the United Kingdom and the United States of America. Furthermore, it was attended, as observers, by a number of other States and intergovernmental and non-governmental organizations.

Officers: Chairman: Patrick A. Smith (Australia); Vice-Chairmen: Kristo Iliev (Bulgaria) and Ion Marinescu (Romania); Secretary: François Curchod (WIPO).

WIPO Secretariat: Arpad Bogsch, Director General; François Curchod, Director, PCT Division.

WIPO Document Series: PCT/A/XIV and AB/XVII

Summary of Conclusions/Recommendations: The main agenda items and the main conclusions of the Assembly in respect thereto were as follows: (i) Accession of Greece and Spain to the PCT: A few weeks after the holding of the session, Greece and Spain were to become party to the European Patent Convention (EPC). Since neither of those two countries was, or was going to become at the same time, party to the PCT, the filing of European patent applications via the PCT (the so-called Euro-PCT route) covering the entire territory of the EPC member States would no longer be possible. It was in view of the above situation that the Assembly unanimously declared that it would very much welcome the early accession to the PCT of Greece and Spain as well as of all the other countries not yet party to the PCT and invited those countries to join them in the PCT Union. Furthermore, the Assembly unanimously declared its willingness to appoint the Registry of Industrial Property of Spain as an International Searching Authority under the PCT once all the conditions prescribed by the PCT and the Regulations thereunder were fulfilled, in particular, those which must be fulfilled by any Office acting as an International Searching Authority. In the course of the discussion of this item, the Delegation of Brazil stated that the National Institute of Industrial Property (INPI) of its country was contemplating becoming an International Searching Authority under the PCT. (ii) Appointment of the United States Patent and Trademark Office (USPTO) as an International Preliminary Examining Authority: It was anticipated that, in October 1986, the authority to withdraw the reservation made by the United States of America under Article 64(1) of the Treaty with the effect of excluding the applicability of Chapter II of the PCT, dealing with international preliminary examination, with respect to that country would be given and the necessary implementing legislation would be adopted by the United States Congress (both steps were to be taken in October 1986), so that the withdrawal of the reservation could be effected before the next ordinary session of the Assembly. In order to avoid the need to convene an extraordinary session before the next ordinary session, the Assembly took the necessary measures which would allow the USPTO to act as an International Preliminary Examining Authority as soon as the said withdrawal was effective.

Fifteenth Session (6th Ordinary), Geneva, September 21 to 30, 1987

Participants: This session of the Assembly--which was meeting at the same time as the governing bodies of WIPO and other Unions administered by WIPO--was attended by 31 member States, namely, Australia, Austria, Barbados, Belgium, Brazil, Bulgaria, Cameroon, the Democratic People's Republic of Korea, Denmark, Finland, France, Gabon, Germany (Federal Republic of), Hungary, Italy, Japan, Luxembourg, Madagascar, Malawi, Monaco, the Netherlands, Norway, the Republic of Korea, Senegal, the Soviet Union, Sri Lanka, Sudan, Sweden, Switzerland, the United Kingdom and the United States of America. Furthermore, it was attended, as observers, by a number of other States and intergovernmental and non-governmental organizations.

Officers: Chairman: Donald H. Quigg (United States of America); Vice-Chairmen: José M.V. de Sousa (Brazil) and Kristo Iliev (Bulgaria); Secretary: François Curchod (WIPO).

WIPO Secretariat: Arpad Bogsch, Director General; Alfons Schäfers, Deputy Director General; François Curchod, Director of the Office of the Director General.

WIPO Document Series: PCT/A/XV and AB/XVIII

Summary of Conclusions/Recommendations: The main agenda items and the main conclusions of the Assembly in respect thereto were as follows: (i) Appointment of an International Preliminary Examining Authority: The Assembly confirmed the appointment of the United States Patent and Trademark Office (USPTO) as an International Preliminary Examining Authority. The fourteenth session of the Assembly (see above) had already taken the necessary measures to allow the USPTO to act as an International Preliminary Examining Authority in the period between the entry into force of the withdrawal, by the United States of America, of the reservation made under Article 64(1) of the Treaty and the present (fifteenth) session of the Assembly. (ii) Extension of Appointments of International Searching and Preliminary Examining Authorities: After noting that it was not necessary, before extending the appointment of the International Searching and Preliminary Examining Authorities, to seek the advice of the PCT Committee for Technical Cooperation, the Assembly extended, until December 31, 1997, the appointments of the Patent Office of Australia, the Austrian Patent Office, the Japanese Patent Office, the U.S.S.R. State Committee for Inventions and Discoveries, the Royal Patent and Registration Office of Sweden, the United States Patent and Trademark Office, and the European Patent Office as International Searching and Preliminary Examining Authorities. It also approved the new texts of the Agreements between WIPO and the said Authorities. (iii) Ceiling of Designation Fee: During its twelfth session, the Assembly had decided to modify the structure of the designation fee on a trial basis and to review that measure, in the light of experience, on the occasion of the next reconsideration of the level of the PCT fees. That modification had consisted in fixing, with effect on January 1, 1985, a maximum for the designation fee corresponding to the equivalent of 10 designations; such a ceiling on the designation fee meant that the applicant could, by paying 10 designation fees, make designations higher in number than 10, all designations in excess of 10 being free of charge. During its thirteenth session, the Assembly had decided that the question of the ceiling of the designation fee would be reviewed on the occasion of its next ordinary session. This session of the Assembly decided that the ceiling of the designation fee would continue to apply. (iv) Amendment of the Organizational Rules of the WIPO Permanent Committee on Patent Information (PCPI): In accordance with the provisions of Article 11(2) of the Organizational Rules of the PCPI, the Assembly was, together with the Assemblies of the Paris and IPC Unions and the WIPO Coordination Committee, competent to amend the said Rules. This session of the Assembly adopted, together with the said Assemblies and Committee, the Organizational Rules of the WIPO Permanent Committee on Industrial Property Information (PCIPI), with December 6, 1987, as date of entry into force.

Sixteenth Session (7th Ordinary), September 25 to October 4, 1989

Participants: This session of the Assembly--which was meeting at the same time as the governing bodies of WIPO and other Unions administered by WIPO--was attended by 28 member States, namely, Australia, Austria, Belgium, Brazil, Bulgaria, Cameroon, the Democratic People's Republic of Korea, Denmark, Finland, France, Germany (Federal Republic of), Hungary, Italy, Japan, Luxembourg, Madagascar, Malawi, Monaco, the Netherlands, Norway, the Republic of Korea, Senegal, Sudan, Sweden, Switzerland, the Soviet Union, the United Kingdom and the United States of America. Furthermore, it was attended, as observers, by a number of other States and intergovernmental and non-governmental organizations.

Officers: Chairman: Max A.J. Engels (Netherlands); Vice-Chairmen: Gaspard Towo-Atangana (Cameroon) and Yury A. Bepalov (Soviet Union); Secretary: Daniel Bouchez (WIPO).

WIPO Secretariat: Arpad Bogsch, Director General; Alfons Schäfers, Deputy Director General; François Curchod, Director of the Office of the Director General; Daniel Bouchez, Director, PCT Administration Division.

WIPO Document Series: PCT/A/XVI and AB/XX

Summary of Conclusions/Recommendations: The main agenda items and the main conclusions of the Assembly in respect thereto were as follows: (i) Growth in the Activities of the PCT Union: The Assembly noted the information provided by the International Bureau on the growth in the activities of the PCT Union as indicated, *inter alia*, by the growth in the number of international applications over the last seven years. Several delegations expressed their appreciation for the work done by the Director General and the International Bureau in promoting the use of the PCT and in administering its operations and noted that further resources and personnel were clearly needed to cope with the increased work load of the PCT. A number of delegations supported the development of computerization to improve PCT operations and welcomed the proposed development of an optical disc system for the processing of international applications. On request of the Delegations of Switzerland, France, Denmark and Belgium, the Director General stated that a progress report on the status and further development of the said optical disc system would be presented by the International Bureau to the 1990 session of the Assembly. (ii) Reimbursement of PCT Deficit-Covering Contributions: The Assembly approved the proposal to begin reimbursement of PCT deficit-covering contributions and fixed the total yearly amount to be reimbursed to interested countries for 1990 and 1991 at 2,000,000 Swiss francs. (iii) Fees: The Assembly decided not to amend the Schedule of Fees annexed to the PCT Regulations.

Seventeenth Session (10th Extraordinary), Geneva, September 24 to October 2, 1990

Participants: This session of the Assembly--which was meeting at the same time as the governing bodies of WIPO and other Unions administered by WIPO--was attended by 33 member States, namely, Australia, Austria, Belgium, Brazil, Bulgaria, Cameroon, Canada, the Congo, the Democratic People's Republic of Korea, Denmark, Finland, France, Germany (Federal Republic of), Hungary, Italy, Japan, Luxembourg, Madagascar, Malawi, Monaco, the Netherlands, Norway, the Republic of Korea, Romania, Senegal, Spain, Sri Lanka, Sudan, Sweden, Switzerland, the Soviet Union, the United Kingdom and the United States of America. Furthermore, it was attended, as observers, by a number of other States and intergovernmental and non-governmental organizations.

Officers: Chairman: Max A.J. Engels (Netherlands); Vice-Chairmen: Gaspard Towo-Atangana (Cameroon) and Yury A. Beshpalov (Soviet Union); Secretary: Daniel Bouchez (WIPO).

WIPO Secretariat: Arpad Bogsch, Director General; Alfons Schäfers, Deputy Director General; François Curchod, Director of the Office of the Director General; Busso Bartels, Director, PCT Legal Division; Daniel Bouchez, Director, PCT Administration Division.

WIPO Document Series: PCT/A/XVII and AB/XXI

Summary of Conclusions/Recommendations: The main agenda items and the main conclusions of the Assembly in respect thereto were as follows: (i) Progress Report on the Development of an Optical Disc System for the Processing of International Applications: The Assembly noted with satisfaction the progress report prepared by the International Bureau on the development of an optical disc system for the processing of international applications. (The said progress report described the user's requirements and the tendering procedure established by the International Bureau for the acquisition of such a system. In this connection, the Assembly noted that at the time of the session, nine bids were expected to be received and analyzed by the International Bureau from interested firms during the period from November 5, 1980, to January 31, 1991.) (ii) Distribution of PCT Pamphlets Through ESPACE-WORLD CD-ROMs: The Assembly approved the proposal that each of the International Searching or Preliminary Examining Authorities and each of the other national Offices that chose to receive the ESPACE-WORLD CD-ROMs in substitution for paper or microfilm copies could

request the International Bureau to provide it, free of charge, with one workstation for reading and printing the said CD-ROMs. In this connection, the Representative of the European Patent Organisation stated that the European Patent Office (EPO) was in total agreement with the proposal of the International Bureau. The proposal was fully in line with the policy of the EPO which was aiming at replacing paper copies of patent documents by CD-ROMs. In the same connection, the Delegations of Algeria and Austria underlined the importance of CD-ROMs as a media for the dissemination of patent information to developing countries.

Eighteenth Session (11th Extraordinary), Geneva, July 8 to 12, 1991

Participants: This session of the Assembly was attended by 25 member States (with 40 delegates), three observer States (with three representatives), one intergovernmental organization (with five representatives) and six non-governmental organizations (with seven representatives), as follows:

Member States: **Australia:** Bruce I. Murray, Deputy Commissioner, Australian Patents, Trade Marks and Designs Office; **Austria:** Dietmar Trattner, Examiner, Presidential Department II, Austrian Patent Office; **Cameroon:** Gaspard Towo-Atangana, General Consul in Geneva; **Canada:** Pierre Trépanier, Director, PCT Division, Ministry of Corporate and Consumer Affairs; **Czechoslovakia:** Michal Guttman, Vice-President, Federal Office for Inventions; Marta Hošková (Mrs.); **Democratic People's Republic of Korea:** Chang Rim Pak, Counsellor, Permanent Mission in Geneva; **Denmark:** Lise Osterborg (Mrs.), Head of Division, Industrial Property Department, Danish Patent Office; **Finland:** Maarit H. Löytömäki (Mrs.), Head of Division, National Board of Patents and Registration; **France:** Jacques Vérone, Chief, PCT Administrative Section, National Institute of Industrial Property; Jean-Baptiste Mozziconacci; **Germany:** Frank P. Goebel, Director, Legal Division, German Patent Office; **Hungary:** Gusztáv Vékás, Vice-President, National Office of Inventions; Margit Sümeghy (Mrs.); **Italy:** Marco G. Fortini, Ambassador, Delegate to International Intellectual Property Agreements, Ministry of Foreign Affairs; Pasquale Iannantuono; Bruno Gradi; Giovanni de Sanctis; **Japan:** Kunishige Sato, Director, PCT Affairs Office, Japanese Patent Office; Tetsuo Shiba; Shigeo Takakura; **Mongolia:** Gonchiguin Gongor, First Secretary, Permanent Mission in Geneva; **Netherlands:** Siep de Vries, Member, Patents Council, Netherlands Patent Office; **Norway:** Ingolf Lillevik, Head of Division, Patent Department, Norwegian Patent Office; **Poland:** Bogdan Rokički, Director, PCT Examination Section, Polish Patent Office; **Republic of Korea:** Joon Kyu Kim, Attaché, Permanent Mission in Geneva; **Romania:** Ion Constantin, Principal Examiner, PCT Section, State Office for Inventions and Marks; **Soviet Union:** Alexander V. Senchikhin, Head, Department of International Patent Cooperation, All-Union Scientific Research Institute of State Patent Examination (VNIIGPE), U.S.S.R. Patent Office; **Spain:** Alberto Casado Cerviño, Director, Department of Studies and International Relations, Industrial Property Registry; Juan Ibañez Ballano; **Sweden:** Jan-Eric Bodin, Deputy Head of Patents, Royal Patent and Registration Office; Marie Eriksson (Miss); **Switzerland:** Peter Messerli, Head, Patent Service, Swiss Federal Intellectual Property Office; Karl Grünig; **United Kingdom:** Cedric G.M. Hoptroff, Principal Examiner, Industrial Property and Copyright Department, Patent Office; Leslie Lewis; Hugh J. Edwards; **United States of America:** Vincent Turner, Administrator, International Division, United States Patent and Trademark Office; Richard Lazarus; Anne Kelly (Mrs.).

Observer States: **Bangladesh:** Mohammed I. Talukdar, Minister (Economic Affairs), Permanent Mission in Geneva; **Indonesia:** Etti Husin (Miss), Third Secretary, Permanent Mission in Geneva; **Mexico:** Ismael Naveja, Second Secretary, Permanent Mission in Geneva.

Intergovernmental organization: **European Patent Organisation (EPO):** Larissa Gruszow (Mrs.), Principal Administrator, International and Legal Affairs, Munich; Brigitte M. Günzel (Ms.); Jacques van Aubel; Bertil Hjelm; Erich Waeckerlin.

Non-governmental organizations: **Committee of National Institutes of Patent Agents (CNIPA):** Eugen Popp, Patent Attorney, Munich; **European Federation of Agents of Industry in Industrial Property (FEMIP):** Reinhard Kockläuner, Patent Attorney, Hofheim (Germany (Federal Republic of)); **International Association for the Protection of Industrial Property (AIPPI):** Heinz Bardehle, Patent Attorney, Munich; Michael N. Meller; **International Chamber of Commerce (ICC):** John H. Kraus, Representative to the United Nations Office in Geneva, Geneva; **International Federation of Industrial Property Attorneys (FICPI):** Knud Raffinøe, Patent Agent, Copenhagen; **Union of Industrial and Employers' Confederations of Europe (UNICE):** Reinhard Kockläuner, Patent Attorney, Hofheim (Germany (Federal Republic of)).

Officers: Acting Chairmen: Peter Messerli (Switzerland) and Leslie Lewis (United Kingdom); Secretary: Busso Bartels (WIPO).

WIPO Secretariat: Arpad Bogsch, Director General; François Curchod, Director of the Office of the Director General; Busso Bartels, Director, PCT Legal Division; Daniel Bouchez, Director, PCT Administration Division; Teruhisa Shimomichi, Senior Counsellor, PCT Administration Division; Philip Thomas, Senior Legal Officer, PCT Legal Division; Vitaly Trousov, Senior Counsellor, PCT Legal Division; Isabelle Boutillon (Miss), Legal Officer, PCT Legal Division; Louis O. Maassel, Consultant, PCT Legal Division.

WIPO Document Series: PCT/A/XVIII

Summary of Conclusions/Recommendations: The substantive item on the agenda of this session was the amendment of the PCT Regulations. The Assembly examined a large number of draft amendments to the PCT Regulations prepared by the International Bureau on the basis of the preparatory work carried out at the Meeting of International Authorities held in January 1990 and the third and fourth sessions of the PCT Committee for Administrative and Legal Matters, held in July 1990, and December 1990 and March 1991, respectively. Of the 331 Rules then in force, 122 were subject to substantive amendment and 18 new Rules were added, whereas the English text or the French text of 23 Rules was subject to purely drafting amendment. All amendments were to enter into force on July 1, 1992 (see Chapters III and V). The said changes in the PCT Regulations were designed to streamline the procedures for filing and prosecuting an international patent application under the PCT, and to make the use of PCT procedures simpler, safer and more accessible to applicants. The main results of the new changes may be summarized as follows: liberalized access to PCT procedures; facilitated designations and elections of States; accommodation of modern office practices in PCT procedures; simplified fulfillment of formality requirements; move towards harmonized "unity of invention" requirement; move towards standard for nucleotide and/or amino acid sequence listings; streamlined international search; streamlined procedure for international preliminary examination; liberalized requirements for translations; added flexibility in the appointment of agents and streamlined provisions and procedures for withdrawal.

Nineteenth Session (8th Ordinary), Geneva, September 23 to October 2, 1991

Participants: This session of the Assembly--which was meeting at the same time as the governing bodies of WIPO and other Unions administered by WIPO--was attended by 40 member States, namely, Australia, Austria, Belgium, Brazil, Bulgaria, Burkina Faso, Côte d'Ivoire, Canada, the Central African Republic, Czechoslovakia, the Democratic People's Republic of Korea, Denmark, Finland, France, Gabon, Germany, Hungary, Italy, Japan, Luxembourg, Madagascar, Malawi, Mauritania, Monaco, Mongolia, the Netherlands, Norway, Poland, the Republic of Korea, Romania, Senegal, Sudan, the Soviet Union, Spain, Sri Lanka, Sweden, Switzerland, Togo, the United Kingdom and the United States of America. Furthermore, it was attended, as observers, by a number of other States and intergovernmental and non-governmental organizations.

Officers: Chairman: Alfons Schäfers (Germany); Vice-Chairmen: Leopold Wuyts (Belgium) and Warnasena Rasaputram (Sri Lanka); Secretary: Daniel Bouchez (WIPO).

WIPO Secretariat: Arpad Bogsch, Director General; François Curchod, Director of the Office of the Director General; Busso Bartels, Director, PCT Legal Division; Daniel Bouchez, Director, PCT Administration Division.

WIPO Document Series: PCT/A/XIX and AB/XXII

Summary of Conclusions/Recommendations: The main agenda items and the main conclusions of the Assembly in respect thereto were as follows: (i) Finances of the PCT Union: The Assembly agreed on the participation of the PCT Union in the financing of certain activities of the International Bureau in which it had not previously participated, on the understanding that those activities would be relevant to the development of the PCT system. Furthermore, it decided that the budget surplus of the PCT Union for the 1992-93 biennium should go to the special reserve fund for additional premises and computerization. It also decided that the reimbursement of the PCT deficit-covering contributions should be at the amount of 6,580,819 Swiss francs during the 1992-93 biennium, in order to complete that reimbursement. (ii) Fixing of Fees: The Assembly increased the amounts of the fees, with effect on January 1, 1992. (iii) Progress Report on the DICAPS (Document Imaging and Computer-Assisted Publication System) Project: The Assembly noted with satisfaction a progress report on the DICAPS project for the processing and publication, by the International Bureau, of international applications under the PCT. (iv) Other Matters: The Assembly adopted the proposal that the International Bureau and

the PCT Contracting States consider the matter of a possible change to PCT Rule 84 with a view to possibly presenting a concrete proposal to one of the forthcoming sessions of the Assembly. The said possible change consisted in providing for the bearing by the PCT Union of expenses of one delegate of a PCT Contracting State to participate in PCT meetings.

Twentieth Session (12th Extraordinary), Geneva, September 21 to 29, 1992

Participants: This session of the Assembly--which was meeting at the same time as the governing bodies of WIPO and other Unions administered by WIPO--was attended by 45 member States, namely, Australia, Austria, Belgium, Brazil, Bulgaria, Burkina Faso, Cameroon, Canada, Czechoslovakia, Côte d'Ivoire, the Democratic People's Republic of Korea, Denmark, Finland, France, Germany, Greece, Guinea, Hungary, Ireland, Italy, Japan, Liechtenstein, Luxembourg, Madagascar, Malawi, Monaco, Mongolia, the Netherlands, New Zealand, Norway, Poland, Portugal, the Republic of Korea, Romania, the Russian Federation, Senegal, Spain, Sri Lanka, Sudan, Sweden, Switzerland, Togo, Ukraine, the United Kingdom and the United States of America. Furthermore, it was attended, as observers, by a number of other States and intergovernmental and non-governmental organizations.

Officers: Chairman: Alfons Schäfers (Germany); Vice Chairmen: Leopold Wuyts (Belgium) and Warnasena Rasaputram (Sri Lanka); Secretary: Daniel Bouchez (WIPO).

WIPO Secretariat: Arpad Bogsch, Director General; François Curchod, Deputy Director General; Busso Bartels, Director, PCT Legal Division; Daniel Bouchez, Director, PCT Administration Division.

WIPO Document Series: PCT/A/XX and AB/XXIII

Summary of Conclusions/Recommendations: The main agenda items and the main conclusions of the Assembly in respect thereto were as follows: (i) Accession of China to the PCT: The Assembly unanimously approved the text of the Agreement between the Chinese Patent Office and WIPO in relation to the functioning of the Chinese Patent Office as an International Searching and International Preliminary Examining Authority under the PCT and appointed that Office as International Searching and Preliminary Examining Authority with effect on the date on which China becomes bound by the PCT. In addition, the Assembly adopted, with effect on the same date, amendments to the PCT Regulations which enabled the use of the Chinese language in the filing, publication and other processing of international applications under the PCT. The amendments involved Rules 10, 11 and 48 (see Chapter III). (ii) International Search and International Preliminary Examination of International Applications Filed in Spanish: The Assembly unanimously adopted amendments to the PCT Regulations which enabled international preliminary examination, on the basis of a translation furnished by the applicant, of international applications filed and published in a language which was not a working language of any International Preliminary Examining Authority. These amendments would apply, initially, to international applications filed in Spanish, although they were not limited in their operation to applications filed in that language. The amendments were particularly designed to facilitate the accession of Spanish-speaking countries to the PCT, including Chapter II. The amendments, which were to enter into force on January 1, 1993, would cease to be applicable with respect to international applications filed in Spanish as soon as a competent International Searching and Preliminary Examining Authority was available to carry out, without the need for a translation, international searches and international preliminary examinations in respect of international applications filed in Spanish. The said amendments involved Rules 37, 38, 43, 55, 60, 61, 66, 70 and 92 (see Chapter III). (iii) Proposal to Amend PCT Rule 91.1 (Rectification of Obvious Errors in Documents): The Assembly decided not to consider further, at the session, a proposal by the United Kingdom that Rule 91.1 be amended to liberalize the provisions permitting rectification of certain documents on the basis of an obvious error. The Assembly invited the International Bureau to convene the PCT Committee for Administrative and Legal Matters for a detailed study of the proposal. (iv) Amendments to the PCT Regulations in Connection With Certain Newly Independent States: The Assembly adopted new PCT Rules 32.1 and 32.2 (see Chapter III). The said new Rules, which entered into force on October 1, 1992, provided a new procedure for extending the effects of certain international applications to a newly independent State whose territory was formerly part of a PCT Contracting State which had subsequently ceased to exist

and which deposits a declaration of continuation the effect of which is that the PCT is applied by that newly independent State. (v) Cut-Off Date of Minimum Documentation: As a result of a question raised by the Delegation of Australia, the Assembly decided that the desirability of revising PCT Rule 34 to advance the cut-off date for PCT minimum documentation from 1920 be studied and that such a study should start with the consideration of the question in the December 1992 session of the PCT Committee for Technical Cooperation.

Twenty-First Session (9th Ordinary), Geneva, September 20 to 29, 1993

Participants: This session of the Assembly--which was meeting at the same time as the governing bodies of WIPO and other Unions administered by WIPO--was attended by 51 member States, namely, Australia, Austria, Belarus, Belgium, Brazil, Bulgaria, Burkina Faso, Cameroon, Canada, Côte d'Ivoire, the Czech Republic, the Democratic People's Republic of Korea, Denmark, Finland, France, Germany, Greece, Guinea, Hungary, Ireland, Italy, Japan, Kazakhstan, Latvia, Liechtenstein, Luxembourg, Madagascar, Malawi, Monaco, Mongolia, the Netherlands, New Zealand, Norway, Poland, Portugal, the Republic of Korea, Romania, the Russian Federation, Senegal, Slovakia, Spain, Sri Lanka, Sudan, Sweden, Switzerland, Togo, Ukraine, the United Kingdom, the United States of America, Uzbekistan and Viet Nam. Furthermore, it was attended, as observers, by a number of other States and intergovernmental and non-governmental organizations.

Officers: Alec Sugden (United Kingdom); Vice-Chairmen: José R. d'Afonseca Gusmão (Brazil) and Tolesh E. Kaudyrov (Kazakhstan); Secretary: Daniel Bouchez (WIPO).

WIPO Secretariat: Arpad Bogsch, Director General; François Curchod, Deputy Director General; Busso Bartels, Director, PCT Legal Division; Daniel Bouchez, Director, PCT Administration Division; Wang Zhengfa, Director-Advisor.

WIPO Document Series: PCT/A/XXI and AB/XXIV

Summary of Conclusions/Recommendations: The main agenda items and the main conclusions of the Assembly in respect thereto were as follows: (i) The International Bureau as Alternative Receiving Office: The Assembly adopted amendments to the PCT Regulations which enable the International Bureau to act as alternative receiving Office, thus giving applicants from all PCT Contracting States the option of filing international applications with the International Bureau as an alternative to filing with competent national (including regional) Offices as receiving Offices. The amendments involved Rules 4, 18, 19, 35, 54, 59, 83 and 90 (see Chapter III). (ii) Rectification of Obvious Errors: The Assembly noted the conclusions of the fifth session of the PCT Committee for Administrative and Legal Matters concerning obvious errors in documents, in particular, that a relaxation of the general conditions for rectification of obvious errors in Rule 91.1 was not agreed to, but that the Committee intended to consider further improvements in specific remedies, namely in relation to Rule 4.10(b) (correction of errors in priority claim). In this connection, a minor amendment to the English text of Rule 91.1 was approved (see Chapter III). (iii) Appointment of the Spanish Patent and Trademark Office as International Searching Authority: The Assembly approved the text of the Agreement between the Spanish Patent and Trademark Office and WIPO in relation to the functioning of the Spanish Patent and Trademark Office as an International Searching Authority under the PCT and appointed that Office as International Searching Authority with effect from September 22, 1993. The said Office would act as an International Searching Authority for all international applications filed in the Spanish language with the receiving Office of, or acting for, any Contracting State where that Office has specified the Authority for that purpose. In this connection, the Delegation of Spain emphasized the importance of the appointment of the Spanish Patent and Trademark Office as International Searching Authority not only to Spanish applicants but potentially to all those countries which had Spanish as an official language and observed that this appointment would be an important step towards greater acceptance of the PCT in Spanish-speaking countries. In the same connection, the Director General expressed the hope that, with the Spanish Patent and Trademark Office carrying out international searches of international applications filed in Spanish, Latin American countries would adhere to the PCT in the near future. (iv) Cut-off Date of Minimum Documentation: The Assembly noted the conclusion of the twentieth session of the PCT Committee for Technical Cooperation that the cut-off date (1920) of the PCT minimum documentation

as set out in Rule 34.1 should not be changed. (v) Expenses of Delegations: The Assembly unanimously agreed to suspend the application of Rule 84.1 in relation to its own sessions and the sessions of the PCT Committee for Administrative and Legal Matters, to the extent that the travel and subsistence expenses of one delegate of each PCT Contracting State for the sessions of those bodies should be paid from the budget of the PCT Union. The Assembly also agreed that, if such suspension were not continued at any time beyond 1995 because of lack of sufficient funds, the Director General would make proposals to end the suspension. (vi) Participation of the PCT Union in the Financing of Program Activities of WIPO: The Assembly approved the increased level of participation of the PCT Union in the financing of certain program activities of WIPO. (vii) Fixing of Fees: A proposal to increase PCT fees did not find the majority required for its approval. It was, however, agreed that the Assembly could examine the possibility of a fee increase in an extraordinary session in 1994. (viii) Designation of Chinese as a Language in Which an Official Text of the PCT Shall be Established: Discussions of this item were based on an oral proposal made by the International Bureau in view of the fact that China was to become bound by the PCT on January 1, 1994. The Assembly designated Chinese as a language in which an official text of the PCT should be established pursuant to Article 67(1)(b) of the Treaty.

Twenty-Second Session (13th Extraordinary), Geneva, September 26 to October 4, 1994

Participants: This session of the Assembly--which was meeting at the same time as the governing bodies of WIPO and other Unions administered by WIPO--was attended by 69 member States, namely, Armenia, Australia, Austria, Belarus, Belgium, Benin, Brazil, Bulgaria, Burkina Faso, Cameroon, Canada, the Central African Republic, China, the Congo, Côte d'Ivoire, the Czech Republic, the Democratic People's Republic of Korea, Denmark, Estonia, Finland, France, Gabon, Germany, Greece, Guinea, Hungary, Ireland, Italy, Japan, Kazakhstan, Kenya, Kyrgyzstan, Latvia, Liberia, Lithuania, Luxembourg, Madagascar, Malawi, Mali, Mauritania, Monaco, Mongolia, the Netherlands, New Zealand, Niger, Norway, Poland, Portugal, the Republic of Korea, the Republic of Moldova, Romania, the Russian Federation, Senegal, Slovakia, Slovenia, Spain, Sri Lanka, Sudan, Swaziland, Sweden, Switzerland, Tajikistan, Togo, Trinidad and Tobago, Ukraine, the United Kingdom, the United States of America, Uzbekistan and Viet Nam. Furthermore, it was attended, as observers, by a number of other States and intergovernmental and non-governmental organizations.

Officers: Chairman: Alec Sugden (United Kingdom); Vice-Chairmen: José R. D'Affonseca Gusmão (Brazil) and Tolesh E. Kaudyrov (Kazakhstan); Secretary: Daniel Bouchez (WIPO).

WIPO Secretariat: Arpad Bogsch, Director General; François Curchod, Deputy Director General; Daniel Bouchez, Director, PCT Administration Department; Busso Bartels, Director, PCT Legal Division; Wang Zhengfa, Director-Advisor.

WIPO Document Series: PCT/A/XXII and AB/XXV

Summary of Conclusions/Recommendations: The main agenda items and the main conclusions of the Assembly in respect thereto were as follows: (i) Accession of Mexico to the PCT: The Director General announced that Mexico had deposited its instrument of accession to the PCT. He particularly welcomed the accession as Mexico was the first Spanish-speaking Latin American country to join the PCT and expressed the hope that this would encourage other Latin American countries to accede to the PCT. (ii) Maximum Number of Designation Fees Payable: The Assembly discussed a proposal to increase the maximum number of designation fees payable from 10 to 15. The Assembly concluded that a more detailed study of the proposal's budgetary implications was needed and agreed that the proposal, or an alternative proposal for a general fee increase, could be considered by the Assembly in 1995, following consideration by the PCT Committee for Administrative and Legal Matters and/or the WIPO Budget Committee. (iii) Cost of Producing the PCT Gazette and the Gazette du PCT: The Assembly noted the contents of a document concerning the production cost of the English-language *PCT Gazette* and the French-language *Gazette du PCT*. The International Bureau observed that much praise had been received for the contents of its *Gazette*, which contained more information than the gazettes or bulletins of other Offices. However, with a view to reducing the said production cost and in the light of the rapid evolution of technology for the publication of information on CD-ROM format, consideration could be given to simplifying the paper version of the *Gazette* and/or investigating further the possibility of transferring from paper to CD-ROM the publication of the entire contents

of the *Gazette*. The International Bureau suggested that consideration of those two options should be given in the future both by the International Bureau and the users of the *Gazette*. No decisions were taken on those items. However, the Assembly agreed to the proposal that the publication, in the *Gazette*, of the index of international publication numbers according to designated States be discontinued. The elimination of the index would reduce the volume of each regular *Gazette* by about 11%.



The "PCT Gazette" and the "Gazette du PCT"

PCT Committee for Technical Cooperation (CTC) First Session, Geneva, September 19 to 22, 1978

Authority/Membership: The PCT Committee for Technical Cooperation (hereinafter referred to as "the Committee") was established by the first session of the Assembly of the PCT Union (hereinafter referred to as "the Assembly") held in Geneva in April 1978. In accordance with Article 56 of the PCT, the mandate of the Committee is to contribute, by advice and recommendations: (i) to the constant improvement of the services provided for under the Treaty; (ii) to the securing, so long as there are several International Searching Authorities and several International Preliminary Examining Authorities, of the maximum degree of uniformity in their documentation and working methods and the maximum degree of uniformly high quality in their reports; and (iii) on the initiative of the Assembly or the Executive Committee, to the solution of the technical problems specifically involved in the establishment of a single International Searching Authority. The said session of the Assembly decided that: (i) the members of the Committee would be, in addition to the *ex officio* members according to the provisions of Article 56(2)(b) of the Treaty, namely, the International Searching and Preliminary Examining Authorities, all States members of the PCT Union, and that once the number of States members of the PCT Union reached 30, it would, in its session following such an event, reconsider the question of the composition of the Committee; and (ii) States and intergovernmental authorities not members of the Committee which have the status of special observer in the Assembly would also have the status of special observer in the Committee. The said session of the Assembly adopted the Rules of Procedure of the Committee in accordance with the provisions of Article 56(18) of the Treaty. Furthermore, it decided that the meetings of the Committee should be joint with those of the WIPO Permanent Committee on Patent Information (WIPO/PCPI),⁵ it being understood that the activities of the said Committees would be coordinated and that, where decisions were made by the Committee, only its members would vote.

Participants: The meeting of the Committee was attended by 12 members (with 24 delegates), 10 special observer States (with 16 representatives), eight observer States (with nine representatives) and six observer organizations (with six representatives), as follows:

Members: **Brazil:** G. Roberto Coaracy, Director, Technological Documentation and Information Center, National Institute of Industrial Property; **Central African Empire:** E.-L. Bayangha, Permanent Mission in Geneva; **France:** Marguerite Verderosa (Mrs.), Head, Documentation, Publications and Information Division, National Institute of Industrial Property; M. Monka (Ms.); Jacques Fouchy; **Germany (Federal Republic of):** Alfred Wittmann, Abteilungspräsident, German Patent Office; Ulrich C. Hallmann; Werner Weiss; **Madagascar:** Solofo Rabearivelo, Counsellor, Permanent Mission in Geneva; Olivier Raveloson; **Senegal:** Abdou Diarra, Technical Counsellor, Ministry of Industrial Development and Crafts; **Soviet Union:** Guennadi Negouliaev, Head, IRS Laboratory, TSNIPI, State Committee for Inventions and Discoveries; **Sweden:** Göran Borggård, Director General, Royal Patent and Registration Office; Lars G. Björklund; Jan-Eric Bodin; **Switzerland:** Jean-Louis Comte, Deputy Director, Swiss Federal Intellectual Property Office; Edouard Caussignac; **United Kingdom:** Vincent S. Dodd, Superintending Examiner, Patent Office; Alec Sugden; **United States of America:** Alfred C. Marmor, Administrator for Documentation, United States Patent and Trademark Office; P. James Terragno; **European Patent Office (EPO):** Jacques Delorme, Vice-President, Rijswijk (Netherlands); J.A.H. van Voorthuizen; Larissa Gruszow (Mrs.).

Special observer States: **Australia:** Francis J. Smith, Commissioner of Patents, Patent, Trade Marks and Designs Office; **Austria:** Josef Fichte, Vice-President, Austrian Patent Office; F. Sohs; **Canada:** Douglas V. Cummings, Assistant Director, Patent Branch, Bureau of Intellectual Property; **Denmark:** Andreas Morsing, Head, Patent Department, Danish Patent Office; Steen T. Simonsen; **Finland:** Paavo Salmi, Head, Patent Department, National Board of Patents and Registration; **Ireland:** Patrick Slavin, Principal Examiner, Patents Office; **Japan:** Kazuaki Takami, Appeal Examiner, Department of Appeal, Japanese Patent Office; **Netherlands:** Jacob Dekker, President, Netherlands Patent Office; Johannes C.H. Perizonius; **Norway:** Per E. Lillejordet, Head of Division, Norwegian Patent Office; Kjell A. Hansen; Evind O. Kjeldsen; **Spain:** Ernesto Gutierrez Guinea, Director, Department of Technological Information, Industrial Property Registry; José M. Garcia Oyaregui.

⁵ In October 1987, the Permanent Committee on Patent Information (PCPI) became the Permanent Committee on Industrial Property Information (PCIPI).

Observer States:⁶ **Algeria:** Leila Zebdji (Mrs.), Deputy Head, Department of Inventions, Algerian Institute of Normalisation and Industrial Property; M. Sadou; **Bulgaria:** Kristo Iliev, Director, Institute of Inventions and Rationalizations; **Czechoslovakia:** Milada Fortová (Mrs.), Head of Mechanization Department, Office for Inventions and Discoveries; **German Democratic Republic:** Reiner Blunstengel, Head of Department, Office for Inventions and Patents; **Italy:** Mario F. Pini, First Secretary, Permanent Mission in Geneva; **Poland:** Andrzej Olszowka, Counsellor, Permanent Mission in Geneva; **Portugal:** José Mota Maia, Director, Patent Division, National Institute of Industrial Property; **Zambia:** Anderson R. Zikonda, Registrar, Patents, Trade Marks and Designs Office.

Observer organizations:⁷ **Commission of the European Communities (CEC):** Hermann Kronz, Head of Division, Luxembourg; **International Federation for Documentation (IFD):** J. Schneider, Stuttgart (Germany (Federal Republic of)); **International Organization for Standardization (ISO):** S. Simeonov, Information Officer, Geneva; **International Patent Documentation Center (INPADOC):** Gerhard Quarda, Vice-Director, External Relations, Vienna; **Patent Documentation Group (PDG):** Derk Ligtenberg, Secretary, Basel (Switzerland); **United Nations Industrial Development Organization (UNIDO):** R.T. de Mautort, Head, Industrial Information Section, Vienna.

Officers: Chairman: Jacob Dekker (Netherlands); Secretary: Paul Claus (WIPO).

WIPO Secretariat: Arpad Bogsch, Director General; Felix A. Sviridov, Deputy Director General; Paul Claus, Director, Patent Information Division; Bo Hansson, Counsellor, Head, IPC Section, Patent Information Division; Philip Higham, Systems Development Officer, Patent Information Division; Vladimir Roslov, Technical Officer, General Patent Information Section, Patent Information Division; Haruyasu Sasaki, Consultant, General Patent Information Section, Patent Information Division.

WIPO Document Series: PCT/CTC/I

Summary of Conclusions/Recommendations: The Committee considered the tasks so far undertaken by the former PCT Interim Committee for Technical Cooperation as summarized by that Committee at its eighth and final session. The Committee decided that the International Bureau should continue to maintain both the inventory of patent documents being part of the PCT minimum documentation and the list of non-patent literature. It decided that the other ongoing tasks should be forwarded to the Working Group on Planning of the WIPO Permanent Committee on Patent Information (PCPI) for further action.

Second Session, Geneva, September 22 to 26, 1979

Participants: The meeting of the Committee was attended by 13 members (with 23 delegates), seven special observer States (with 11 representatives), four observer States (with five representatives) and seven observer organizations (with seven representatives), as follows:

Members: **Austria:** Josef Fichte, Vice-President, Austrian Patent Office; **Brazil:** G. Roberto Coaracy, Director, Technological Documentation and Information Center, National Institute of Industrial Property; L.C. Cufilha Lima; **Denmark:** Andreas Morsing, Head, Patent Department, Danish Patent Office; Steen T. Simonsen; **France:** Marguerite Verderosa (Mrs.), Head, Documentation, Publication and Information Division, National Institute of Industrial Property; Jacques Fouchy; **Germany (Federal Republic of):** Alfred Wittmann, Abteilungspräsident, German Patent Office; **Japan:** M. Umeda, Director, Documentation Division, Japanese Patent Office; Shozo Uemura; **Netherlands:** Johannes C.H. Perizonius, Vice-President, Netherlands Patent Office; **Soviet Union:** Victor I. Blinnikov, Director, VNIIGPE, State Committee for Inventions and Discoveries; Guennadi Negouliaev; **Sweden:** Lars G. Björklund, Head, Patent Department, Royal Patent and Registration Office; Jan-Eric Bodin; **Switzerland:** Jean-Louis Comte, Deputy Director, Swiss Federal Intellectual Property Office; Edouard Caussignac; **United Kingdom:** Vincent S. Dodd, Superintending Examiner, Patent Office; Terence W. Sage; **United States of America:** Alfred C. Marmor, Administrator for Documentation, United States Patent and Trademark Office; Thomas F. Lomont; James Sheehan; **European Patent Office (EPO):** André Vandecasteele, Principal Director, Classification, Documentation and Statistics, General Department I, Rijswijk (Netherlands).

⁶ In the present and following profiles of the PCT Interim Committee for Technical Cooperation (PCT/CTC), the States defined as "observer" are those States members of the PCPI (or, from October 1987 onwards, of the PCPI, which at the time of a certain session of the PCT/CTC, were not members of it).

⁷ Invited in accordance with the provisions of Article 56(2)(d) of the Treaty.

Special observer States: **Australia:** Francis J. Smith, Commissioner of Patents, Patents, Designs and Trade Marks Office; **Canada:** Jean H.A. Gariépy, Commissioner of Patents, Department of Consumer and Corporate Affairs; M. Leir; **Finland:** Paavo Salmi, Head, Patent Department, National Board of Patents and Registration; **Hungary:** Zoltán Szilvássy, Vice-President, National Office of Inventions; I. Kincses; **Ireland:** Patrick Slavin, Principal Examiner, Patents Office; **Norway:** Per E. Lillejordet, Head of Division, Norwegian Patent Office; Kjell A. Hansen; **Spain:** Ernesto Gutierrez Guinea, Director, Department of Information and Technology, Industrial Property Registry; José M. Garcia Oyaregui.

Observer States: **Bulgaria:** Ivan Kotzev, First Secretary, Permanent Mission in Geneva; **Czechoslovakia:** Milada Fořtová (Mrs.), Vice-Director, Central Patent Library, Office for Inventions and Discoveries; **German Democratic Republic:** Reiner Blumstengel, Head of Department, Office for Inventions and Patents; **Portugal:** José Mota Maia, Director General, National Institute of Industrial Property; Ruy Serrão.

Observer organizations: **Commission of the European Communities (CEC):** Henning Bank, Principal Administrator, Luxembourg; **Council for Mutual Economic Assistance (CMEA):** D. Schmidt, Expert, Moscow; **International Federation for Information and Documentation (IFID):** J.W. Plevier, CID-TNO, Delft (Netherlands); **International Patent Documentation Center (INPADOC):** Gerhard Quarda, Vice-Director, External Relations, Vienna; **Patent Documentation Group (PDG):** Derk Ligtenberg, Secretary, Basel (Switzerland); **United Nations (UN):** Siro P. Padolecchia, Representative of the Secretary General, New York; **United Nations Industrial Development Organization (UNIDO):** Siro P. Padolecchia, Assistant Special Representative of the Executive Director of UNIDO at Geneva, Geneva.

Officers: Chairman: Josef Fichte (Austria); Secretary: Paul Claus (WIPO).

WIPO Secretariat: Felix A. Sviridov, Deputy Director General; Paul Claus, Director, Patent Information Division; Philip Higham, Senior Patent Information Officer, Patent Information Division; Raymond Andary, Technical Officer, General Patent Information Section, Patent Information Division; Vladimir Roslov, Technical Officer, General Patent Information Section, Patent Information Division.

WIPO Document Series: PCT/CTC/II

Summary of Conclusions/Recommendations: The Committee examined the conclusions and recommendations of the PCPI Working Group on Planning at its third and fourth sessions in respect of the tasks given to it by the Committee at its first session, and reached decisions in respect of each of those tasks (inventory of patent documents referred to in Rule 34.1(c)(i) to (v), inventory of "reported gaps" in the files of the International Searching Authorities, inventories of sorted collections of patent documents according to Rule 34.1(c)(vi), inventories of English-language abstracts of patent documents according to Rule 34.1(e), list of periodicals established under Rule 34.1(b)(iii), and cooperation for selecting relevant articles from PCT minimum documentation journals). Furthermore, the Committee noted the conclusions reached by the Governing Bodies of WIPO at their tenth session concerning a proposal of the United Nations Industrial Development Organization (UNIDO) to establish an "International Patent Examination Center." The Delegations of Switzerland and France expressed the view that duplication of WIPO's tasks by UNIDO should be avoided.

Third Session, Geneva, September 20 to 24, 1980

Participants: The meeting of the Committee was attended by 18 members (with 30 delegates), three special observer States (with three representatives), nine observer States (with 14 representatives) and five observer organizations (with six representatives), as follows:

Members: **Australia:** Francis J. Smith, Commissioner of Patents, Patents, Trade Marks and Designs Office; **Austria:** Josef Fichte, Vice-President, Austrian Patent Office; **Brazil:** G. Roberto Coaracy, Director, Technological Documentation and Information Center, National Institute of Industrial Property; **Denmark:** Andreas Morsing, Head, Patent Department, Danish Patent Office; Steen T. Simonsen; **Finland:** Elina Häkli (Mrs.), Head of Section, National Board of Patents and Registration; **France:** Georges J. Vianès, Director, National Institute of Industrial Property; Marguerite Verderosa (Mrs.); Jacques Fouchy; Alice de Pastors (Mrs.); **Germany (Federal Republic of):** Alfred Wittmann, Abteilungspräsident, German Patent Office; **Japan:** Shigeo Kobayashi, Senior Officer for Patent Information Planning, Japanese Patent Office; Shozo Uemura; **Malawi:** Mzondi H. Chirambo, Assistant Registrar General and Deputy Registrar of Patents, Trade Marks and Designs, Department of the Registrar General; **Netherlands:** Johannes C.H. Perizonius, Vice-President, Netherlands Patent Office; **Norway:** Per E. Lillejordet, Head of Division, Norwegian Patent Office; **Romania:** Teodor Melescanu, First Secretary, Permanent Mission in Geneva; **Soviet Union:** O.V. Kedrovski, Director General, "POISK" Scientific Production Amalgamation, State Committee for Inventions and Discoveries; Yury Plotnikov; **Sweden:** Lars G. Björklund, Deputy Director

General, Royal Patent and Registration Office; Jan-Eric Bodin; **Switzerland:** Jean-Louis Comte, Deputy Director, Swiss Federal Intellectual Property Office; Edouard Caussignac; **United Kingdom:** Vincent S. Dodd, Superintending Examiner, Patent Office; K.E. Butterworth; **United States of America:** Alfred C. Marmor, Administrator for Documentation, United States Patent and Trademark Office; Thomas F. Lomont; **European Patent Office (EPO):** André Vandecasteele, Principal Director, Classification, Documentation and Statistics, General Department 1, Rijswijk (Netherlands); Robert Baré; Henk de Vries.

Special observer States: **Egypt:** Ahmed A. Omar, Director General, Patent Office; **Ireland:** Patrick Slavin, Principal Examiner, Patents Office; **Spain:** Ernesto Gutierrez, Director, Department of Technological Information, Industrial Property Registry.

Observer States: **Algeria:** Messaoud Mati, Attaché, Permanent Mission in Geneva; **Bulgaria:** Ivan Kotzev, First Secretary, Permanent Mission in Geneva; Emile Golémanov; **Czechoslovakia:** Milan Kopča, Vice-President, Office for Inventions and Discoveries; Milada Foftová (Mrs.); Miloslav Hruškovič; **German Democratic Republic:** Heinz Konrad, Scientific Counsellor, Office for Inventions and Patents; **Italy:** Sebastiano Samperi, Director, Italian Patent Office; **Kenya:** Joseph N. King'arui, Deputy Registrar-General, Registrar-General's Department; **Poland:** Zbigniew Sobczyk, Vice-President, Polish Patent Office; Wiktor Lastowski; **Portugal:** José Mota Maia, Director General, National Institute of Industrial Property; Ruy Serrão; **Zambia:** Musasha C.J. Kunkuta, Deputy Registrar, Patents and Trademarks Office.

Observer organizations: **Commission of the European Communities (CEC):** Hermann Kronz, Head of Division, Luxembourg; Henning Bank; **International Patent Documentation Center (INPADOC):** Gerhard Quarda, Vice-Director, External Relations, Vienna; **Patent Documentation Group (PDG):** Derk Ligtenberg, Secretary, Basel (Switzerland); **United Nations (UN):** Siro P. Padolecchia, Representative of the Secretary General, New York; **United Nations Industrial Development Organization (UNIDO):** Siro P. Padolecchia, Assistant to the Special Representative of the Executive Director of UNIDO at Geneva, Geneva.

Officers: Chairman: Georges J. Vianès (France); First Vice-Chairman: Ahmed A. Omar (Egypt); Second Vice-Chairman: Milan Kopča (Czechoslovakia); Secretary: Paul Claus (WIPO).

WIPO Secretariat: Felix A. Sviridov, Deputy Director General; Paul Claus, Director, Classifications and Patent Information Division; Bo Hansson, Head, International Patent Classification Section, Classifications and Patent Information Division; Reiner Blumstengel, Head, General Patent Information Section, Classifications and Patent Information Division; Philip Higham, Senior Patent Information Officer, Classifications and Patent Information Division.

WIPO Document Series: PCT/CTC/III

Summary of Conclusions/Recommendations: The Committee endorsed the conclusions of the PCPI Working Group on Planning at its fifth and sixth sessions on various questions concerning the PCT minimum documentation. The said questions included the preparation of inventories of patent documents, reported gaps in search files of such documents, sorted collections of patent documents, English-language abstracts, cooperation in selecting relevant articles from PCT minimum documentation journals and criteria for revising the list of such journals.

Fourth Session, Geneva, December 7 to 11, 1981

Participants: The meeting of the Committee was attended by 17 members (with 26 delegates,) two special observer States (with two representatives), five observer States (with eight representatives) and five observer organizations (with six representatives), as follows:

Members: **Australia:** Francis J. Smith, Commissioner of Patents, Australian Patent Office; **Austria:** Josef Fichte, Vice-President, Austrian Patent Office; **Brazil:** Enio Cordeiro, Second Secretary, Permanent Mission in Geneva; **Democratic People's Republic of Korea:** Gyong Won Jo, Attaché, Permanent Mission in Geneva; **Denmark:** Steen T. Simonsen, Senior Examiner, Danish Patent Office; **Finland:** Elina Häkli (Mrs.), Head of Section, Central Board of Patents and Registration; **France:** Georges J. Vianès, Director, National Institute of Industrial Property; Jean-Claude Combaldieu; Marguerite Verderosa (Mrs.); Alice de Pastors (Mrs.); **Germany (Federal Republic of):** Erich Häusser, President, German Patent Office; Alfred Wittmann; K.I. Sarre; **Japan:** Kazuo Hoshikawa, Director, Documentation Division, Japanese Patent Office; Shozo Uemura; **Netherlands:** Johannes C.H. Perizonius, Vice-President, Netherlands Patent Office; **Norway:** Per E. Lillejordet, Head of Division, Norwegian Patent Office; **Soviet Union:** Walter I. Kukolev, Director, Patent Information Department, State Committee for Inventions and Discoveries; Victor I. Blinnikov; **Sweden:** Lars G. Björklund, Deputy Director General, Royal Patent and Registration Office; Jan-Eric Bodin; **Switzerland:** Edouard

Caussignac, President, Appeal Board, Swiss Federal Intellectual Property Office; **United Kingdom:** Vincent S. Dodd, Superintending Examiner, Patent Office; **United States of America:** Thomas F. Lomont, Director, Office of International Patent Classification, United States Patent and Trademark Office; **European Patent Office (EPO):** André Vandecasteele, First Director, Classification, Documentation, Statistics, Directorate General I, Rijswijk (Netherlands); Robert Baré.

Special observer States: **Canada:** Mart Leesti, Director, Policy and Program Planning, Directorate of Intellectual Property, Department of Consumer and Corporate Affairs; **Spain:** Ernesto Gutierrez Guinea, Director, Department of Information and Technology, Industrial Property Registry.

Observer States: **Bulgaria:** Ivan Kotzev, First Secretary, Permanent Mission in Geneva; **Czechoslovakia:** Milan Kopča, First Vice-President, Office for Inventions and Discoveries; Milada Fořtová (Mrs.); Miloslav Hruškovič; **German Democratic Republic:** Heinz Konrad, Scientific Counsellor, Office for Inventions and Patents; **Poland:** Zbigniew Sobczyk, Vice-President, Polish Patent Office; **Portugal:** José Mota Maia, Director General, National Institute of Industrial Property; Ruy Serrão.

Observer organizations: **Arab Industrial Development Organization (AIDO):** A.H. Mekkawi, Director, Industrial Documentation and Information Department, Baghdad; **Commission of the European Communities (CEC):** Hermann Kronz, Head of Division, Luxembourg; Henning Bank; **International Federation for Documentation (IFD):** J. Straus, Honorary Secretary, Munich; **International Patent Documentation Center (INPADOC):** Gerhard Quarda, Vice-Director, External Relations, Vienna; **Patent Documentation Group (PDG):** Derk Ligtenberg, Secretary, Basel (Switzerland).

Officers: Chairman: Georges J. Vianès (France); First Vice-Chairman: Elina Häkli (Mrs.) (Finland); Second Vice-Chairman: Milan Kopča (Czechoslovakia); Secretary: Philip Higham (WIPO).

WIPO Secretariat: Paul Claus, Director, Classifications and Patent Information Division; Busso Bartels, Head, Legal Section, PCT Division; Philip Higham, Head, Developing Countries Section, Classifications and Patent Information Division.

WIPO Document Series: PCT/CTC/IV

Summary of Conclusions/Recommendations: The Committee adopted the inventory of patent documents forming part of the PCT minimum documentation according to Rule 34, and agreed to its publication in the *WIPO Handbook on Patent Information and Documentation*. It agreed that the Japanese patent documents for which English-language extracts had been published since 1970 should be included. The Committee also agreed that machine-readable inventories should be prepared of the said abstracts and of English-language abstracts of Soviet Union patent documents that had been generally available since 1970. Furthermore, the Committee endorsed the recommendations made by the PCPI Planning Group concerning future work in amending the list of periodicals contained in the PCT minimum documentation. Finally, the Committee noted that the International Bureau had published so far seven issues of the *WIPO Journal of Patent Associated Literature (JOPAL)* under a one-year trial period, expressed satisfaction with its contents and structure and agreed that the said trial period should be extended.

Fifth Session, Geneva, November 29 to December 3, 1982

Participants: The meeting of the Committee was attended by 17 members (with 27 delegates), one special observer State (with two representatives), five observer States (with seven representatives) and one observer organization (with one representative), as follows:

Members: **Australia:** Francis J. Smith, Commissioner of Patents, Australian Patent Office; **Austria:** Josef Fichte, Vice-President, Austrian Patent Office; **Democratic People's Republic of Korea:** Tehun Seung Ri, Second Secretary, Permanent Mission in Geneva; Tchan Rim Pak; **Denmark:** Steen T. Simonsen, Senior Examiner, Danish Patent Office; **Finland:** Elina Häkli (Mrs.), Head of Section, Central Board of Patents and Registration; **France:** Jean-Claude Combaldieu, Deputy Director, National Institute of Industrial Property; Marguerite Verderosa (Mrs.); Alice de Pastors (Mrs.); **Germany (Federal Republic of):** Alfred Wittmann, Head, Information Department, German Patent Office; **Japan:** Kazuo Hoshikawa, Director, Documentation Division, Japanese Patent Office; Shinjiro Ono; Kohei Ishimaru; **Madagascar:** Solofo Rabearivelo, Counsellor, Permanent Mission in Geneva; **Netherlands:** Johannes C.H. Perizonius, Vice-President, Netherlands Patent Office; **Norway:** Per E. Lillejordet, Head of Division, Norwegian Patent Office; **Soviet Union:** Walter I. Kukolev, Director, Patent and Information Department, State Committee for Inventions and

Discoveries: Victor I. Blinnikov; **Sweden:** Lars G. Björklund, Deputy Director General, Royal Patent and Registration Office; Jan-Eric Bodin; **Switzerland:** Edouard Caussignac, President, Appeal Board, Swiss Federal Intellectual Property Office; Max Leuthold; **United Kingdom:** Vincent S. Dodd, Superintending Examiner, Patent Office; **United States of America:** Thomas F. Lomont, Director, Office of International Patent Classification, United States Patent and Trademark Office; G.L. Skillington; **European Patent Office (EPO):** André Vandecasteele, First Director, Classification, Documentation, Statistics, Directorate General I, Rijswijk (Netherlands). Robert Baré.

Special observer State: **Spain:** T.L. Heras, Head, Documentary Studies and Publication Service, Industrial Property Registry; José-Daniel Vila Robert.

Observer States: **Bulgaria:** Ivan Kotzev, First Secretary, Permanent Mission in Geneva; **Czechoslovakia:** Milan Kopča, Vice-President, Office for Inventions and Discoveries; Milada Fořtová (Mrs.); **German Democratic Republic:** Heinz Konrad, Scientific Counsellor, Office for Inventions and Patents; **Iran:** A. Hashemi, Director, Iranian Industrial Property and Legislative Office; **Poland:** Zbigniew Sobczyk, Vice-President, Polish Patent Office; M. Swiechowski.

Observer organization: Patent Documentation Group (PDG): Peter Ochsenbein, Secretary, Basel (Switzerland).

Officers: Chairman: Lars G. Björklund (Sweden); First Vice-Chairman: Walter I. Kukolev (Soviet Union); Second Vice-Chairman: A. Hashemi (Iran); Secretary: Philip Higham (WIPO).

WIPO Secretariat: Lev E. Kostikov, Deputy Director General; Paul Claus, Director, Classifications and Patent Information Division; Busso Bartels, Head, PCT Legal Section, PCT Division; Philip Higham, Head, Developing Countries Section, Classifications and Patent Information Division.

WIPO Document Series: PTC/CTC/V

Summary of Conclusions/Recommendations: The Committee requested the International Bureau to update the existing inventories of patent documents falling within the minimum documentation period defined in Rule 34.1, so as to cover the years 1980, 1981 and 1982. The Committee discussed the question of the possible addition of Spanish-language patent documents to the PCT minimum documentation. The question had been referred to it by the PCT Assembly. The Committee expressed the view that, if the proposed amendments to Rules 34.1(c)(vi) and 34.1(e) were adopted, the increase in the number of documents would be minimal vis-à-vis the yearly total of patent documents falling within the PCT minimum documentation. The view was expressed that the inclusion of Spanish-language documents would lead to a higher quality of the results of the international search and make the PCT system more attractive for Spanish-speaking countries. It was felt, however, that only the documents published after the date of entry into force of the amendments to the said Rule, or published at the earliest two years before that date, should become part of the PCT minimum documentation, which would be in line with earlier decisions of the PCT Interim Committee for Technical Cooperation. Other questions dealt with concerned machine-readable inventories of English-language abstracts of patent documents and a proposal to bring forward the cut-off year (1920) provided for in Rule 34(1)(c)(i). Finally, the Committee considered a study prepared by the International Bureau in respect of the publication of the *WIPO Journal of Patent Associated Literature (JOPAL)* in the long term, and agreed that a final decision on the matter should only be taken after an additional one-year trial period.

Sixth Session, Geneva, September 19 to 23, 1983

Participants: The meeting of the Committee was attended by 19 members (with 25 delegates), nine observer States (with 14 representatives) and three observer organizations (with three representatives), as follows:

Members: **Australia:** Francis J. Smith, Commissioner of Patents, Australian Patent Office; **Austria:** Josef Fichte, Vice-President, Austrian Patent Office; **Brazil:** Maria M.R. Mittelbach (Mrs.), Deputy Head, Patent Division, National Institute for Industrial Property; **Cameroon:** William Eyambé, Second Secretary, Permanent Mission in Geneva; **Congo:** Emile Konlonfona, Head, Office for Patents and Distinctive Signs, National

Industrial Property Office; Denmark: Steen T. Simonsen, Senior Examiner, Danish Patent Office; **Finland:** Elina Häkli (Mrs.), Head of Section, Central Board of Patents and Registration; **France:** Marguerite Verderosa (Mrs.), Head, Documentation, Publications and Regional Affairs Division, National Institute of Industrial Property; Alice de Pastors (Mrs.); **Germany (Federal Republic of):** Werner Weiss, Head of Documentation Division, German Patent Office; **Japan:** K. Shibata, Director, Documentation Division, Japanese Patent Office; Shinjiro Ono; **Madagascar:** Solofo Rabearivelo, First Counsellor, Permanent Mission in Geneva; **Netherlands:** Johannes C.H. Perizonius, Vice-President, Netherlands Patent Office; **Norway:** Per E. Lillejordet, Head of Division, Norwegian Patent Office; **Soviet Union:** O. Kedrovski, Director General, "POISK" Scientific Production Amalgamation, State Committee for Inventions and Discoveries; Yury Gyrdymov; **Sweden:** Lars G. Björklund, Deputy Director General, Royal Patent and Registration Office; Jan-Eric Bodin; **Switzerland:** Edouard Caussignac, President, Appeal Board, Swiss Federal Intellectual Property Office; **United Kingdom:** Vincent S. Dodd, Superintending Examiner, Patent Office; **United States of America:** William S. Lawson, Administrator for Documentation, United States Patent and Trademark Office; Thomas F. Lomont; **European Patent Office (EPO):** André Vandecasteele, First Director, Classification, Documentation and Statistics Department, Rijswijk (Netherlands); Robert Baré.

Observer States: **Canada:** Jean H.A. Gariépy, Commissioner of Patents, Department of Consumer and Corporate Affairs; **Czechoslovakia:** Milan Kopča, Vice-President, Office for Inventions and Discoveries; Milada Fořtová (Mrs.); **Egypt:** Ahmed A. Omar, Under-Secretary, President, Patent Office; **German Democratic Republic:** Heinz Konrad, Scientific Counsellor, Office for Inventions and Patents; **Philippines:** E. Manalo, Third Secretary, Permanent Mission in Geneva; **Poland:** Zbigniew Sobczyk, Vice-President, Polish Patent Office; M. Swiechowski; **Republic of Korea:** Dong Hoon Lee, Chairman of Appellate Trial Board, Office of Patent Administration; **Spain:** E.J. Rua, Director, Patents and Designs Department, Industrial Property Registry; José M. Garcia Oyaregui; **Viet Nam:** An Khang, Director, National Office on Inventions; Van Vien Nguyen; Truong Phap.

Observer organizations: **Commission of the European Communities (CEC):** Henning Bank, Principal Administrator, Luxembourg; **International Patent Documentation Center (INPADOC):** Gerhard Quarda, Vice-Director, External Relations, Vienna; **Patent Documentation Group (PDG):** Peter Ochsenbein, Secretary, Basel (Switzerland).

Officers: Chairman: Vincent S. Dodd (United Kingdom); First Vice-Chairman: Marguerite Verderosa (Mrs.) (France); Second Vice-Chairman: Heinz Konrad (German Democratic Republic); Secretary: Philip Higham (WIPO).

WIPO Secretariat: Lev E. Kostikov, Deputy Director General; Paul Claus, Director, Classifications and Patent Information Division; Busso Bartels, Head, PCT Legal Section, PCT Division; Philip Higham, Head, Developing Countries Section, Classifications and Patent Information Division; Yury Plotnikov, Senior Counsellor, PCT Legal Section, PCT Division.

WIPO Document Series: PCT/CTC/VI

Summary of Conclusions/Recommendations: The Committee approved an updated inventory of patent documents contained in the PCT minimum documentation, and requested the International Bureau to finalize the said inventory after obtaining certain further information from the International Searching Authorities. The Committee also approved the proposal of the International Bureau to produce, by the end of 1983, updated inventories, on microfiche or in paper form, of the patent documents issued by Australia, Austria and Canada, and based upon no claim to priority, and inventories of generally available English-language abstracts of patent documents issued by Japan and the Soviet Union. The Committee also decided that the *WIPO Journal of Patent Associated Literature (JOPAL)* should continue to be produced in its current form for a period of one year. It also requested the International Bureau to study and report to the Committee at its next session whether the *JOPAL* project, if continued for a period longer than one year, should be pursued within the more general framework of the PCPI rather than in the framework of the Committee.

Seventh Session, Geneva, September 18 to 21, 1984

Participants: The meeting of the Committee was attended by 16 members (with 24 delegates), eight observer States (with nine representatives) and four observer organizations (with four representatives), as follows:

Members: **Australia:** N. Young, Assistant Commissioner (Technology Information Branch), Australian Patent Office; **Austria:** Josef Fichte, Vice-President, Austrian Patent Office; **Denmark:** Helge I. Rasmussen, Head, Patent Department, Danish Patent Office; Steen T. Simonsen; **Finland:**

Elina Häkli (Mrs.), Head of Section, Central Board of Patents and Registration; **France:** Alice de Pastors (Mrs.), Head Engineer, National Institute of Industrial Property; **Germany (Federal Republic of):** Alfred Wittmann, Head, Department of Information, German Patent Office; Manfred Voegtel; **Japan:** T. Hashimoto, Deputy Director, General Administration Division, Japanese Patent Office; **Netherlands:** Johannes C.H. Perizouius, Vice-President, Netherlands Patent Office; **Norway:** Per E. Lillejordet, Head of Division, Norwegian Patent Office; **Soviet Union:** Walter I. Kukolev, Director, Department of Patent Information and Automated Systems, State Committee for Inventions and Discoveries; Yury Gyrzymov; **Sudan:** S.Y.A. Mahmoud, Commercial Registrar General, Commercial Registrar General's Office; **Sweden:** Lars G. Björklund, Deputy Director General, Royal Patent and Registration Office; Jan-Eric Bodin; Kerstin Bergström (Mrs.); **Switzerland:** Edouard Caussignac, President, Appeal Board, Swiss Federal Intellectual Property Office; Max Leuthold; **United Kingdom:** Vincent S. Dodd, Superintending Examiner, Patent Office; **United States of America:** William S. Lawson, Administrator for Documentation, United States Patent and Trademark Office; Thomas F. Lomont; **European Patent Office (EPO):** André Vandecasteele, First Director, Classification, Documentation, Directorate General I, Rijswijk (Netherlands); Robert Baré.

Observer States: **Canada:** L.B. Kirsh, Chief, Classification Division, Department of Consumer and Corporate Affairs; **Czechoslovakia:** Milan Kopča, Vice-President, Office for Inventions and Discoveries; Milada Foftová (Mrs.); **German Democratic Republic:** Heinz Konrad, Scientific Counsellor, Office for Inventions and Patents; **Kenya:** Joseph N. King'arui, Registrar General, Department of the Registrar-General; **Poland:** Zbigniew Sobczyk, Vice-President, Polish Patent Office; **Portugal:** Ruy Serrão, Director, National Institute of Industrial Property; **Spain:** Rosina Vazquez de Parga (Mrs.), Head, Studies and Publications Service, Industrial Property Registry; **Viet Nam:** Huy Tan Vu, Third Secretary, Permanent Mission in Geneva.

Observer organizations: **Commission of the European Communities (CEC):** Henning Bank, Principal Administrator, Luxembourg; **International Organization for Standardization (ISO):** E.J. French, Head, Information Center, Geneva; **International Patent Documentation Center (INPADOC):** Gerhard Quarda, Vice-Director, External Relations, Vienna; **Patent Documentation Group (PDG):** Peter Ochsenbein, Secretary, Basel (Switzerland).

Officers: Chairman: Vincent S. Dodd (United Kingdom); First Vice-Chairman: N. Young (Australia); Second Vice-Chairman: Zbigniew Sobczyk (Poland); Secretary: Philip Higham (WIPO).

WIPO Secretariat: Lev E. Kostikov, Deputy Director General; Paul Claus, Director, Patent Information and Classification Division; Busso Bartels, Head, PCT Legal Section, PCT Division; Bo Hansson, Head, Patent Classification Section, Patent Information and Classification Division; Philip Higham, Head, Patent Information Section, Patent Information and Classification Division.

WIPO Document Series: PCT/CTC/VII

Summary of Conclusions/Recommendations: The Committee discussed certain questions concerning the minimum patent documentation as defined in Rule 34.1 and agreed to request the International Bureau to continue the production, on microfiche and in the form of paper printout, of the inventories of patent documents published by Australia, Austria and Canada which fell within Rule 34.1(c)(vi), i.e., those patent documents in which no priority was claimed. The Committee noted the progress made by the International Bureau in the production of inventories of generally available English-language abstracts of the patent documents issued by Japan and the Soviet Union and which fell within Rule 34.1(e), and agreed upon a format of the magnetic tape that would contain the said inventories. In respect of the *WIPO Journal of Patent Associated Literature (JOPAL)*, the Committee agreed that *JOPAL* should continue to be published under the same conditions and in the same form as at the current time. However, it requested the International Bureau to investigate the feasibility and costs of production of cumulative indexes of *JOPAL* and of making *JOPAL* available in machine-readable form. Finally, the Committee agreed that the continuation of the *JOPAL* project should be pursued within the more general framework of the WIPO Permanent Committee on Patent Information (PCPI), particularly in view of the fact that several countries then contributing to *JOPAL* were not members of the PCT Union.

Eighth Session, Geneva, September 16 to 20, 1985

Participants: The meeting of the Committee was attended by 17 members (with 28 delegates), four observer States (with six representatives) and four observer organizations (with four representatives), as follows:

Members: **Australia:** Patrick A. Smith, Commissioner, Australian Patent Office; **Austria:** Josef Fichte, Vice-President, Austrian Patent Office; **Barbados:** Lorna Duncan (Mrs.), Deputy Registrar and Head of Corporate Affairs and Industrial Property Office; **Denmark:** Helge I. Rasmussen, Head, Patent Department, Danish Patent Office; Steen T. Simonsen; **Finland:** Elina Häkli (Mrs.), Head of Section, Central Board of Patents and Registration; **France:** Marguerite Verderosa (Mrs.), Head, Documentation, Publications and Regional Affairs Division, National Institute of Industrial Property; Alice de Pastors (Mrs.); **Germany (Federal Republic of):** Erich Häusser, President, German Patent Office; Alfred Wittmann; Manfred Voegtel; **Japan:** Yoshihiro Masuda, First Secretary, Permanent Mission in Geneva; **Netherlands:** Siep de Vries, Member of the Patent Council, Netherlands Patent Office; Dick Dogger; **Norway:** Per E. Lillejordet, Head of Division, Norwegian Patent Office; **Republic of Korea:** Jin Woo Lee, Director, Division of Metal Examination, Office of Patents Administration; Jae Uk Chae; **Soviet Union:** Boris Rozov, Deputy Director, Institute for Patent Information, State Committee for Inventions and Discoveries; Tatiana Nemanova (Mrs.); **Sweden:** Lars G. Björklund, Deputy Director General, Royal Patent and Registration Office; Jan-Eric Bodin; **Switzerland:** Edouard Caussignac, President, Appeal Board, Swiss Federal Intellectual Property Office; Karl Grünig; **United Kingdom:** Grahame K. Lindsey, Superintending Examiner, Patent Office; **United States of America:** William S. Lawson, Administrator for Documentation, United States Patent and Trademark Office; Thomas F. Lomont; **European Patent Office (EPO):** André Vandecasteele, First Director, Classification, Documentation, Directorate General 1, Rijswijk (Netherlands); Robert Baré.

Observer States: **Canada:** Pierre Trépanier, Senior Project Officer, Directorate of Intellectual Property, Bureau of Corporate Affairs, Department of Consumer and Corporate Affairs; **Czechoslovakia:** Milan Kopča, Vice-President, Office for Inventions and Discoveries; Milada Fořtová (Mrs.); **German Democratic Republic:** Heinz Konrad, Scientific Counsellor, Office for Inventions and Discoveries; Klaus-Peter Wittig; **Spain:** José-Daniel Vila Robert, Head, Patent and Design Classification Department, Industrial Property Registry.

Observer organizations: **Commission of the European Communities (CEC):** Henning Bank, Principal Administrator, Luxembourg; **International Patent Documentation Center (INPADOC):** Gerhard Quarda, Vice-Director, External Relations, Vienna; **Patent Documentation Group (PDG):** Peter Ochsenbein, Secretary, Basel (Switzerland); **World Patent Information (WPI):** Vincent S. Dodd, Editor-in-Chief, London.

Officers: Chairman: Edouard Caussignac (Switzerland); First Vice-Chairman: Marguerite Verderosa (Mrs.) (France); Second Vice-Chairman: Boris Rozov (Soviet Union); Secretary: Philip Higham (WIPO).

WIPO Secretariat: Lev E. Kostikov, Deputy Director General; Paul Claus, Director, Patent Information and Classification Division; François Curchod, Director, PCT Division; Bo Hansson, Head, Patent Classification Section, Patent Information and Classification Division; Philip Higham, Head, Patent Information Section, Patent Information and Classification Division; Guennadi Negouliaev, Senior Patent Information Officer, Patent Information Section, Patent Information and Classification Division.

WIPO Document Series: PCT/CTC/VIII

Summary of Conclusions/Recommendations: The Committee discussed the suggestion to change the format of PCT pamphlets, following a request made by the Assembly at its twelfth session, which aimed at making savings in the operations under the PCT. The Committee agreed that on technical considerations it would be most desirable not to reduce the size on which pages of international applications were published and accordingly advised the Assembly that the suggestion should not be further pursued. The Committee also felt that the current practice of printing both the international publication number and the international application number on each page of the pamphlet should be continued. The Committee agreed that a recommendation should be considered for inclusion in the "Guidelines for International Search to be Carried Out Under the Patent Cooperation Treaty (PCT)" to the effect that the International Searching Authorities should allot the non-obligatory classification and indexing codes of the International Patent Classification (IPC) to the international applications classified by them.

Ninth Session, Geneva, September 1 to 5, 1986

Participants: The meeting of the Committee was attended by 21 members (with 32 delegates), eight observer States (with 10 representatives) and five observer organizations (with five representatives), as follows:

Members: **Australia:** Patrick A. Smith, Commissioner, Australian Patent Office; **Austria:** Josef Fichte, Vice-President, Austrian Patent Office; **Brazil:** Claudio R. Treiguer, Director of Technological Information and Documentation, National Institute of Industrial Property; Ana R. Holanda

Cavalcanti (Miss); **Cameroon:** William Eyambé, Second Secretary, Permanent Mission in Geneva; **Democratic People's Republic of Korea:** Yong Son Kwon, Deputy Director, Invention Committee of the Democratic People's Republic of Korea; Yi Tcheul Kim; Myong Jiu Yun; **Denmark:** Helge I. Rasmussen, Director, Industrial Property Division, Danish Patent Office; Steen T. Simonsen; **Finland:** Elina Häkli (Mrs.), Head of Section, Central Board of Patents and Registration; **France:** Marguerite Verderosa (Mrs.), Head, Documentation, Publications and Regional Affairs Division, National Institute of Industrial Property; Alice de Pastors (Mrs.); **Germany (Federal Republic of):** Alfred Wittmann, Head, Documentation and Information Department, German Patent Office; **Italy:** Maria Morandi (Mrs.), Permanent Mission in Geneva; **Japan:** Akihiro Nakamura, Senior Officer for Patent Classification Planning, First Application Division, First Examination Department, Japanese Patent Office; Yoshihiro Masuda; **Madagascar:** Roland G. Razafimahefa, Attaché, Permanent Mission in Geneva; **Netherlands:** Siep de Vries, Senior Examiner, Netherlands Patent Office; **Norway:** Per E. Lillejordet, Head of Division, Norwegian Patent Office; **Republic of Korea:** Jang-Wooh Noh, Director General, Bureau of Planning and Management, Office of Patent Administration; Tae-Chang Choi; **Soviet Union:** Victor I. Blinnikov, Director, All-Union Scientific Research Institute of State Patent Examination (VNIIGPE), State Committee for Inventions and Discoveries; Boris P. Timokhin; **Sweden:** Lars G. Björklund, Deputy Director General, Royal Patent and Registration Office; Jan-Eric Bodin; **Switzerland:** Karl Grünig, Head of Section, Swiss Federal Intellectual Property Office; **United Kingdom:** Grahame K. Lindsey, Superintending Examiner, Patent Office; **United States of America:** William S. Lawson, Administrator for Documentation, United States Patent and Trademark Office; Thomas F. Lomont; **European Patent Office (EPO):** Robert Baré, Director, Classification, Documentation, Directorate General I, Rijswijk (Netherlands); Eddy de Bundel.

Observer States: **Czechoslovakia:** Milan Kopča, Vice-President, Office for Inventions and Discoveries; Milada Fořtová (Mrs.); **German Democratic Republic:** Heinz Konrad, Scientific Counsellor, Office for Inventions and Patents; **Ghana:** Alhaj M. Abdullah, First Secretary, Permanent Mission in Geneva; **Poland:** Zbigniew Sobczyk, Deputy President, Polish Patent Office; **Portugal:** José Mota Maia, Director General, National Institute of Industrial Property; **United Republic of Tanzania:** Samuel Asman, Permanent Mission in Geneva; **Viet Nam:** Van Vien Nguyen, Deputy Director, National Office on Inventions; Huy Tan Vu; **Zambia:** Anderson R. Zikonda, Registrar, Patents, Trademarks and Companies Office.

Observer organizations: **African Regional Industrial Property Organization (ARIPO):** Jeremiah H. Ntagoba, Director, Harare; **Commission of the European Communities (CEC):** Henning Bank, Principal Administrator, Luxembourg; **International Patent Documentation Center (INPADOC):** Gerhard Quarda, Vice-Director, External Relations, Vienna; **Patent Documentation Group (PDG):** Peter Ochsenbein, Secretary, Basel (Switzerland); **World Patent Information (WPI):** Vincent S. Dodd, Editor-in-Chief, London.

Officers: Chairman: Alfred Wittmann (Germany (Federal Republic of)); First Vice-Chairman: Victor I. Blinnikov (Soviet Union); Second Vice-Chairman: Patrick A. Smith (Australia); Secretary: Paul Claus (WIPO).

WIPO Secretariat: Lev E. Kostikov, Deputy Director General; Paul Claus, Director, Classifications and Patent Information Division; Bo Hansson, Head, Patent Classification Section, Classifications and Patent Information Division; Philip Higham, Head, Patent Information Section, Classifications and Patent Information Division; Vitaly Trousov, Senior Counsellor, PCT Legal Section, PCT Division.

WIPO Document Series: PCT/CTC/IX

Summary of Conclusions/Recommendations: The Committee discussed various questions relating to PCT minimum documentation. In respect of the inventories of sorted collections of patent documents according to Rule 34.1(c)(vi), it decided, in particular, that: (i) the regular updating of the machine-readable data file created by the International Bureau should be discontinued; (ii) the cooperating offices nevertheless should continue to forward their data to the International Bureau; and (iii) the International Bureau could continue to make copies of the data available to it at cost to any office so requesting.

Tenth Session, Geneva, September 3 to 11, 1987

Participants: The meeting of the Committee was attended by 18 members (with 24 delegates), four observer States (with seven representatives) and three observer organizations (with three representatives), as follows:

Members: **Australia:** E. Murray Haddrick, Acting Commissioner of Patents, Australian Patent Office; **Austria:** Josef Fichte, Vice-President, Austrian Patent Office; **Brazil:** Claudio R. Treiguer, Director for Documentation and Technological Information, National Industrial Property Institute; **Bulgaria:** Orlin Delev, First Secretary, Permanent Mission in Geneva; **Denmark:** Helge I. Rasmussen, Director, Industrial Property

Division, Danish Patent Office; Steen T. Simonsen; **Finland:** Reino Laukkarinen, Consulting Engineer, Central Board of Patents and Registration; **France:** Marguerite Verderosa (Mrs.), Head, Documentation, Publications and Regional Affairs Division, National Institute of Industrial Property; Alice de Pastors (Mrs.); **Germany (Federal Republic of):** Manfred Voegtel, Head, Documentation Department, German Patent Office; **Japan:** Yoshihiro Masuda, First Secretary, Permanent Mission in Geneva; **Netherlands:** Johannes C.H. Perizonius, Vice-President, Netherlands Patent Office; Siep de Vries; **Norway:** Per E. Lillejordet, Head of Division, Norwegian Patent Office; **Republic of Korea:** Tae-Chang Choi, Liaison Office to WIPO, Office of Patents Administration; **Soviet Union:** Walter I. Kukolev, Director, Department of Patent Information and Automated Systems, State Committee for Inventions and Discoveries; Alexander V. Senchikhin; **Sweden:** Kerstin Bergström (Mrs.), Head, Documentation Division, Royal Patent and Registration Office; **Switzerland:** Edouard Caussignac, President, Appeal Board, Swiss Federal Intellectual Property Office; **United Kingdom:** Terence W. Sage, Assistant Comptroller, Patent Office; Grahame K. Lindsey; **United States of America:** William S. Lawson, Administrator for Documentation, United States Patent and Trademark Office; **European Patent Office (EPO):** Carel Jonckheere, Director, Documentation Systems, Directorate General I, Rijswijk (Netherlands); John Atkins.

Observer States: **Canada:** Jean H.A. Gariépy, Director, Information and Exploitation of Technology Branch, Directorate of Consumer and Corporate Affairs; John Gero; **Czechoslovakia:** Milan Kopča, Vice-President, Office for Inventions and Discoveries; Milada Fořtová (Mrs.); **German Democratic Republic:** Reiner Blumstengel, Deputy Head, Information and Documentation Division, Office for Inventions and Patents; **Spain:** José-Daniel Vila Robert, Head, Examination and Classification Service, Industrial Property Registry; Josefina Aljaro-Martínez (Mrs.).

Observer organizations: **International Patent Documentation Center (INPADOC):** Gerhard Quarda, Vice Director, External Relations, Vienna; **Patent Documentation Group (PDG):** Peter Ochsenbein, Secretary, Basel (Switzerland); **World Patent Information (WPI):** Vincent S. Dodd, Editor-in-Chief, London.

Officers: Chairman: Terence W. Sage (United Kingdom); First Vice-Chairman: Walter I. Kukolev (Soviet Union); Second Vice-Chairman: Mahfoud Albane (Algeria); Secretary: Philip Higham (WIPO).

WIPO Secretariat: Paul Claus, Director, Classifications and Patent Information Division; Busso Bartels, Head, PCT Legal Section; Philip Higham, Head, Patent Information Section, Classifications and Patent Information Division; Guennadi Negouliaev, Senior Patent Information Officer, Patent Information Section, Classifications and Patent Information Division.

WIPO Document Series: PCT/CTC/X

Summary of Conclusions/Recommendations: The Committee discussed various questions concerning PCT minimum documentation. In connection with the project for preparing inventories of English-language abstracts of patent documents according to Rule 34.1(e), the Committee decided that the International Patent Documentation Center (INPADOC) should be asked to prepare cost estimates for creating an inventory covering Japanese patent documents. In this respect, it also decided that a similar inventory of Soviet patent documents would not be created since an English-language abstract for each Soviet patent document published is generally available. In connection with the amendment of the list of periodicals established under Rule 34.1(b)(iii), the Committee decided that for the time being International Searching Authorities should continue to maintain collections of printed copies of periodicals for search purposes, in spite of the on-line availability of the complete text of the said periodicals.

Eleventh Session, Geneva, May 26 and 27, 1988

Participants: The meeting of the Committee was attended by 18 members (with 22 delegates), seven observer States (with seven representatives) and three observer organizations (with three representatives), as follows:

Members: **Australia:** Ian McCay, Senior Assistant Commissioner, Policy, Planning and Coordination Branch, Australian Patent Office; **Austria:** Herwig Marchart, Director, Austrian Patent Office; **Brazil:** Manuel E. do Nascimento, Coordinator, National Institute of Industrial Property; **Democratic People's Republic of Korea:** Dok Hun Pak, Permanent Mission in Geneva; **Denmark:** Steen T. Simonsen, Coordinating Office, Danish Patent Office; **Finland:** Juhani Rainesalo, Head, Patent Department, National Board of Patents and Registration; **France:** Alice de Pastors (Mrs.), Head Engineer, National Institute of Industrial Property; **Germany (Federal Republic of):** Manfred Vögel, Head, Documentation Division, German Patent Office; **Japan:** Hidehiko Takei, Office Director, Classification Office, Japanese Patent Office; Yoshihiro Masuda; **Netherlands:**

Johannes C.H. Perizonius, Vice-President, Netherlands Patent Office; **Norway:** Per E. Lillejordet, Head of Division, Norwegian Patent Office; **Republic of Korea:** Se Grul Park, Director, Documentation Division, Office of Patents Administration; Tae-Chang Choi; **Soviet Union:** Walter I. Kukolev, Department for Patent Information and Automated Systems, State Committee for Inventions and Discoveries; **Sweden:** Lars G. Björklund, Deputy Director General, Swedish Patent Office; Kerstin Bergström (Mrs.); **Switzerland:** Edouard Caussignac, President, Appeal Board, Swiss Federal Intellectual Property Office; **United Kingdom:** Grahame K. Lindsey, Superintending Examiner, Patent Office; **United States of America:** Thomas F. Lomont, Director, Office of International Patent Documentation, United States Patent and Trademark Office; Russell Goudeau; **European Patent Office (EPO):** Eddy de Bundel, Chief Examiner, Directorate General 1, Rijswijk (Netherlands).

Observer States: **Canada:** Jean H.A. Gariépy, Director, Information and Technology Exploitation Branch, Intellectual Property Directorate; **China:** Xiao min Xu (Mrs.), Deputy Director, Administration Division, Documentation Service Center, Chinese Patent Office; **Czechoslovakia:** Milada Fottová (Mrs.), Vice-Director, Center for Information on Inventions, Office for Inventions and Discoveries; **Egypt:** Nazima Abdel Kader (Mrs.), Examiner, Patent Office; **German Democratic Republic:** Reiner Blumstengel, Deputy Head, Information and Documentation Division, Office for Inventions and Patents; **Mexico:** Luis Ricaud Velasco, Advisor of the General Director of Inventions, Marks and Technological Development; **Spain:** Rosina Vazquez de Parga (Mrs.), Head, Publications Service, Industrial Property Registry.

Observer organizations: **Commission of the European Communities (CEC):** Henning Bank, Principal Administrator, Luxembourg; **International Patent Documentation Center (INPADOC):** Gerhard Quarda, Vice-Director, External Relations, Vienna; **World Patent Information (WPI):** Vincent S. Dodd, Editor-in-Chief, London.

Officers: Chairman: Lars G. Björklund (Sweden); First Vice-Chairman: Walter I. Kukolev (Soviet Union); Second Vice-Chairman: Tae-Chang Choi (Republic of Korea); Secretary: Philip Higham (WIPO).

WIPO Secretariat: Lev E. Kostikov, Deputy Director General; Raymond Andary, Head, Special Projects and Developing Countries Section, Classifications and Patent Information Division; Busso Bartels, Head, PCT Legal Section; Philip Higham, Head, Patent Information Section, Classifications and Patent Information Division; Klaus-Peter Wittig, Head, Technical Information and Developing Countries Services Section, Classifications and Patent Information Division; Guennadi Negouliaev, Senior Patent Information Officer, Patent Information Section, Classifications and Patent Information Division.

WIPO Document Series: PCT/CTC/XI

Summary of Conclusions/Recommendations: The Committee took note of the information provided by Derwent Publications Ltd. and INPADOC in respect of the project for the possible creation of an inventory of English-language abstracts of Japanese patent documents that are generally available according to Rule 34.1(e), and requested the International Bureau to take certain actions in order to ascertain the viability of such project. The Committee considered the list of periodicals established under Rule 34.1(b)(iii) and agreed that 17 periodicals, which had yielded few articles of use for the purposes of patent search and examination, should be deleted from that list from December 31, 1988. Finally, the Committee agreed that the printing of International Patent Classification (IPC) indexing codes on the patent documents forming the minimum documentation defined in Rule 34.1 would greatly improve search efficiency and, accordingly, asked the International Bureau to urge the authorities publishing the said patent documents to put IPC indexing codes on all patent documents published by them.

Twelfth Session, Geneva, June 5 to 9, 1989

Participants: The meeting of the Committee was attended by 16 members (with 21 delegates), seven observer States (with seven representatives) and three observer organizations (with three representatives), as follows:

Members: **Austria:** Helmut Erber, Examiner, Austrian Patent Office; **Brazil:** Claudio R. Treiguer, Director, Technological Information and Documentation Center, National Institute of Industrial Property; **Bulgaria:** Radoslavka Kazandjieva (Mrs.), Deputy Director General, Institute of Inventions and Rationalizations; Gueorgui Semerdjiev; **Denmark:** Helge I. Rasmussen, Director, Industrial Property Department, Danish Patent Office; **Finland:** Juhani Rainesalo, Head, Patent Department, National Board of Patents and Registration; **France:** Alice de Pastors (Mrs.), Head Engineer, National Institute of Industrial Property; **Germany (Federal Republic of):** Manfred Vögtel, Head, Documentation Division, Department

of Information and Documentation, German Patent Office; **Japan:** Yoichi Nakatani, Director, Patent Information Management Division, Japanese Patent Office; Shigeo Takakura; **Netherlands:** Johannes C.H. Perizonius, Vice-President, Netherlands Patent Office; **Norway:** Per E. Lillejordet, Head of Division, Norwegian Patent Office; **Soviet Union:** Walter I. Kukolev, Director, Department of Patent Information and Automated Systems, State Committee for Inventions and Discoveries; **Sweden:** Lars G. Björklund, Deputy Director General, Swedish Patent Office; Kerstin Bergström (Mrs.); **Switzerland:** Edouard Caussignac, President, Appeal Board, Swiss Federal Intellectual Property Office; **United Kingdom:** Grahame K. Lindsey, Superintending Examiner, Patent Office; Mark W. Hills; **United States of America:** Russell Goudeau, Director, Office of International Patent Documentation, United States Patent and Trademark Office; Frank L. Rytlewski; **European Patent Office (EPO):** Herwig Pauwels, Director, Principal Directorate Classification and Documentation, Rijswijk (Netherlands).

Observer States: **Canada:** William MacDougall, Patent Advisor, Information and Technology Exploitation Branch, Intellectual Property Directorate; **China:** Hong Lai, Director, Documentation Department, Chinese Patent Office; **Cuba:** Alfredo Figarola, Head, Patent Information Department, National Office of Inventions, Technical Information and Marks; **Egypt:** Hussein A. Sabry, President, Agency for Development of Innovations and Inventions, Academy of Scientific Research and Technology; **German Democratic Republic:** Reiner Blumstengel, Deputy Head, Information and Documentation Division, Office for Inventions and Patents; **Spain:** Ignacio Muñoz-Ozores, Technical Advisor, Industrial Property Registry; **Viet Nam:** Van Vien Nguyen, Deputy Director, National Office on Inventions, State Committee for Science and Technology.

Observer organizations: **International Federation for Information and Documentation (FID):** Vincent S. Dodd, Member of the Committee, FID/PD, London; **Patent Documentation Group (PDG):** Peter Ochsenbein, Secretary General, Basel (Switzerland); **World Patent Information (WPI):** Vincent S. Dodd, Editor-in-Chief, Cuffley (United Kingdom).

Officers: Chairman: Grahame K. Lindsey (United Kingdom); Vice-Chairmen: Radoslavka Kazandjieva (Mrs.) (Bulgaria) and Nguyen Van Vien (Viet Nam); Secretary: Philip Higham (WIPO).

WIPO Secretariat: Lev E. Kostikov, Deputy Director General; Philip Higham, Head, Patent Information Section, Classifications and Patent Information Division; Vladimir Tyč, Patent Information Officer, Patent Information Section, Classifications and Patent Information Division.

WIPO Document Series: PCT/CTC/XII

Summary of Conclusions/Recommendations: The Committee noted that the International Bureau had requested updating information in respect of the inventories of patent documents forming part of the minimum documentation according to Rule 34.1 and that the said inventories, when updated, would be published in the forthcoming set of updating pages of the *WIPO Handbook on Patent Information and Documentation*. The Committee agreed upon the contents of the said inventories and requested the International Bureau to update the inventory every three years and to refer back to the Committee only if difficulties arose. The Committee discussed the possible updating of the list of periodicals established according to Rule 34.1(b)(iii) in respect of biotechnology, and agreed upon further action to be taken thereon. Finally, the Committee discussed the question of the statistics concerning the number of patents granted on the basis of international applications filed under the PCT and requested the International Bureau to further investigate the said questions with all national offices of, or acting for, PCT Contracting States. In this respect, the Committee also agreed to recommend to the Executive Coordination Committee of the WIPO Permanent Committee on Industrial Property Information (PCIPI) that the above questions should be thereafter dealt with by a working group of the PCIPI.

Thirteenth Session, Geneva, September 22 and 23, 1992

Participants: The meeting of the Committee was attended by 30 members (with 47 delegates) and one observer State (with five representatives), as follows:

Members: **Australia:** Patrick A. Smith, Commissioner of Patents, Patents, Trade Marks and Designs Office; **Austria:** Otmar Rafeiner, President, Austrian Patent Office; Gudrun Mayer-Dollner (Mrs.); **Bulgaria:** Kristo Iliev, Director General, Institute of Inventions and Rationalizations; Penka Petkova (Mrs.); **Cameroon:** Agnès H. Nday'e Ntoupéudi (Mrs.), Head, Service for Specialized Agencies of the United Nations in the Social and Cultural Fields, Ministry of Foreign Affairs; **Canada:** Mart Leesti, Commissioner of Patents and Registrar of Trademarks, Directorate for Consumer and Corporate Affairs; **Côte d'Ivoire:** Abdoulaye Touré, Director of Industrial Technology; **Czechoslovakia:** Ladislav Ják, President, Federal

Office for Inventions; Marcela Hujerová (Mrs.); Marta Hošková (Mrs.); **Democratic People's Republic of Korea:** Soug Gwang Ryu, Director General, Invention Office; Chang Rim Pak; Chun Il Pak; **Finland:** Martti J.J. Enäjärvi, Director General, National Board of Patents and Registration; **Germany:** Alfons Schäfers, Deputy Director General, Federal Ministry of Justice; Frank P. Goebel; **Hungary:** Margit Sümeghy (Mrs.), Head, Legal and International Division, National Office of Inventions; **Ireland:** Seau Fitzpatrick, Controller of Patents, Designs and Trade Marks, Patents Office; **Japan:** Yoshihiro Masuda, Deputy Director, International Affairs Division, General Administration Department, Japanese Patent Office; Yoshiyuki Takagi; Masayuki Koyanagi; **Malawi:** Mzondi H. Chirambo, Acting Registrar General, Department of the Registrar General; **Mongolia:** Damdinsuren Demberel, Director, Mongolian Patent and Trademark Office, Ministry for National Development; **Netherlands:** Max A.J. Engels, President, Netherlands Patent Office; **New Zealand:** Harry Burton, Commissioner of Patents, Patent Office, Ministry of Commerce; **Norway:** Knut A. Evjen, Deputy Director General, Norwegian Patent Office; **Poland:** Ewa Nizinska-Matysiak (Mrs.), Senior Expert, Polish Patent Office; **Portugal:** José Mota Maia, President, National Institute of Industrial Property; Ruy Serrão; José L. Mauricio; **Republic of Korea:** Soo-Kil Yoo, Deputy Commissioner, Korean Industrial Property Office; Joon Seok Lee; **Romania:** Mioara Rădulescu (Mrs.), Director General, State Office for Inventions and Trademarks; Liviu Bulgăr; Daniela-Florentina Butcă (Mrs.); **Russian Federation:** Valentin Oushakov, Director, International Relations Department, Committee for Patents and Trademarks (ROSPATENT), Ministry of Science, Higher Education and Technical Policy; **Spain:** Alberto Casado Cerviño, Subdirector General, Spanish Patent and Trademark Office; Begoña Cerro Prada (Mrs.); **Sweden:** Ulf Jaussou, Head of Division, Royal Patent and Registration Office; **Switzerland:** Valerio Caudolfi, Head, Patent Information Section, Patent Division, Swiss Federal Intellectual Property Office; Pascal Koster; **Togo:** Koakou A. Kato, Technical Advisor, Industrial Development Division, Ministry of Industry and State Societies; **Ukraine:** Valery Petrov, Chairman, State Patent Office; **United States of America:** Lee J. Schroeder, Senior Counsellor, United States Patent and Trademark Office; **European Patent Office (EPO):** Gert D. Kolle, Director for International and Legal Affairs, Munich; Richard G. Yung.

Observer State: **China:** Gao Lulin, Director General, Chinese Patent Office; Qiao Dexi; Wu Zheu Xiang; Wang Dong Hua; Zhao Ting.

Officers: Chairman: Alfons Schäfers (Germany); Secretary: Busso Bartels (WIPO).

WIPO Secretariat: Arpad Bogsch, Director General; François Curchod, Deputy Director General; Busso Bartels, Director, PCT Legal Division; Daniel Bouchez, Director, PCT Administration Division.

WIPO Document Series: PCT/CTC/XIII

Summary of Conclusions/Recommendations: The only item on the agenda of this session of the Committee was the appointment of the Chinese Patent Office as an International Searching and Preliminary Examining Authority. The Committee unanimously recommended that the Assembly of the PCT Union approve the draft Agreement between the Chinese Patent Office and WIPO and that the Chinese Patent Office be appointed an International Searching Authority and an International Preliminary Examining Authority under Articles 16(3) and 32(3) of the Treaty, with effect on the date on which China became bound by the PCT.

Fourteenth Session, Geneva, December 7 to 11, 1992

Participants: The meeting of the Committee was attended by 25 members (with 36 delegates) and two observer organizations (with two representatives), as follows:

Members: **Australia:** David R. Herald, Assistant Commissioner of Patents, Patents, Trade Marks and Designs Office; **Austria:** Elvira Gronau (Mrs.), Technical Examiner, Presidential Department II, Austrian Patent Office; **Brazil:** Claudio R. Treiguer, Director, Documentation and Information Center, National Institute of Industrial Property; **Bulgaria:** Radoslavka Kazandjieva (Mrs.), Deputy Director General, Institute of Inventions and Rationalizations; **Czechoslovakia:** Jaroslav Paulík, Director, Patent Information Division, Federal Office for Inventions; Marta Hošková (Mrs.); **Denmark:** Helge I. Rasmussen, Deputy Director General, Danish Patent Office; **Finland:** Juhani Rainesalo, Counsellor for Intellectual Property, National Board of Patents and Registration; **France:** Michèle Lyon (Mrs.), Head Engineer, National Institute of Industrial Property; **Germany:** Sven Sommer, Head, Documentation Division, German Patent Office; **Hungary:** Miklós Bendzsel, Director, Patent Information Centre, National Office of Inventions; Gábor Karetka; **Japan:** Junji Yuita, Director, Patent Classification Planning, Japanese Patent Office; Yoshiyuki Takagi; **Madagascar:** Abel Ratovoarisoa, Research Director, Ministry of Scientific and Technological Research for Development; **Netherlands:** Siep de Vries, Head, Chemical Division, Netherlands Patent Office; **Norway:** Per E. Lillejordet, Head, Patent Division, Norwegian Patent Office; **Poland:** Roman Kobus, Vice-President, Polish Patent Office; Barbara Zabczyk (Mrs.); **Portugal:** Luisa M. Ribeiro Barrios Modesto

(Mrs.), Patent Examiner, National Institute of Industrial Property; **Republic of Korea:** Joon Kyu Kim, Intellectual Property Attaché, Permanent Mission in Geneva; Gyu Wan Choi; Seung Hwa Han; **Romania:** Alexandru C. Strenc, Deputy Director General, State Office for Inventions and Trademarks; Valeriu C. Geambazu; **Russian Federation:** Alexander Khodyrev, Deputy Chairman, Committee for Patents and Trademarks; Vladimir Varfolomeev; **Spain:** Rosina Vazquez de Parga (Mrs.), Head, Documentation and Search Unit, Spanish Patent and Trademark Office; **Sweden:** Kerstin Bergström (Mrs.), Head, Documentation Division, Royal Patent and Registration Office; **Switzerland:** Valerio Candolfi, Head, Patent Information Section, Swiss Federal Intellectual Property Office; **United Kingdom:** Grahame K. Lindsey, Superintending Examiner, Classification and Documentation Division, Patent Office; David J. Barford; **United States of America:** Alexander Boyd, Deputy Assistant Commissioner, United States Patent and Trademark Office; Russell Goudeau; Robert W. Saifer; **European Patent Office (EPO):** Herwig Pauwels, Director, Operational Documentation, Rijswijk (Netherlands).

Observer organizations: **Patent Documentation Group (PDG):** Nico V. Schuitemaker, Secretary General, Delft (Netherlands); **World Patent Information (WPI):** Vincent S. Dodd, Editor-in-Chief, Cuffley (United Kingdom).

Officers: Chairman: Grahame K. Lindsey (United Kingdom); Secretary: Klaus-Peter Wittig (WIPO).

WIPO Secretariat: François Curchod, Deputy Director General; Busso Bartels, Director, PCT Legal Division; Akihiro Nakamura, Director, Industrial Property Information Division; Philip Thomas, Senior Legal Officer, PCT Legal Division; Klaus-Peter Wittig, Head, General Information Section, Industrial Property Information Division; Bruce Cox, Senior Industrial Property Information Officer, Industrial Property Information Division; Angel Lopez Solanas, Senior Industrial Property Information Officer, General Information Section, Industrial Property Information Division; Louis O. Maassel, Consultant, PCT Legal Division.

WIPO Document Series: PCT/CTC/XIV

Summary of Conclusions/Recommendations: The Committee revised the list of periodicals established under Rule 34.1(b)(iii) and decided on additions to and deletions from the said list of a number of technical journals. The Committee also considered a proposal to review the 1920 cut-off date for minimum documentation under Rule 34 and decided that the matter should be investigated further on the basis of a survey by the International Bureau of the frequency and relevance of citations by International Authorities and national Offices.

Fifteenth Session, Geneva, June 3 to 11, 1993

Participants: The meeting of the Committee was attended by 27 members (with 38 delegates) and three observer organizations (with three representatives), as follows:

Members: **Australia:** Bruce Murray, Deputy Commissioner of Patents, Australian Industrial Property Organisation; **Austria:** Elvira Gronau (Mrs.), Technical Examiner, Presidential Department II, Austrian Patent Office; **Brazil:** Claudio R. Treiguer, Director, Technological Information and Documentation Center, National Institute of Industrial Property; **Bulgaria:** Radoslavka Kazandjieva (Mrs.), Deputy Director General, Institute of Inventions and Rationalizations; Nikolai Terziev; **Burkina Faso:** Mathieu Hien, Counsellor for Economic Affairs and Industrial Property, Directorate General for Industrial Development; **Canada:** Ray H. Taylor, Director, Automated Systems Branch, Canadian Intellectual Property Office; **Democratic People's Republic of Korea:** Ryong Hi Djang (Mrs.), Senior Officer, Invention Office; Chang Rim Pak; **Denmark:** Jens P. Schougaard, Head of Documentation and Library, Danish Patent Office; **Finland:** Juhani Rainesalo, Counsellor for Intellectual Property, National Board of Patents and Registration; Ritva Sundquist (Mrs.); **France:** Michèle Lyon (Mrs.), Head Engineer, National Institute of Industrial Property; **Germany:** Alfred Wittmann, Head, Department of Information and Documentation, German Patent Office; **Hungary:** Miklós Bendzsel, Director, Patent Information Centre, National Office of Inventions; Gábor Karetka; **Ireland:** Krishnaswamy Srinivasan, Senior Examiner, Patents Office; **Japan:** Junji Yuita, Director, Patent Classification Planning, Japanese Patent Office; Yoshiyuki Takagi; **Netherlands:** Siep de Vries, Head, Chemical Division, Netherlands Patent Office; **Norway:** Per E. Lillejordet, Head, Patent Division, Norwegian Patent Office; **Poland:** Roman Kobus, Vice-President, Polish Patent Office; Barbara Zabczyk (Mrs.); **Portugal:** Maria L. Araújo (Mrs.), Head, Information Division, National Institute of Industrial Property; Ana M. Bandeira (Ms.); **Republic of Korea:** Yang Sup Chung, Intellectual Property Attaché, Permanent Mission in Geneva; **Romania:** Valeriu C. Geambazu, Head, Patent Information Division, State Office for Inventions and Trademarks; **Russian Federation:** Alexander Khodyrev, Deputy Chairman, Committee for Patents and Trademarks; Vladimir Varfolomeev; Nikolai Chepelev; **Spain:** José-Daniel Vila Robert, Head, Examination Unit, Patents and Designs Department, Spanish Patent and Trademark Office; **Sweden:** Kerstin Bergström (Mrs.), Head, Documentation Division, Royal Patent and Registration Office; **Switzerland:** Valerio Candolfi, Head, Patent Information Section, Swiss Federal

Intellectual Property Office; United Kingdom: Grahame K. Lindsey, Superintending Examiner, Classification and Documentation Division, Patent Office; David J. Barford; **United States of America:** Russell Goudeau, Director, International Liaison Staff, United States Patent and Trademark Office; Robert W. Saifer; **European Patent Office (EPO):** Robert Baré, Principal Director, Principal Directorate for Documentation, Rijswijk (Netherlands).

Observer organizations: **Commission of the European Communities (CEC):** Henning Bank, Head, Patents Section, Luxembourg; **Patent Documentation Group (PDG):** Nico V. Schuitemaker, Secretary General, Delft (Netherlands); **World Patent Information (WPI):** Vincent S. Dodd, Editor-in-Chief, Cuffley (United Kingdom).

Officers: Chairman: Siep de Vries (Netherlands); Secretary: Klaus-Peter Wittig (WIPO).

WIPO Secretariat: François Curchod, Deputy Director General; Busso Bartels, Director, PCT Legal Division; Akihiro Nakamura, Director, Industrial Property Information Division; Philip Thomas, Senior Counsellor, PCT Legal Division; Klaus-Peter Wittig, Head, General Information Section, Industrial Property Information Division.

WIPO Document Series: PCT/CTC/XV

Summary of Conclusions/Recommendations: The Committee approved a new list of periodicals established under Rule 34.1(b)(iii) and agreed that the said list would take effect as from January 1, 1994. Furthermore, the Committee considered a proposal to review the 1920 cut-off date for minimum documentation under Rule 34. It decided that, since studies undertaken by a number of patent offices had shown that recent search reports contained a significant number of citations of documents which had been published prior to 1940, particularly in certain technical fields, no change should be made in the said cut-off date. Finally, the Committee discussed matters related to the use of optical discs as data carriers for the exchange, between patent offices, of patent documents forming part of the PCT minimum documentation under Rule 34.1(c)(vi).

Sixteenth Session, Geneva, September 21 and 22, 1993

Participants: The meeting of the Committee was attended by 35 members (with 61 delegates), as follows:

Members: **Australia:** Andrew Bain, Director General, Australian Industrial Property Organisation; Bruce Murray; **Austria:** Otnar Rafeiner, President, Austrian Patent Office; Gudrun Mayer-Dolliner (Mrs.); **Belgium:** Léopold Wuyts, Director, Industrial Property Office, Ministry of Economic Affairs; **Brazil:** Luciana Goulart de Oliveira (Mrs.), Technical Advisor, National Institute of Industrial Property; **Canada:** Mart Leesti, Director General, Canadian Intellectual Property Office, Ministry of Industry and Science; Peter Davies; Christine Blain (Ms.); **China:** Gao Lulin, Director General, Chinese Patent Office; Wu Xiangwen; Qiao Dexi; **Côte d'Ivoire:** Abdoulaye Touré, Director for Industrial Technology; **Czech Republic:** Ladislav Jakl, President, Industrial Property Office; Marcela Hujerová (Mrs.); **Denmark:** Per L. Thoft, Director General, Danish Patent Office; **Finland:** Juhani Rainesalo, Counsellor for Intellectual Property, National Board of Patents and Registration; Marjo H. Aalto-Setälä (Miss); **France:** Benjamine Vidaud-Rousseau (Mrs.), Counsellor for International Affairs, National Institute of Industrial Property; **Germany:** Alexander von Mühlendahl, Head of Division, Ministry of Justice; **Hungary:** Margit Sümeghy (Mrs.), Head, Legal and International Division, National Office of Inventions; **Ireland:** Sean Fitzpatrick, Controller, Patents Office; **Italy:** Maria Grazia del Gallo Rossoni (Mrs.), Director, Italian Patent and Trademark Office; **Japan:** Yoshihiro Masuda, Director for International Cooperation, General Administration Department, International Affairs Division, Japanese Patent Office; Yoshiyuki Takagi; **Madagascar:** Abel Ratovoarisoa, Research Director, Ministry of Scientific Research; **Malawi:** Barnett Y.M. Makwinja, Deputy Registrar General, Department of the Registrar General, Ministry of Justice; **Monaco:** Jean-Pierre Campana, Director, Directorate of Commerce, Industry and Industrial Property, Finance and Economy Department; **Mongolia:** Damdinsuren Demberel, Director, Mongolian Patent and Trademark Office; Dolgoryn Zolboot; **Netherlands:** Robert L.M. Berger, President, Netherlands Patent Office; Jan Nicaise; **Norway:** Per E. Lillejordet, Head of Division, Norwegian Patent Office; **Portugal:** José Mota Maia, President, National Institute of Industrial Property; Ruy Serrão; Adriano Queirós Ferreira; **Republic of Korea:** Tae Chang Choi, Director General, Patent Information and Documentation Bureau, Korean Industrial Property Office; Jung Hun Suh; Joon Seok Lee; **Russian Federation:** Valentin Oushakov, Director, International Relations Department, Committee of the Russian Federation for Patents and Trademarks (ROSPATENT); **Slovakia:** Peter Murín, Department Director, Industrial Property Office; Emilian Pavlík; **Spain:** Julio Delicado Montero-Ríos, Director General, Spanish Patent and Trademark Office; Alberto Casado Cerviño; Luis Fernando de Segovia; Begoña Cerro Prada (Mrs.); **Sudan:** Abd Elrahman A. Ibrahim,

Commercial Registrar General, Attorney General's Chambers; Sweden: Sten Heckscher, Director General, Royal Patent and Registration Office; Ulf Jansson; **Switzerland:** Roland J. Tschudin, Head, Patent Administration Division, Principal Patent Division, Swiss Federal Intellectual Property Office; **Ukraine:** Valery Petrov, Chairman, State Patent Office; Vladimir Zharov; **United Kingdom:** Paul R.S. Hartnack, Comptroller and Chief Executive, Patent Office; Alec Sugden; James S. Booth; Timothy M.J. Simmons; Alice Tai (Ms.); **United States of America:** Michael J. Kirk, Assistant Commissioner for External Affairs, United States Patent and Trademark Office; Lee J. Schroeder; **Viet Nam:** Doan Phuong, Director General, National Office of Industrial Property; **European Patent Office (EPO):** Larissa Gruszow (Mrs.), Principal Administrator, International and Legal Affairs, Munich.

Officers: Chairman: Alec Sugden (United Kingdom); Secretary: Busso Bartels (WIPO).

WIPO Secretariat: François Curchod, Deputy Director General; Busso Bartels, Director, PCT Legal Division; Daniel Bouchez, Director, PCT Administration Division; Philip Thomas, Senior Counsellor, PCT Legal Division; Isabelle Boutillon (Miss), Senior Legal Officer, PCT Legal Division; Matthew R. Bryan, Legal Officer, PCT Legal Division.

WIPO Document Series: PCT/CTC/XVI

Summary of Conclusions/Recommendations: The only item on the agenda of this session of the Committee was the appointment of the Spanish Patent and Trademark Office as an International Searching Authority. The Committee unanimously recommended that the Assembly of the PCT Union approve the draft Agreement between the Spanish Patent and Trademark Office and WIPO, and that that Office be appointed as an International Searching Authority under Article 16(3) of the Treaty, with effect from the date of entry into force of the said Agreement.

Seventeenth Session, Geneva, December 13 to 17, 1993

Participants: The meeting of the Committee was attended by 24 members (with 35 delegates) and two observer organizations (with two representatives), as follows:

Members: **Australia:** William Major, Director, Operational Review and Development, Australian Industrial Property Organisation; **Bulgaria:** Radoslavka Kazandjieva (Mrs.), Vice-President, Bulgarian Patent Office; **Canada:** Ray H. Taylor, Director, Automated Systems Branch, Canadian Intellectual Property Office, Department of Industry; **China:** Ma Lianyuan, Deputy Director General, Chinese Patent Office; **Czech Republic:** Marta Hošková (Mrs.), Head, PCT Department, Industrial Property Office of the Czech Republic; **Denmark:** Helge I. Rasmussen, Head of Planning, Danish Patent Office; Jens P. Schougaard; **Finland:** Juhani Rainesalo, Counsellor for Intellectual Property, National Board of Patents and Registration; **France:** Michèle Lyon (Ms.), Head Engineer, National Institute of Industrial Property; **Germany:** Horst H. Zitt, Senior Examiner, Documentation Division, German Patent Office; **Hungary:** Miklós Bendzsel, Vice-President, Patent Information Centre, National Office of Inventions; **Ireland:** Krishnaswamy Srinivasan, Senior Examiner, Patents Office; **Japan:** Junji Yuita, Director, Patent Classification Planning, Japanese Patent Office; Yoshiyuki Takagi; **Netherlands:** Siep de Vries, Head, Chemical Division, Netherlands Patent Office; **Norway:** Per E. Lillejordet, Head, Patent Division, Norwegian Patent Office; **Poland:** Roman Kobus, Vice-President, Polish Patent Office; Barbara Zabczyk (Mrs.); **Portugal:** Maria L. Araújo (Ms.), Head, Information Division, National Institute of Industrial Property; Ana M. Bandeira (Ms.); Adriano Ferreira; **Romania:** Valeriu C. Geambazu, Head, Patent Information Division, State Office for Inventions and Trademarks; Tiberiu D. Popescu; **Russian Federation:** Alexander Khodyrev, Deputy Chairman, Committee for Patents and Trademarks; Vladimir Varfolomeev; Yury Diakonov; **Spain:** José-Daniel Vila Robert, Head, Examination Unit, Patents and Designs Department, Spanish Patent and Trademark Office; Rosina Vazquez de Parga (Ms.); **Sweden:** Kerstin Bergström (Mrs.), Head, Documentation Division, Royal Patent and Registration Office; **Switzerland:** Valerio Candolfi, Head, Patent Information Section, Swiss Federal Intellectual Property Office; **United Kingdom:** Grahame K. Lindsey, Superintending Examiner, Classification and Documentation Division, Patent Office; David J. Barford; **United States of America:** Stephen G. Kunin, Acting Assistant Commissioner for Patents, United States Patent and Trademark Office; Robert W. Saifer; **European Patent Office (EPO):** Herwig Pauwels, Director, Operational Documentation, Rijswijk (Netherlands).

Observer organizations: **Patent Documentation Group (PDG):** Nico V. Schuitemaker, Secretary General, Rijswijk (Netherlands); **World Patent Information (WPI):** Vincent S. Dodd, Editor-in-Chief, Cuffley (United Kingdom).

Officers: Chairman: Siep de Vries (Netherlands); Secretary: Klaus-Peter Wittig (WIPO).

**PCT Committee for Administrative and Legal Matters (CAL)
First Session, Geneva, September 6 to 10, 1982**

Authority/Membership: The PCT Committee for Administrative and Legal Matters (hereinafter referred to as "the Committee") was established by the first session of the Assembly of the PCT Union (hereinafter referred to as "the Assembly"), held in Geneva in April 1978, in accordance with Article 53(2)(a)(viii) of the Treaty. The said session of the Assembly appointed all States members of the PCT Union and the International Searching and Preliminary Examining Authorities as members of the Committee, it being understood that, where any such Authority is the national office of a State member of the PCT Union, that State should not be additionally represented on the Committee. The said session of the Assembly also adopted the Rules of Procedure of the Committee. Pursuant to the said Rules of Procedure, the terms of reference of the said Committee are to deal with matters concerning: (i) the relationship between the International Bureau on the one hand and the applicants, the receiving Offices, the designated Offices, the elected Offices, the International Searching Authorities and the International Preliminary Examining Authorities on the other hand; (ii) the relationship between the applicants on the one hand and the receiving Offices, the designated Offices, the elected Offices, the International Searching Authorities and the International Preliminary Examining Authorities on the other hand; (iii) the relationship between the receiving Offices, the designated Offices and the elected Offices on the one hand and the International Searching Authorities on the other hand; (iv) fees, forms, procedures and publications under the PCT; and (v) other administrative and legal questions concerning the application of the PCT. The said Rules of Procedure also provide that: (i) States not members of the Committee which have the status of special observer in the Assembly as well as intergovernmental authorities which have such a status and which are not members of the Committee shall be invited as "special observers" to all sessions of the Committee; and (ii) the Director General shall, on his own initiative or at the request of the Committee, invite representatives of interested organizations to attend the sessions of the Committee in an observer capacity.

Participants: The meeting of the Committee was attended by 20 members (with 28 delegates), five observer States (with six representatives) and six non-governmental organizations (with eight representatives), as follows:

Members: **Australia:** Kelvin Widdows, First Secretary, Permanent Mission in Geneva; **Austria:** Norbert Marterer, Vice-President, Austrian Patent Office; **Belgium:** Paul Ceuninck, Administrator, Industrial Property Service, Ministry of Economic Affairs; **Brazil:** Enio Cordeiro, Second Secretary, Permanent Mission in Geneva; **Cameroon:** Nestor Fomekong, First Secretary, Permanent Mission in Geneva; **Denmark:** Jens Dam, Head of Section, Danish Patent Office; **Finland:** Elina Häkli (Mrs.), Head of Section, Central Board of Patents and Registration; **France:** Ghyslaine Rajot (Miss), Legal Advisor, National Institute of Industrial Property; **Germany (Federal Republic of):** Ulrich C. Hallmann, Leitender Regierungsdirektor, German Patent Office; **Japan:** Haruo Goto, Director, International Application Office, First Application Division, First Examination Department, Japanese Patent Office; Shinjiro Ono; **Liechtenstein:** Anton F. de Gerliczy-Burian, Head, International Relations Office; **Luxembourg:** Fernand Schlessler, Inspector, Industrial Property Service, Ministry of National Economy; **Netherlands:** Siep de Vries, Deputy Member of the Patents Council, Netherlands Patent Office; **Norway:** Per T. Lossius, Deputy Director General, Norwegian Patent Office; Ingolf Lillevik; **Soviet Union:** Serguei N. Afanassiev, Acting Head of Department, All-Union Institute of State Patent Examination, State Committee for Inventions and Discoveries; **Sweden:** Göran Borggård, Director General, Royal Patent and Registration Office; Erik Tersmeden; Pernilla Lindh (Ms.); Birgitta Sandberg (Mrs.); **Switzerland:** Max Leuthold, Head, Administration Division, Swiss Federal Intellectual Property Office; **United Kingdom:** Alec Sugden, Principal Examiner, Patent Office; John Sharrock; **United States of America:** H. Dieter Hoinkes, Legislative and International Patent Specialist, United States Patent and Trademark Office; Louis O. Maassel; **European Patent Office (EPO):** Ulrich J. Schatz, Principal Director, International Affairs, Munich; Larissa Gruszow (Mrs.).

Observer States: **Ghana:** Arthur J.B. McCarthy, Counsellor, Permanent Mission in Geneva; **Mexico:** Francisco J. Cruz González, Counsellor, Permanent Mission in Geneva; **Republic of Korea:** Shi Hyung Kim, Commercial Attaché, Permanent Mission in Geneva; **Spain:** Julio Delicado Montero-Ríos, Director General, Industrial Property Registry; Suzanne Jessel (Mrs.); **Trinidad and Tobago:** Michael Lashley, First Secretary, Permanent Mission in Geneva.

Non-governmental organizations: **Committee of National Institutes of Patent Agents (CNIPA):** Richard P. Lloyd, Patent Department, ICI Plc, Plastics Division, Welwyn Garden City (United Kingdom); **European Federation of Agents of Industry in Industrial Property (FEMIP):** Felix A. Jenny, Patent Department, Ciba-Geigy A.G., Basel (Switzerland); **International Association for the Protection of Industrial Property (AIPPI):** George R. Clark, Vice-President, Sunbeam Corporation, Chicago (United States of America); Gaylord E. Kirker; **International Chamber of Commerce (ICC):** Janette M.W. Buraas (Mrs.), ICC Representative to the United Nations, Geneva; **International Federation of Industrial Property Attorneys (FICPI):** Heinz Bardehle, Patent Attorney, Munich; Franz Lenz; **Union of Industries of the European Community (UNICE):** Françoise Thrierr (Mrs.), Deputy Director, Thomson CSF-SCPI, Paris.

Officers: Chairman: Göran Borggård (Sweden); Vice-Chairmen: H. Dieter Hoinkes (United States of America) and Serguei Afanassiev (Soviet Union); Secretary: Busso Bartels (WIPO).

WIPO Secretariat: Arpad Bogsch, Director General; Klaus Pfanner, Deputy Director General; François Curchod, Director, PCT Division; Jordan Franklin, Deputy Head, PCT Division; Busso Bartels, Head, PCT Legal Section; Daniel Bouchez, Head, PCT Publications Section; Normando Scherrer, Head, PCT Fees, Sales and Statistics Section; Vitaly Trousov, Senior Counsellor, PCT Legal Section; Tamotsu Hirai, Examination Procedures Officer, PCT Examination Section.

WIPO Document Series: PCT/CAL/I

Summary of Conclusions/Recommendations: The Committee considered amendments to certain time limits in the PCT and to the Regulations under the PCT, proposed by the International Bureau within the framework of the study, entrusted to it by the Assembly, of possible improvements to the PCT system. The most important proposals which were put before the Committee were intended to achieve the following goals: (i) making the procedure during the international phase under Chapter I of the PCT safer and simpler for the applicant; (ii) making the procedure during the international phase under Chapter II of the PCT more attractive for the applicant; (iii) simplifying the tasks of the International Authorities; (iv) making it safer and simpler for the applicant to enter the national phase; (v) including certain patent documents published in the Spanish language in the PCT minimum documentation and including the Spanish language among the languages of international publication of international applications; and (vi) simplifying the wording of certain Rules and deleting some obsolete Rules. Altogether, the proposals put before the Committee affected two Articles of the Treaty (Articles 22(2) and 39(1)(a)) and more than 40 Rules of the Regulations. The Committee advised the International Bureau on the proposed amendments and agreed that it would consider at its second session, to be held in April 1983, a revised set of proposals to be prepared by the International Bureau.

Second Session, Geneva, April 25 to 29, 1983

Participants: The meeting of the Committee was attended by 21 members (with 36 delegates), four observer States (with six representatives) and seven non-governmental organizations (with nine representatives), as follows:

Members: **Australia:** Jane Cowcher (Mrs.), Second Secretary, Permanent Mission in Geneva; **Austria:** Norbert Marterer, Vice-President, Austrian Patent Office; **Belgium:** Paul Ceuninck, Administrator, Industrial Property Service, Ministry of Economic Affairs; **Brazil:** Ana R. Holanda Cavalcanti (Miss), Assistant to the Director for International Patent Affairs, National Institute of Industrial Property; Claudio Hannickel; Enio Cordeiro; **Congo:** Daniel Ngassaki, Head, Industrial Property Unit, Ministry of Industry and Fisheries; Corneille Bayulukila; **Denmark:** Jens Dam, Head of Section, Danish Patent Office; **Finland:** Sirkka-Liisa Lahtinen (Mrs.), Acting Deputy Director General, Central Board of Patents and Registration; Elina Häkli (Mrs.); **France:** Philippe Guérin, Advisor to the Director, National Institute of Industrial Property; Ghyslaine Rajot (Miss); **Germany (Federal Republic of):** Ulrich C. Hallmann, Head of Division, German Patent Office; **Hungary:** Eva Parragh (Mrs.), Head of Section, National Office of Inventions; **Japan:** Osamu Nozaki, Director General, First Examination Department, Japanese Patent Office; Hirokazu Aoyama; Shinjiro Ono; Kohei Ishimaru; **Luxembourg:** Fernand Schlessler, Principal Inspector, Industrial Property Service, Ministry of National Economy; **Netherlands:** Siep de Vries, Member of the Patents Council, Netherlands Patent Office; **Norway:** Per T. Lossius, Deputy Director General, Norwegian Patent Office; Ingolf Lillevik; **Soviet Union:** Yury Gyrdymov, Deputy Director, External Relations Department, State Committee for Inventions and Discoveries; **Sri Lanka:** Kirthisiri Jayasinghe, Registrar of Patents and Trade Marks; **Sweden:** Göran Borggård, Director General, Royal Patent and Trademark Office; Birgitta Sandberg (Mrs.); Erik Tersmeden; **Switzerland:** Roger Kämpf, Head of Section, Swiss Federal Intellectual Property Office; Max Leuthold; **United Kingdom:** Alec Sugden, Principal Examiner, Patent Office; John Sharrock; **United States of America:** H. Dieter Hoinkes, Legislative and International Patent Specialist, United States Patent and Trademark Office; Louis O. Maassel; **European Patent Office (EPO):** Larissa Gruszow (Mrs.), Principal Administrator, International and Legal Affairs, Munich; Mats S. Pärup.

Observer States: **Mexico:** Francisco J. Cruz González, Counsellor, Permanent Mission in Geneva; Maria A. Arce (Miss); **Spain:** Alberto Casado Cerviño, Head, International Relations Division, Industrial Property Registry; Sergio Gozalo de Mercado; **Trinidad and Tobago:** Harold Robertson, First Secretary, Permanent Mission in Geneva; **Turkey:** Ertugrui Apakan, Counsellor, Permanent Mission in Geneva.

International non-governmental organizations: **Asian Patent Attorneys Association (APAA):** Teruyuki Yamaguchi, Patent Attorney, Tokyo; **European Federation of Agents of Industry in Industrial Property (FEMIP):** Felix A. Jenny, Patent Department, Ciba-Geigy A.G., Basel (Switzerland); **Institute of Professional Representatives Before the European Office (EPI):** Felix A. Jenny, Patent Department, Ciba-Geigy A.G., Basel (Switzerland); **International Association for the Protection of Industrial Property (AIPPI):** George R. Clark, Vice-President, Sunbeam Corporation, Chicago (United States of America); **International Federation of Industrial Property Attorneys (FICPI):** Heinz Bardehle, Patent Attorney, Munich; Pierre F. Héritier; Thomas Ritscher; **Union of European Practitioners in Industrial Property (UEPIP):** Gaylord E. Kirker, Industrial Property Counsel, Geneva; **Union of Industries of the European Community (UNICE):** Reinhard Kockläuner, Patent Counsel, Hoechst A.G. Werk Albert, Frankfurt (Germany (Federal Republic of)).

Officers: Chairman: Göran Borggård (Sweden); Vice-Chairmen: H. Dieter Hoinkes (United States of America) and Yury Gyrdymov (Soviet Union); Secretary: Busso Bartels (WIPO).

WIPO Secretariat: Arpad Bogsch, Director General; Klaus Pfanner, Deputy Director General; François Curchod, Director, PCT Division; Jordan Franklin, Deputy Head, PCT Division; Busso Bartels, Head, PCT Legal Section; Normando Scherrer, Head, PCT Publications, Fees and Statistics Section; Yury Plotnikov, Senior Counsellor, PCT Legal Section; Tamotsu Hirai, Examination Procedures Officer, PCT Examination Section.

WIPO Document Series: PCT/CAL/II

Summary of Conclusions/Recommendations: The International Bureau submitted to the second session of the Committee revised proposals for possible amendments to certain Rules of the Regulations under the PCT, taking into account the advice and the recommendations of the Committee at its first session. The revised set of proposals included also proposals concerning the transfer of some Rules, or parts of Rules, from the Regulations to the Administrative Instructions under the PCT. The majority of the said amendments were approved (approved after certain modifications, or approved subject to redrafting or further study of certain aspects) for submission to the Assembly. In particular: (i) the Committee noted that there was no opposition to proposals concerning the inclusion of Spanish-language patent documents in the PCT minimum documentation and the publication of PCT applications in the Spanish language, but that, for the time being, the countries of the European Patent Organisation (EPO) reserved their position on the matter; (ii) on the question of possible rectification of errors in international applications, a number of proposals were made during the discussion; the texts of those proposals were annexed to the report, and it was noted that they would be used for a further effort of the International Bureau to produce a new text, or new alternative texts, for the forthcoming session of the Assembly; and (iii) there was unanimous acceptance of the principle of the proposed extension from 25 to 30 months of a time limit under Chapter II of the PCT, and it was generally understood that the Assembly, when adopting it, should find a solution in order to accommodate the situation of States whose laws were, at the time of entry into force of the amendment, not yet adapted to the amendment.

Third Session, First Part, Geneva, July 2 to 6, 1990

Participants: The first part of this session of the Committee was attended by 22 members (with 35 delegates) and eight non-governmental organizations (with 11 representatives), as follows:

Members: **Australia:** Bruce Murray, Director for Operational Policy, Patents, Trade Marks and Designs Office; **Austria:** Ekehardt Endler, Deputy Head, Technical Department XVII, Austrian Patent Office; **Canada:** Pierre Trépanier, Director, PCT Branch, Department of Consumer and Corporate Affairs; **Democratic People's Republic of Korea:** Chang Rim Pak, Counsellor, Permanent Mission in Geneva; **Denmark:** Lise Osterborg (Mrs.), Head of Division, Danish Patent Office; Sonja C. Bjerregaard Christiansen (Mrs.); **Finland:** Maarit H. Löytömäki (Mrs.), Head of Section, Central Board of Patents and Registration; **France:** Jacques Vérone, Chief, Section for the Administration of PCT and European Applications, National Institute of Industrial Property; Alice de Pastors (Mrs.); **Germany (Federal Republic of):** Detlef Schennen, Deputy Head, Patent Law Division, Federal Ministry of Justice; **Hungary:** Margit Stümeghy (Mrs.), Head, Legal Section, National Office of Inventions; **Italy:** Bruno Gradi, Head of Division, Ministry of Industry, Commerce and Crafts; **Japan:** Kunishige Sato, Director, PCT Affairs Office, Japanese Patent

Office; **Shigeo Takakura**; **Netherlands**: Siep de Vries, Member of the Patents Council, Netherlands Patent Office; **Norway**: Ingolf Lillevik, Head of Division, Patent Department, Norwegian Patent Office; **Republic of Korea**: Joon Kyu Kim, Attaché (Intellectual Property), Permanent Mission in Geneva; **Romania**: Ion Constantin, Examiner, State Office for Inventions and Marks; Carola-Anca Angelescu (Mrs.); **Soviet Union**: Yevgeny Buryak, Deputy Head of Division, All-Union Scientific Research Institute of State Patent Examination (VNIIGPE), State Committee for Inventions and Discoveries; **Spain**: Miguel Hidalgo Llamas, Head, International Relations Section, Industrial Property Registry; Juan Ibañez Ballano; **Sweden**: Jan-Eric Bodin, Deputy Head for Patents, Royal Patent and Registration Office; Marie Eriksson (Ms.); **Switzerland**: Peter Messerli, Head, Legal Service I, Swiss Federal Intellectual Property Office; Karl Grünig; **United Kingdom**: Paul Redding, Senior Examiner, Patent Office; Hugh J. Edwards; **United States of America**: Louis O. Maassel, Patent Program and Procedure Specialist, Office of the Assistant Commissioner for Patents, United States Patent and Trademark Office; Vincent Turner; Richard Lazarus; **European Patent Office (EPO)**: Larissa Gruszow (Mrs.), Principal Administrator, International and Legal Affairs, Munich; Brigitte M. Günzel (Mrs.); Bertil Hjelm; Jacques van Aubel.

Non-governmental organizations: **American Bar Association (ABA)**: Michael N. Meller, Patent Attorney, New York; **Committee of National Institutes of Patent Attorneys (CNIPA)**: Eugen Popp, Patent Attorney, Munich; **Federal Chamber of Patent Attorneys (FCPA) of the Federal Republic of Germany**: Eugen Popp, Patent Attorney, Munich; **Federation of German Industry (BDI)**: Reinhard Kockläuner, Patent Counsel, Hoechst A.G. Werk Albert, Frankfurt (Germany (Federal Republic of)); **International Association for the Protection of Industrial Property (AIPPI)**: Gaylord E. Kirker, Industrial Property Counsel, Geneva; **International Federation of Industrial Property Attorneys (FICPI)**: Heinz Bardehle, Patent Attorney, Munich; Peter Rostoványi; **Japanese Patent Attorneys Association (JPAA)**: Kaichi Shishido, Patent Attorney, Tokyo; Teruyuki Yamaguchi; **Union of Industrial and Employers' Confederations of Europe (UNICE)**: Alain Decamps, Patent Counsel, Solvay & Cie, Brussels; Reinhard Kockläuner.

Officers: Chairman: Louis O. Maassel (United States of America); Vice-Chairmen: Siep de Vries (Netherlands) and Yevgeny Buryak (Soviet Union); Secretary: Busso Bartels (WIPO).

WIPO Secretariat: Alfons Schäfers, Deputy Director General; Daniel Bouchez, Director, PCT Administration Division; Busso Bartels, Head, PCT Legal Division; Teruhisa Shimomichi, Senior Counsellor, PCT Administration Division; Vitaly Troussov, Senior Counsellor, PCT Legal Division; Philip Thomas, Senior Legal Officer, PCT Legal Division; Isabelle Boutillon (Miss), Legal Officer, PCT Legal Division.

WIPO Document Series: PCT/CAL/III

Summary of Conclusions/Recommendations: The Committee continued to consider amendments to the Regulations under the PCT on the basis of three documents prepared by the International Bureau. Due to lack of time to complete its agenda, the Committee decided to adjourn the session and to hold the second part of its session from September 17 to 21, 1990.

Third Session, Second Part, Geneva, September 17 to 21, 1990

Participants: The second part of this session of the meeting of the Committee was attended by 19 members (with 27 delegates), one observer State (with one representative) and seven non-governmental organizations (with eight representatives), as follows:

Members: **Australia**: E. Murray Haddrick, Deputy Commissioner of Patents, Patents, Trade Marks and Designs Office; **Austria**: Eckerhardt Endler, Deputy Head, Technical Department XVII, Austrian Patent Office; **Canada**: Pierre Trépanier, Director, PCT Branch, Department of Consumer and Corporate Affairs; **Denmark**: Anne M. Broberg (Miss), Head of Section, Industrial Property Department, Danish Patent Office; **Finland**: Maarit H. Löytömäki (Mrs.), Head of Section, Central Board of Patents and Registration; **France**: Jacques Véronc, Head, Section for the Administration of PCT and European Applications, National Institute of Industrial Property; Alice de Pastors (Mrs.); **Germany (Federal Republic of)**: Eugen Stohr, Oberregierungsrat, Legal Division, German Patent Office; **Hungary**: Margit Sümeghy (Mrs.), Head, Legal Section, National Office of Inventions; **Italy**: Bruno Gradi, Head of Division, Ministry of Industry, Commerce and Crafts; **Japan**: Shigeo Takakura, First Secretary, Permanent Mission in Geneva; **Netherlands**: Siep de Vries, Member of the Patents Council, Netherlands Patent Office; **Norway**: Ingolf Lillevik, Head of Division, Patent Department, Norwegian Patent Office; **Romania**: Adriana Paraschiv (Mrs.), Head of Section, State Office for Inventions and Marks; Carola-Anca Angelescu (Mrs.); **Spain**: Juan Ibañez Ballano, Chief, Section for European Patents and PCT, Industrial Property Registry; **Sweden**: Jan-Eric Bodin, Deputy Head for Patents, Royal Patent and Registration Office; Marie Eriksson (Ms.); **Switzerland**: Roland J. Tschudin,

Scientific Advisor, Patent Division, Swiss Federal Intellectual Property Office; **United Kingdom:** Paul Redding, Senior Examiner, Patent Office; Hugh J. Edwards; **United States of America:** Louis O. Maassel, Patent Practice and Procedure Specialist, Office of the Assistant Commissioner for Patents, United States Patent and Trademark Office; Vincent Turner; Richard Lazarus; **European Patent Office (EPO):** Larissa Gruszow (Mrs.), Principal Administrator, International and Legal Affairs, Munich; Brigitte M. Günzel (Mrs.); Bertil Hjelm.

Observer State: Ghana: F.W. Yao Ekar, Counsellor, Permanent Mission in Geneva.

Non-governmental organizations: **Committee of National Institutes of Patent Attorneys (CNIPA):** Eugen Popp, Patent Attorney, Munich; **Federal Chamber of Patent Attorneys (FCPA) of the Federal Republic of Germany:** Eugen Popp, Patent Attorney, Munich; **Federation of German Industry (BDI):** Reinhard Kockläuner, Patent Counsel, Hoechst A.G. Werk Albert, Frankfurt (Germany (Federal Republic of)); **International Association for the Protection of Industrial Property (AIPPI):** Gaylord E. Kirker, Industrial Property Counsel, Geneva; **International Federation of Industrial Property Attorneys (FICPI):** Peter Rostoványi, PCT Reporter, Paris; **Japanese Patent Attorneys Association (JPAA):** Kohei Kubota, Patent Attorney, Tokyo; **Union of Industrial and Employers' Confederations of Europe (UNICE):** Alain Decamps, Patent Counsel, Solvay & Cie, Brussels; Reinhard Kockläuner.

Officers: Chairman: Louis O. Maassel (United States of America); Vice Chairman: Siep de Vries (Netherlands); Secretary: Busso Bartels (WIPO).

WIPO Secretariat: Busso Bartels, Head, PCT Legal Division; Vitaly Trousov, Senior Counsellor, PCT Legal Division; Philip Thomas, Senior Legal Officer, PCT Legal Division; Isabelle Boutillon (Miss), Legal Officer, PCT Legal Division.

WIPO Document Series: PCT/CAL/III

Summary of Conclusions/Recommendations: The second part of the session continued to consider proposed amendments to the Regulations under the PCT. It approved, unanimously, the proposed amendments to 18 Rules. Concerning the proposed amendments to another 23 Rules, the International Bureau was requested to prepare revised proposals, taking into account the drafting changes proposed by certain members of the Committee.

Fourth Session, First Part, Geneva, December 10 to 14, 1990

Participants: The first part of this session of the Committee was attended by 20 members (with 31 representatives), three observer States (with five representatives) and seven non-governmental organizations (with eight representatives), as follows:

Members: **Australia:** John F. Hannoush, First Secretary, Permanent Mission in Geneva; **Austria:** Eckerhardt Endler, Deputy Head, Technical Department XVII, Austrian Patent Office; **Canada:** Pierre Trépanier, Director, PCT Branch, Intellectual Property Directorate, Ministry of Consumer and Corporate Affairs; **Denmark:** Lise Osterborg (Ms.), Head of Division, Danish Patent Office; Sonja C. Bjerregaard Christiansen (Mrs.); **Finland:** Maarit H. Löytömäki (Mrs.), Head of Division, National Board of Patents and Registration; **France:** Jacques Vérone, Chief, PCT Administrative Section, National Institute of Industrial Property; Alice de Pastors (Ms.); **Germany:** Sabine Jotzo (Ms), Regierungsrätin, German Patent Office; **Hungary:** Margit Sümeghy (Mrs.), Head, Legal Section, National Office of Inventions; Eva Parragh (Mrs.); Susanna Puskás-Baranyai (Mrs.); **Italy:** Bruno Gradi, Head, International Patents Division, Directorate General for Industrial Production, Ministry of Industry, Commerce and Crafts; **Japan:** Shigeo Takakura, First Secretary, Permanent Mission in Geneva; **Netherlands:** Siep de Vries, Member of the Patents Council, Netherlands Patent Office; **Norway:** Ingolf Lillevik, Head of Division, Patent Department, Norwegian Patent Office; **Republic of Korea:** Joon Kyu Kim, Attaché, Permanent Mission in Geneva; **Soviet Union:** Yevgeny Buryak, Deputy Head, International Patent Cooperation Department, All-Union Scientific Research Institute of State Patent Examination (VNIIGPE), State Committee for Inventions and Discoveries; **Spain:** Juan Ibañez Ballano, Head, European Patents and PCT Section, Industrial Property Registry; **Sweden:** Marie Eriksson (Miss), Head of Division, Royal Patent and Registration Office; Jan-Eric Bodin; **Switzerland:** Karl Grünig, Chief, Patent Administration Section, Swiss Federal Intellectual Property Office; Pascal Koster; **United Kingdom:** Cedric G.M. Hoptroff, Principal Examiner, Industrial Property and Copyright Department, Patent Office; Hugh J. Edwards; **United States of America:** Louis O. Maassel, Patent Practice and Procedure Specialist, Office of the Assistant Commissioner for Patents, United States Patent and Trademark Office; Vincent Turner; Richard Lazarus; **European Patent Office (EPO):** Ulrich J. Schatz, Principal Director, International Affairs, Munich; Larissa Gruszow (Mrs.); Jacques van Aubel.

Observer States: **Czechoslovakia:** Michal Guttman, Vice-President, Federal Office for Inventions; Pavel Soukup; **Tunisia:** Abderrazak Azaiez, Counsellor, Permanent Mission in Geneva; **Turkey:** Tomur Bayer, Counsellor, Permanent Mission in Geneva; Ümit Baykal (Miss).

Non-governmental organizations: **Committee of National Institutes of Patent Agents (CNIPA):** Eugen Popp, Patent Attorney, Munich; **Federal Chamber of Patent Attorneys (FCPA):** Eugen Popp, Patent Attorney, Munich; **Federation of German Industry (BDI):** Reinhard Kockläuner, Patent Counsel, Hoechst A.G. Werk Albert, Frankfurt (Germany); **International Association for the Protection of Industrial Property (AIPPI):** Heinz Bardehle, Patent Attorney, Munich; **International Federation of Industrial Property Attorneys (FICPI):** Knud Raffinsoe, Patent Agent, Copenhagen; Peter Rostoványi; **Japanese Patent Attorneys Association (JPAA):** Katsumi Yoneyama, Patent Attorney, Tokyo; **Union of Industrial and Employers' Confederations of Europe (UNICE):** Reinhard Kockläuner, Patent Counsel, Hoechst A.G. Werk Albert, Frankfurt (Germany).

Officers: Chairman: Ulrich J. Schatz (European Patent Office (EPO)); Vice-Chairmen: Lise Osterborg (Ms.) (Denmark) and Shigeo Takakura (Japan); Secretary: Busso Bartels (WIPO).

WIPO Secretariat: Busso Bartels, Director, PCT Legal Division; Vitaly Trousov, Senior Counsellor, PCT Legal Division; Philip Thomas, Senior Counsellor, PCT Legal Division; Teruhisa Shimomichi, Senior Counsellor, PCT Administration Division; Isabelle Boutillon (Miss), Legal Officer, PCT Legal Division.

WIPO Document Series: PCT/CAL/IV

Summary of Conclusions/Recommendations: The Committee continued to consider proposed amendments to the Regulations and modifications of the Administrative Instructions under the PCT. It approved, unanimously, the proposed amendments to 11 Rules. Concerning the proposed amendments to another 28 Rules, it requested the International Bureau to prepare revised proposals taking into account various drafting changes proposed by the Committee. The Committee decided to continue its session in March 1991.

Fourth Session, Second Part, Geneva, March 11 to 15, 1991

Participants: The second part of this session of the Committee was attended by 22 members (with 32 representatives), five observer States (with five representatives) and six non-governmental organizations (with seven representatives), as follows:

Members: **Australia:** Bruce Murray, Director for Operational Policy and Development, Patents, Trade Marks and Designs Office; **Austria:** Thomas M. Baier, Minister-Counsellor, Permanent Mission in Geneva; Michael Desser; **Canada:** Pierre Trépanier, Director, PCT Branch, Intellectual Property Directorate, Ministry of Consumer and Corporate Affairs; **Democratic People's Republic of Korea:** Chang Rim Pak, Counsellor, Permanent Mission in Geneva; **Denmark:** Sonja C. Bjerregaard Christiansen (Mrs.), Head of Section, Danish Patent Office; **Finland:** Maarit H. Löytömäki (Mrs.), Head of Division, National Board of Patents and Registration; **France:** Jacques Vérone, Chief, PCT Administrative Section, National Institute of Industrial Property; Alice de Pastors (Ms.); **Germany:** Sabine Jotzo (Mrs.), Regierungsrätin, German Patent Office; **Hungary:** Margit Sümeghy (Mrs.), Head, Legal Section, National Office of Inventions; **Italy:** Bruno Gradi, Head, International Patents Division, Directorate General for Industrial Production, Ministry of Industry, Commerce and Crafts; **Japan:** Shigeo Takakura, First Secretary, Permanent Mission in Geneva; **Netherlands:** Siep de Vries, Member of the Patents Council, Netherlands Patent Office; **Norway:** Ingolf Lillevik, Head of Division, Patent Department, Norwegian Patent Office; **Poland:** Bogdan Rokički, Director, Applications Division, Polish Patent Office; **Romania:** Ion Constantin, Principal Examiner, State Office for Inventions and Trademarks; Carola-Anca Angelescu (Mrs.); **Soviet Union:** Alexander V. Senchikhin, Head, Department of International Patent Cooperation, All-Union Scientific Research Institute of State Patent Examination (VNIIGPE), State Committee for Inventions and Discoveries; **Spain:** Miguel Hidalgo Llamas, Technical Advisor, Patents and Designs Department, Industrial Property Registry; Juan Ibañez Ballano; **Sweden:** Jan-Eric Bodin, Deputy Head, Patent Division, Royal Patent and Registration Office; Marie Eriksson (Miss); **Switzerland:** Karl Grünig, Head, Patent Administration Section, Swiss Federal Intellectual Property Office; **United Kingdom:** Cedric G.M. Hoptroff, Principal Examiner, Industrial Property and Copyright Department, Patent Office; Hugh J. Edwards; **United States of America:** Vincent Turner, Administrator, International Division, United States Patent and Trademark Office; Richard Lazarus; **European Patent Office (EPO):** Ulrich J. Schatz, Principal Director, International Affairs, Munich; Larissa Gruszow (Mrs.); Brigitte M. Günzel (Mrs.); Bertil Hjelm.

Observer States: Côte d'Ivoire: N'Cho A. N'Takpe, Counsellor, Permanent Mission in Geneva; **Indonesia:** Etti Husin (Miss), Third Secretary, Permanent Mission in Geneva; **Philippines:** Delia Meñez-Rosal (Mrs.), Minister-Counsellor, Permanent Mission in Geneva; **Syria:** Chaghaf Kayali, Second Secretary, Permanent Mission in Geneva; **Turkey:** Ümit Baykal (Miss), Attaché, Permanent Mission in Geneva.

Non-governmental organizations: **Committee of National Institutes of Patent Agents (CNIPA):** Eugen Popp, Patent Attorney, Munich; **Federal Chamber of Patent Attorneys (FCPA):** Eugen Popp, Patent Attorney, Munich; **Federation of German Industry (BDI):** Reinhard Kockläuner, Patent Counsel, Hoechst A.G. Werk Albert, Frankfurt (Germany); **International Association for the Protection of Industrial Property (AIPPI):** Heinz Bardehle, Patent Attorney, Munich; **International Federation of Industrial Property Attorneys (FICPI):** Peter Rostoványi, PCT Reporter, Paris; **Union of Industrial and Employers' Confederations of Europe (UNICE):** Alain Decamps, Patent Counsel, Solvay & Cie, Brussels; Reinhard Kockläuner.

Officers: Chairman: Ulrich J. Schatz (European Patent Office (EPO)); Vice-Chairman: Shigeo Takakura (Japan); Secretary: Busso Bartels (WIPO).

WIPO Secretariat: François Curchod, Director of the Office of the Director General; Busso Bartels, Director, PCT Legal Division; Vitaly Trousov, Senior Counsellor, PCT Legal Division; Philip Thomas, Senior Counsellor, PCT Legal Division; Isabelle Boutillou (Miss), Legal Officer, PCT Legal Division; Louis O. Maassel, Consultant, PCT Legal Division.

WIPO Document Series: PCT/CAL/IV

Summary of Conclusions/Recommendations: The Committee considered proposed amendments to the Regulations and modifications of the Administrative Instructions under the PCT in preparation for the extraordinary session of the Assembly which was to be convened in July 1991, in Geneva. The amendments were proposed in order to streamline the PCT system further and thus make it even easier to use. Other amendments were intended to adapt the system to the use of modern office and communication techniques and to provide special provisions for international applications in the biotechnological field.

Fifth Session, Geneva, May 24 to 28, 1993

Participants: The meeting of the Committee was attended by 26 members (with 40 representatives), four observer States (with five representatives), one intergovernmental organization (with one representative) and six non-governmental organizations (with seven representatives), as follows:

Members: **Australia:** Bruce I. Murray, Deputy Commissioner of Patents, Deputy Registrar of Designs, Australian Industrial Property Organisation; **Austria:** Peter Hofbauer, Presidential and Technical Department, Austrian Patent Office; **Bulgaria:** Kalin A. Borissov, Second Secretary, Permanent Mission in Geneva; **Canada:** Pierre Trépanier, Director, Examination Division, Intellectual Property Directorate, Ministry of Consumer and Corporate Affairs; **Czech Republic:** Marta Hošková (Mrs.), Head of Department, Industrial Property Office of the Czech Republic; **Denmark:** Jan Larsen, Head of Section, Danish Patent Office; **France:** Odile Kavyrchine (Mrs.), Head Engineer, National Institute of Industrial Property; Jacques Véronc; **Germany:** Stefanie Kriener (Miss), Higher Executive Officer, German Patent Office; **Greece:** Theodora Simitsi (Ms.), Legal Advisor, Department of Legal and International Affairs, Industrial Property Organisation; **Hungary:** György Szemző, Head, Patent Division, National Office of Inventions; Judit Jakab-Molnár (Mrs.); **Ireland:** Krishnaswamy Srinivasan, Senior Examiner, Patents Office; **Italy:** Bruno Gradi, Head, Division for European Patents and PCT, Italian Patent and Trademark Office, Ministry of Industry, Commerce and Crafts; **Japan:** Mitsuru Ichiba, Director, PCT Affairs Office, Japanese Patent Office; Yoshiyuki Takagi; **Netherlands:** Siep de Vries, Head, Chemical Division, Netherlands Patent Office; **New Zealand:** Kenneth B. Popplewell, Assistant Commissioner of Patents, Patent Office; **Norway:** Ingolf Lillevik, Head of Division, Patent Department, Norwegian Patent Office; Toril Foss (Mrs.); Randi M. Wahl (Miss); **Poland:** Bogdan Rokički, Director, Applications Division, Polish Patent Office; **Portugal:** Isabel Afonso (Ms.), Head, Patent Division, National Industrial Property Institute; Adriano Queirós Ferreira; **Romania:** Constanta Moraru (Ms.), Legal Advisor, State Office for Inventions and Marks; **Spain:** Juan Ibañez Ballano, Head, European Patents and PCT Section, Spanish Patent and Trademark Office; Jaime Cos Codina; **Sweden:** Jan-Eric Bodin, Deputy Head, Patent Division, Royal Patent and Registration Office; Marie Eriksson (Ms); **Switzerland:** Peter Messerli, Head, Legal Service I (Industrial Property), Swiss Federal Intellectual Property Office; Roland J. Tschudin; **United Kingdom:** Cedric G.M. Hoptroff, Principal Examiner, Patent Office; Brian Harden; **United States of America:** Charles E. van Horn, Patent Policy and Projects Administrator, United States Patent and Trademark Office; Charles Pearson;

Gary L. Smith; **Viet Nam:** Do Khac Chien, Director, International Relations Department, National Office on Inventions; **European Patent Office (EPO):** Larissa Gruszow (Mrs.), Principal Administrator, International and Legal Affairs, Munich; York Busse; Ingwer Koch.

Observer States: **Chile:** Pablo Romero, First Secretary, Permanent Mission in Geneva; **China:** Zhao Ting, Deputy Director, Division I, International Cooperation Department, Chinese Patent Office; Wu Zhen Xiang; **Indonesia:** Leonardo Dos Reis, Third Secretary, Permanent Mission in Geneva; **Libya:** Mohamed El-Fakih Saleh, Second Secretary, Permanent Mission in Geneva.

Intergovernmental organization: **United Nations Conference on Trade and Development (UNCTAD):** Ataollah Shafii, Economic Affairs Officer, Technology Program, International Trade Division, Geneva.

Non-governmental organizations: **Committee of National Institutes of Patent Agents (CNIPA):** Eugen Popp, Patent Attorney, Munich; **European Federation of Agents of Industry in Industrial Property (FEMIP):** Felix A. Jenny, former Patent Counsel, Ciba-Geigy A.G., Basel (Switzerland); **Federal Chamber of Patent Attorneys (FCPA):** Eugen Popp, Patent Attorney, Munich; **Institute of Professional Representatives Before the European Patent Office (EPI):** Felix A. Jenny, former Patent Counsel, Ciba-Geigy A.G., Basel (Switzerland); **International Association for the Protection of Industrial Property (AIPPI):** Heinz Bardehle, Patent Attorney, Munich; Michael N. Meller; **International Federation of Industrial Property Attorneys (FICPI):** Knud Raffinsoe, Patent Attorney, Copenhagen.

Officers: Chairman: Peter Messerli (Switzerland); Vice-Chairmen: Charles van Horn (United States of America) and Bogdan Rokički (Poland); Secretary: Busso Bartels (WIPO).

WIPO Secretariat: François Curchod, Deputy Director General; Daniel Bonchez, Director, PCT Administration Division; Busso Bartels, Director, PCT Legal Division; Wang Zhengfa, Director-Advisor; Philip Thomas, Senior Legal Officer, PCT Legal Division; Isabelle Boutillon (Miss), Legal Officer, PCT Legal Division; Matthew R. Bryan, Legal Officer, PCT Division; Lonis O. Maassel, Consultant, PCT Legal Division.

WIPO Document Series: PCT/CAL/V

Summary of Conclusions/Recommendations: The Committee discussed proposed amendments to the PCT Regulations which would give applicants from all PCT Contracting States the option, from January 1, 1994, of filing international applications with the International Bureau as receiving Office, as an alternative to filing with the competent national or regional Offices as receiving Offices. The Committee approved the proposed amendments, including a new Rule 19.4. The proposed amendments were to be considered by the Assembly in September 1993. The Committee also considered two proposals to amend Rule 91.1 to provide for the rectification of obvious errors in the request or demand. Although many delegations expressed sympathy for the general spirit of the proposals, no agreement was reached concerning them. The Committee also discussed proposed amendments to the PCT Regulations to provide for the electronic filing of international applications under the *Electronic Application System (EASY)* project. Although the Committee welcomed the development of an electronic filing system for international applications and expressed general support for the implementation plan, it agreed that the consideration of amendments to the Regulations concerning electronic filing should be deferred until further experience had been gained in the implementation of the first stage of EASY's development.

PCT and Budapest Treaty Working Group First Session, Geneva, February 12 to 14, 1979

Authority/Membership: The member States of the PCT Union and the member States of the Interim Advisory Committee for the Preparation of the Entry Into Force of the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure (hereinafter referred to as "the Interim Advisory Committee") (that is, the States members of the Paris Union that had signed the Budapest Treaty and/or participated in the Budapest Diplomatic Conference) were invited to the meeting of the Working Group. One intergovernmental organization and five international non-governmental organizations were invited as observers.

Participants: The meeting of the Working Group was attended by 15 States (with 22 delegates), one intergovernmental organization (with three representatives) and five non-governmental organizations (with five representatives), as follows:

States: **Brazil:** Guilherme Arroio, First Secretary, Permanent Mission in Geneva; **Denmark:** Dagmar Simonsen (Mrs.), Head of Division, Danish Patent Office; Gudrun Lütken (Mrs.); **Finland:** Hely Lommi (Mrs.), Senior Examiner, National Board of Patents and Registration; **France:** Philippe Guérin, Advisor to the Director, National Institute of Industrial Property; Dolly Darmon (Miss); **Germany (Federal Republic of):** Ulrich C. Hallmann, Head, Legal Section, German Patent Office; **Hungary:** Eva Parragh (Mrs.), Counsellor, National Office of Inventions; **Italy:** Sebastiano Samperi, Director, Italian Patent Office; Mario Bellenghi; Giandomato Caggiano; **Madagascar:** Solofo Rabearivelo, Counsellor, Permanent Mission in Geneva; **Mexico:** Maria F. Charrin (Ms.), Attaché, Permanent Mission in Geneva; **Portugal:** Ruy Serrão, Director of Services, National Institute of Industrial Property; **Spain:** Julio Delicado Montero-Ríos, Director, Department of Studies and International Relations, Industrial Property Registry; **Sweden:** Erik Tersmeden, Legal Advisor, Ministry of Justice; Ragnhild Walles (Mrs.); **Switzerland:** Jean-Louis Comte, Deputy Director, Swiss Federal Intellectual Property Office; Roger Kämpf; **United Kingdom:** Derrick F. Carter, Superintending Examiner, Patent Office; Anthony J. Needs; **United States of America:** Stanley D. Schlosser, Attorney, United States Patent and Trademark Office.

Intergovernmental organization: **European Patent Organisation (EPO):** Ulrich J. Schatz, Principal Director, Munich; Lars O. Assarsson; Larissa Gruszow (Mrs.).

Non-governmental organizations: **European Federation of Agents of Industry in Industrial Property (FEMIPD):** Gérard Tasset, Patent Department, Smith-Kline-RIT, Rixensart (Germany (Federal Republic of)); **International Association for the Protection of Industrial Property (AIPPI):** Gérard Tasset, Patent Department, Smith Kline-RIT, Rixensart (Germany (Federal Republic of)); **International Federation of Patent Agents (FICPI):** Ernest Gutmann, Patent Counsel, Paris; **International Federation of Pharmaceutical Manufacturers' Associations (IFPMA):** Arthur D.W. Massam, Assistant Secretary, Association of the British Pharmaceutical Industry, London; **Union of Industries of the European Community (UNICE):** Reinhard Kockläuner, Hoechst A.G. Werk Albert, Wiesbaden (Germany (Federal Republic of)).

Officers: Chairman: Jean-Louis Comte (Switzerland); Vice Chairmen: Eva Parragh (Mrs.) (Hungary) and Solofo Rabearivelo (Madagascar); Secretary: François Curchod (WIPO).

WIPO Secretariat: Klaus Pfanner, Deputy Director General; E. Murray Haddrick, Head, PCT Division; François Curchod, Head, Special Projects Section, Industrial Property Division; Vitaly Trousov, Senior Counsellor, PCT Legal and General Section, PCT Division; Samuel Oddi, Senior Legal Officer, Special Projects Section, Industrial Property Division.

WIPO Document Series: BPCT/I

Summary of Conclusions/Recommendations: The Working Group considered proposals for possible amendments to the PCT Regulations and to the Regulations under the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure. After a general discussion of the said proposals, in which the Working Group also took into account observations on the said proposals by the Delegations of Japan and the Soviet Union, the Working Group decided to establish a Drafting Group which was entrusted with the task of revising the proposals for amendment in the light of the observations made in the discussion. The Working Group adopted the revised texts prepared by the Drafting Group, subject to a certain number of amendments.

Second and last Session, Geneva, December 10 to 12, 1979

Participants: The meeting of the Working Group was attended by 14 States (with 19 delegates), one intergovernmental organization (with two representatives) and five non-governmental organizations (with eight representatives), as follows:

States: **Bulgaria:** Ivan Kotzev, First Secretary, Permanent Mission in Geneva; **Denmark:** Dagmar Simonsen (Mrs.), Head of Division, Danish Patent Office; Gudrun Lütken (Mrs.); **Finland:** Hely Lommi (Mrs.), Acting Head of Section, National Board of Patents and Registration; **France:** Philippe Guérin, Advisor to the Director, National Institute of Industrial Property; Dolly Darmon (Miss); **Germany (Federal Republic of):** Ulrich C. Hallmann, Leitender Regierungsdirektor, German Patent Office; **Hungary:** Eva Parragh (Mrs.), Counsellor, National Office of Inventions; **Japan:** Ichio Shamoto, Fourth Examination Department, Japanese Patent Office; **Norway:** Per T. Lossius, Deputy Director General, Norwegian Patent Office; Annæus K. Schjødt; **Portugal:** José Mota Maia, Director General, National Institute of Industrial Property; **Soviet Union:** Yevgeny Buryak, Head, International Patent Cooperation Department, All-Union Research Institute of State Patent Examination; **Sweden:** Erik Tersmeden, Legal Advisor, Ministry of Justice; Ragnhild Walles (Mrs.); **Switzerland:** Jean-Louis Comte, Deputy Director, Swiss Federal Intellectual Property Office; Roger Kämpf; **United Kingdom:** Derrick F. Carter, Superintending Examiner, Patent Office; **United States of America:** Stanley D. Schlosser, Attorney, United States Patent and Trademark Office.

Intergovernmental organization: European Patent Organisation (EPO): Ulrich J. Schatz, Principal Director, International Relations, Munich; Larissa Gruszow (Mrs.).

Non-governmental organizations: Council of European Industrial Federations (CEIF): Martin van Dam, Patent Agent, Eindhoven (Netherlands); **European Federation of Agents of Industry in Industrial Property (FEMIP):** Felix A. Jenny, Patent Counsel, Ciba-Geigy A.G., Basel (Switzerland); Gérard Tasset; **International Federation of Pharmaceutical Manufacturers' Associations (IFPMA):** Gérard Tasset, Manager, Patent Department, Smith Kline-RIT, Rixensart (Germany (Federal Republic of)); Felix A. Jenny; **Union of European Practitioners in Industrial Property (UEPIP):** Gaylord E. Kirker, Patent Counsel, Geneva; **Union of Industries of the European Community (UNICE):** Heinrich Becker, Patent Counsel, Hoechst A.G. Werk Albert, Frankfurt (Germany (Federal Republic of)); Pieter Mars.

Officers: Chairman: Jean-Louis Comte (Switzerland); Vice-Chairmen: Eva Parragh (Mrs.) (Hungary) and Stanley D. Schlosser (United States of America); Secretary: E. Murray Haddrick (WIPO).

WIPO Secretariat: Klaus Pfanner, Deputy Director General; E. Murray Haddrick, Director, PCT Division; François Curchod, Head, Special Projects Section, Industrial Property Division; Vitaly Troussov, Senior Counsellor, PCT Division.

WIPO Document Series: BPCT/II

Summary of Conclusions/Recommendations: The second session of the Working Group continued to consider the texts of possible amendments to the PCT Regulations and to the Regulations under the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure prepared by the International Bureau. The Working Group also had before it the comments sent by States party to the PCT or members of the Interim Advisory Committee and by the International Searching and International Preliminary Examining Authorities, in response to a circular letter addressed to them by the International Bureau. The Working Group adopted the said texts subject to a certain number of amendments. The Working Group also included in the report of its second session a revised table providing a summary of the requirements that need to be taken into account in applications relating to microbiological inventions in various countries. The Working Group had, in fact, considered that the said table provided useful information on the said requirements.

PCT Management and Budget Consultants Group First Session, Geneva, March 17 to 28, 1980

Authority/Membership: The Group was set up by the PCT Union Assembly (hereinafter referred to as "the Assembly") at its fourth session in September/October 1979. The members of the Group, which had been designated by the Assembly, were France, Japan, the Soviet Union and the United States of America. The mandate of the Group was to examine: (i) the management of the PCT operations of the International Bureau and make recommendations to render them, where possible, more economical and more efficient; and (ii) the budget forecasts of the International Bureau as far as the PCT Union was concerned. The original mandate of the Group was to complete its tasks by March 1980.

Participants: The first session of the Group was attended by its four member States (with seven delegates), as follows:

Member States: **France:** Georges R. Yung, Deputy Director General, National Industrial Property Institute; Philippe Guérin; **Japan:** Kenichi Matsui, Engineer General, Japanese Patent Office; Shozo Uemura; **Soviet Union:** Yevgeny Buryak, Head, International Patent Cooperation Division, State Committee for Inventions and Discoveries; **United States of America:** Rene D. Tegmeyer, Assistant Commissioner, United States Patent and Trademark Office; Lee J. Schroeder.

Officers: Chairman: Georges R. Yung (France); Secretary: Maurice Lagesse (WIPO).

WIPO Secretariat: Klaus Pfanner, Deputy Director General; E. Murray Haddrick, Director, PCT Division; Manuel Pereyra, Director, Administrative Division; Maurice Lagesse, Subdivision Head, Administrative Division.

WIPO Document Series: PCT/MBCG/I

Summary of Conclusions/Recommendations: The Group reviewed in detail the PCT operations of the International Bureau and made recommendations to limit and, where possible, reduce their cost. Such recommendations included the computerization of certain aspects of the administration of international applications. The Group also noted that the financial forecasts showed the persistence of a debit balance for the financial years 1980 to 1983 and recommended that the objective to be set should be the achievement of a balanced budget by 1983 at the latest. With a view to achieving that, and assuming that an average of 4,500 applications per year would be filed in the period from 1980 to 1983, the Group recommended an 18 to 22% average per annum increase in basic and designation fees.

Second and last Session, Geneva, April 6 to 8, 1981

Authority/Membership: In October 1980, the Assembly, having heard the advice of the WIPO Coordination Committee, expressed its appreciation for the work of the Group, renewed its composition and mandate and asked that it be consulted by the Director General in the course of 1981.

Participants: The second session of the Group was attended by its four member States (with six delegates), as follows:

Member States: **France:** Georges R. Yung, Deputy Director General, National Institute of Industrial Property; Philippe Guérin; **Japan:** Ichio Shamoto, Director General, Department of Appeal, Japanese Patent Office; Kohei Ishimaru; **Soviet Union:** Yury Gyrdymov, Deputy Director, External Relations Department, State Committee for Inventions and Discoveries; **United States of America:** Lee J. Schroeder, Industrial Property Specialist, United States Patent and Trademark Office.

Officers: Chairman: Georges R. Yung (France); Secretary: Maurice Lagesse (WIPO).

WIPO Secretariat: Klaus Pfanner, Deputy Director General; E. Murray Haddrick, Director, PCT Division; Maurice Lagesse, Acting Director, Administrative Section; Normando Scherrer, Head, PCT Fees, Sales and Statistics Division.

WIPO Document Series: PCT/MBCG/II

Summary of Conclusions/Recommendations: The Group reviewed the financial results of the PCT Union for 1980 and considered that they reflected substantial progress in relation to the previous year. It also noted progress in the introduction of the computerization of PCT operations.



*A. A. Shmakova, "Moscow rejoices," Gobel tapestry.
Gift of the Government of the (former) Soviet Union to WIPO*

PCT Users Meeting

First Meeting, Geneva, October 5, 1979

Authority/Membership: The Meeting was convened by the Director General of WIPO to provide an opportunity for discussion of questions of interest to users of the PCT system. Invitations to participate in the Meeting were addressed to the international non-governmental organizations having the status of observer at the sessions of the PCT Union Assembly and--through their competent national authorities--to interested national organizations (including their individual members) in the States members of the PCT. Furthermore, the Meeting was open to members of the public in the States members of the PCT who had communicated their wish to participate.

Participants: The Meeting was attended by 132 participants, as follows:

National industrial property offices: **Australia:** Francis J. Smith, Commissioner of Patents, Patents, Trademarks and Designs Office; **Denmark:** Jens Dam, Head of Section, Danish Patent Office; **France:** Jöelle Ameris, Head, Lyon Center of the National Institute of Industrial Property; Jacques Vérone; **Germany (Federal Republic of):** Ulrich C. Hallmann, Leitender Regierungsdirektor, German Patent Office; **Luxembourg:** Fernand Schlessler, Inspector, Industrial Property Service, Ministry of National Economy; **Netherlands:** M. de Roo, Netherlands Patent Office; **Sweden:** Torsten Halén, Head, Legal Division, Swedish Patent Office; Tage Lövgren; **Switzerland:** René Egli, Head of Division, Swiss Federal Intellectual Property Office; Christian Blaser; **United Kingdom:** Edward F. Blake, Principal Examiner, Patent Office; **United States of America:** Mary E. Turowski (Ms.), Management Analyst for PCT, United States Patent and Trademark Office.

International organizations: **European Patent Organisation (EPO):** Günter Gall, Head, Legal Service, Patent Granting Procedures, Munich; Françoise Simon (Ms.); Larissa Gruszow (Mrs.); **International Patent Document Center (INPADOC):** Gerhard Quarda, Deputy Director, Vienna.

Non-governmental organizations: **Asian Patent Attorneys Association (APAA):** Kiyoshi Asamura, Patent Agent, Tokyo; **Association of Danish Patent Agents:** Finn Nielsen, Patent Agent, Copenhagen; Knud Raffinsoe; Mogens Stelling; **Association of French Patent Agents:** Bruno Phélip, Patent Counsel, Paris; René Chenard; **Association of Swiss Patent Agents:** Pierre Roth, Patent Agent, Geneva; Karl Nachmansohn; Eckhard Nikolaiski; **Confederation of British Industry (CBI):** John I. Wood, Chief Patent Agent, National Coal Board, London; **Council of European Industrial Federations (CEIF):** Martin van Dam, Patent Agent, Eindhoven (Netherlands); **European Federation of Agents in Industry in Industrial Property (FEMIP):** Felix A. Jenny, Patent Counsel, Ciba Geigy A.G., Basel (Switzerland); Robert Croes; Christian Gugerell; **French Association of Agents of Industry in Industrial Property (ASPI):** Michel Tixier, Patent Counsel, Paris; **International Association for the Protection of Industrial Property (AIPPI):** Maurice Mathez, Deputy Director, Hoffmann-La Roche, Basel (Switzerland); Yukiyasu Shimada; Gaylord E. Kirker; **International Federation of Intellectual Property Attorneys (FICPI):** Ernest Gutmann, Patent Counsel, Paris; **International Federation of Inventors' Association (IFIA):** Sven-Erik Angert, Patent Agent, Stockholm; Paul Feldmann; **Japan Institute of Invention and Innovation (JIID):** Tsutomu Hosaka, Manager, International Department, Invention Research Institute, Tokyo; **Japanese Patent Attorneys Association (JPAA):** Akira Aoki, Patent Attorney, Tokyo; **Union of Industrial and Employers' Confederations of Europe (UNICE):** Reinhard Kockläuner, Patent Counsel, Frankfurt (Germany (Federal Republic of)).

Individual participants (in the alphabetical order of the country of residence): **Austria:** Gerald Kaspar, Head, Patent Department, Voest-Alpine AG, Linz; Gerhard Wallner, Head, Patent Department, Waagner Büro, Vienna; **Finland:** Knut Feiring, Patent Agent, Helsinki; **France:** André Bouju, Patent Counsel, Paris; Didier Boulinguez, Paris; Carole Chaugnaud (Ms.), Patent Counsel, Paris; Robert Ecrepont, Patent Counsel, Lille; Raymond Fauvel, Entrepreneur, Paris; Daniel François, University of Montpellier, Montpellier; Pierre Gandrille, Legal Division, Société Brevatome, Paris; François P.D. Hagry, Patent Counsel, Annemasse; Roger Karmin, Patent Counsel, Lyon; Paul Kern, Grenoble; Daniel Le Faou, Patent Counsel, Société "Look", Nevers; Christian Lejet, St. Denis; Roland H.M. Luziau, Engineer, Patent Department, Kodak-Pathé, Vincennes; Jean Pierre Perrier, Patent Counsel, St. Etienne; Pierre Pottier, Director General, Société Brevatome, Paris; Simone Prud'homme (Ms.), Patent Counsel, Rhone Poulenc Textile, Lyon; John Schmitt, Patent Counsel, Lyon; Francine Segaut (Ms.), Patent Counsel, SOSPI, Paris; **Germany (Federal Republic of):** Harro Gralfs, Patent Attorney, Braunschweig; Karl-Heinz Günther, Patent Department, AEG-Telefunken AG, Frankfurt; Hans-Siegfried Kleinert, Patent Counsel, Siemens AG, Berlin/Munich; Dieter Lauer, Patent Attorney, Hannover; Ian R. Muir, Chartered Patent Agent, Munich; John P. Munzinger; Hans O.P. Raible, Patent Attorney, Stuttgart; Herbert Rupp, Patent Counsel, BYK Gulden Lomberg Chemische Fabrik GmbH, Konstanz; **Hungary:** Gödölle István, Patent Attorney, Budapest; Robert Sikos, Patent Attorney, Budapest; Alajos Weichinger, Head of Department, Patent Bureau Danubia, Budapest; Adám Szentpéteri, Patent Counsel, Budapest; **Netherlands:** I. Pieter L. Hazelzet, Deputy Head, Patent Department, Philips, Eindhoven; Dirk J. Sakkers, Deputy Manager, Patent Department, Philips, Eindhoven; **Sweden:** Gunnar Boberg, Patent Counsel, Gambro AB, Lund; Nils B. Hopfgarten, Patent Counsel, Bergenstråhle and Lindvall AB, Stockholm; Zaid Schöld, Patent Manager, Kuna Nobel AB, Stockholm; Tore V. Ström, Patent Attorney, Malmö; **Switzerland:** Jacques Aebischer, Patent Counsel, Berne; Ernst Altherr, Patent Department, Ciba-Geigy A.G., Basel; Max Annen, Patent Counsel, Pully; Jean Archambault, Nestlé AG, Vevey; Esther Bachler (Ms.), Patent

Attorney, Berne; Raimondo Baggiolini, Patent Counsel, Lugano; André Braun, Patent Counsel, Basel; Brian Cronin, Patent Attorney, Diamond Shamrock Technologies SA, Geneva; Blasco Dousse, Patent Counsel, Geneva; Alexandra Frey (Ms.), Patent Counsel, Zürich; Dietrich Forchel, Patent Agent, Geneva; Urs Gardi, Patent Counsel, Zürich; Yves Gendey, Société La Nationale, Geneva; Ernest Goldiger, Patent Counsel, Lausanne; Hans Peter Grieskamp, Patent Counsel, Zürich; Ulrich Hardt, Patent Counsel, Zürich; Klaus Hotz, Patent Counsel, Adlikon; George Humphrey, Patent Counsel, University of Lausanne; René Keller, Patent Attorney, Berne; Paul Kovacs, Patent Counsel, Geneva; Sava Kulhavy, Patent Attorney, Ebmatingen; Jean-Jacques Kündig, Patent Counsel, Geneva; Jean-François Léger, Patent Counsel, Geneva; Jagdish C. Mandiratta, Philip Morris Europe, Neuchâtel; R.A. Maspoli, Patent Counsel; Reinhard Meyer, Patent Counsel, Zürich; Henri de Montmollin, Ebauches SA, Neuchâtel; Tibor Morva, Head, Patent Department, Sprecher & Schuh AG, Aarau; John P. Munzinger, Patent Counsel, Geneva; Horst Quehl, Patent Agent, Meilen; Daniel J. Rochat, Patent Counsel, Berne; Albert Rossel, Patent Counsel, Zürich; Jean-Paul Savoye, Institut Battelle, Geneva; Jan Seeger, Patent Counsel, Aarau; Rolf Siebert, Patent Counsel, Zürich; Alain Thomas, Viscosuisse SA, Emmensbrücke; Edwin Tocker, Patent Counsel, Dupont de Nemours, Geneva; Kurt Toniolo, Head, Patent Department, Landis & Gyr AG, Zug; Kamen Troller, Lawyer, Geneva; Milorad Vimic, Patent Counsel, Geneva; Karl H. Wagener, Patent Counsel, Geneva; Victor A. Walker, Patent Agent, Rieter Machine Works Ltd., Winterthur; Beat Walther, Patent Counsel, Geneva; Roland Wäcker, Patent Counsel, Siemens-Albis AG, Zürich; Josefina Weitzenbeck (Ms.), Patent Attorney, Zürich; René Wenger, NPM Hepp & Partner, Wil; **United Kingdom:** Robert L. Andrews, Patent Agent, London; Anthony B. Cundy, Patent Manager, Guest Keen and Nettlefolds, Warley; Derek Gambell, Patent Agent, Unilever Ltd., London; Richard P. Lloyd, Head, Patent Department, Imperial Chemical Industries Ltd., London; William McL. Orr, Patent Agent, Leeds; Eric N. Rowe, Senior Partner, Edward Evans & Co., London; **United States of America:** Horst M. Kasper, Patent Attorney, Warren.

WIPO Secretariat: Arpad Bogsch, Director General; Klaus Pfanner, Deputy Director General; E. Murray Haddrick, Head, PCT Division; Vitaly Trousov, Senior Counsellor, PCT Division.

WIPO Document Series: PCT/UM/I

Topics Discussed: The Meeting discussed the following main topics: (i) the international application; (ii) the drafting of the description, claims and abstract of the international application; (iii) amendments; (iv) representation; (v) official fees, costs, time limits; (vi) international search; (vii) international preliminary examination; (viii) PCT publications; and (ix) entering the national phase. Each topic was introduced by a speaker selected by WIPO.

Second Meeting, Geneva, September 21, 1981

Participants: The Meeting was attended by 88 participants, as follows:

National industrial property offices: **France:** Jacques Vérone, Administrator, National Institute of Industrial Property; François J. Muller; **Germany (Federal Republic of):** Joachim Stark, Judge, Federal Patent Court; Bernhard Grüttemann; **Soviet Union:** Yury Plotnikov, Deputy Director, All-Union Research Institute of State Patent Examination, State Committee for Inventions and Discoveries; **Sweden:** Birgitta Sandberg (Mrs.), Head, International Section, Royal Patent and Registration Office; **Switzerland:** René Egli, Head of Section, Swiss Federal Intellectual Property Office; Max Leuthold; Kurt Aeschlimann; Guido Peng; **United Kingdom:** Alec Sugden, Principal Examiner, Patent Office.

International organizations: **European Patent Office (EPO):** Günter Gall, Head of Legal Service, Patent Granting Procedures, Munich; Johann Strebel; **International Patent Documentation Center (INPADOC):** Gerhard Quarda, Deputy Director, Vienna.

Non-governmental organizations: **Asian Patent Attorneys Association (APAA):** Kiyoshi Asamura, Patent Attorney, Tokyo; Kazuo Sato; **Association of British Chambers of Commerce:** David L. Perrott, Senior Law Lecturer, University of Exeter, Exeter (United Kingdom); **Association of Patent Attorneys in Swedish Industry (SIPF):** Lars-Erik Johansson, Patent Counsel, Telefon AB LM Ericsson, Stockholm; **Australian Institute of Patent Attorneys:** Geoffrey E. Habel, Patent Attorney, Melbourne (Australia); **Australian Manufacturers' Patent, International Copyright and Trade Mark Association (AMPICTA):** John A. McStea, Industrial Property Counsel, Dulux Australia Ltd., Clayton (Australia); **Chartered Institute of Patent Agents:** Richard P. Lloyd, Patent Counsel, Welwyn Garden City (United Kingdom); **Council of European Industrial Federations (CEIF):** Cyril G. Wickham, Patent Counsel, Chalfont St. Peter (United Kingdom); **Danish Patents Agents' Association of 1953:** Mogens Stelling, Patent Agent, Hellerup (Denmark); **European Federation of Agents in Industry in Industrial Property (FEMIP):** Felix A. Jenny, Patent Counsel, Ciba-Geigy A.G., Basel (Switzerland); **European Industrial Research Management Association**

(EIRMA): Mervyn J. Fine, Patent Counsel, London; **Hungarian Association for the Protection of Industrial Property:** Borisz Szántó, Patent Attorney, Budapest; **International Federation of Intellectual Property Attorneys (FICPI):** Heinz Bardehle, Patent Agent, Munich; **Patent Documentation Group (PDG):** Ursula Schoch-Grüber (Mrs.), Documentation Department, BASF, Ludwigshafen (Germany (Federal Republic of)); **Union of European Patent Attorneys (UNION):** Annick Thibon-Littaye (Mrs.), Patent Counsel, Marly le Roi (France); **Union of Industrial and Employers' Confederations of Europe (UNICE):** John L. Beton, Patent Department, Imperial Chemical Industries Plc., London; Françoise Thierri (Ms.).

Individual participants (in the alphabetical order of the country of residence): **Austria:** Gerhard Wallner, Head, Patent Department, Waagner-Büro A.G., Vienna; Peter Kitzmantel, Head, Patent Department, Semperit A.G., Vienna; Gerald Kaspar, Head, Patent Department, Voest-Alpine A.G., Linz; Dorothea Allgeuer (Mrs.), Head, Patent Department, Chemie Linz A.G., Linz; Georg Rampold, Patent Counsel, Chemie Linz A.G., Linz; **Belgium:** Daniel Bockstael, Patent Counsel, MFJ Bockstael, Antwerp; **Denmark:** Palle Friis, Patent Attorney, International Patent-Bureau, Copenhagen; Knud Raffinsoe, Patent Agent, International Patent-Bureau, Copenhagen; **Finland:** Birgitta Lassenius (Ms.), Patent Agent, Helsinki; Anja Helasuo (Mrs.), Vantaa; Karin Viikuna (Mrs.), Head, PCT Department, Oy Kolster A.G., Helsinki; Esko J. Heikkinen, Patent Attorney, Orion-Yhtymä OY, Helsinki; Knut Feiring, Patent Agent, Helsinki; **France:** Muriel Fessy (Ms.), Administrator, Cabinet André Bouju, Paris; Bernard F. Pontet, Engineer, Cabinet André Bouju, Paris; Roland H.M. Luziau, Patent Agent, Kodak-Pathé, Vincennes; Bernard Pilot, Patent Counsel, Cabinet Bert, de Keravenant et Herrburger, Paris; Jean-François Poncet, Director, Cabinet Poncet, Annecy; Francine Segauist (Mrs.), Patent Counsel, Société SOSPI-France, Paris; Louis Verdier, Patent Counsel, Cabinet Bert, De Keravenant et Herrburger, Paris; **Germany (Federal Republic of):** Hans-Georg Urbach, Patent Counsel, Cassella A.G., Frankfurt; Gerhard Wertmüller, Director, Munich Branch, Carls Heymanns Verlag K.G., Munich; Ulrich Wolf, Patent Department, Byk Gulden Lomberg Chemische Fabrik GMBH, Konstanz; **Hungary:** Vilmos Bacher, Attorney-at-Law, Budapest; László Beliczay, Patent Attorney, Budapest; János Egri, EGYT Pharamochemical Works, Budapest; Kázmér Hoós, Patent Attorney, Budapest; Béla Karácsony, Patent Attorney, Budapest; György Kövári, Patent Attorney, Budapest; Gábor Lévai, Attorney-at-Law, Budapest; Mihály Lantos, Director of Management, Patentbureau Danubia, Budapest; Anolovs Weichinger, Head of Department, Patentbureau Danubia, Budapest; **Sweden:** Bo G. Erixon, Patent Manager, Kooperativa Förbundet, Stockholm; Tore V. Ström, Patent Counsel, Ström & Gulliksson, Malmö; Sven-Erik Svensson, Engineer, Ström & Gulliksson AB, Malmö; **Switzerland:** Mireille Adobati (Ms.), Senior Secretary, Patent Department, Diamond Shamrock Technologies S.A., Geneva; Jacques Aebischer, Head of Section, Bovard & Cie, Berne; Urs Anderegg, Patent Engineer, Greiner Electronics, Langenthal; Heinz Breiter, Alusuisse Forschungsinstitut, Neuhausen; Hans E. Brühwiler, Patent Counsel, Brühwiler & Co, Zürich; Brian Cronin, Senior International Patent Counsel, Diamond Shamrock Technologies S.A., Geneva; Henri Dietlin, Patent Counsel, Geneva; Rosmarie Drayer (Ms.), Patent Administration Coordinator, Scherico Ltd., Lucerne; François W. Gasser, Patent Attorney, Berne; Klaus Hotz, Patent Counsel, Haag-Gear-Wheel-Group Ltd., Zürich; Dietrich Jörchel, Patent Counsel, Bugnion S.A., Geneva; Steinar Kanstad, Patent Counsel, Scherico Ltd., Lucerne; Jean-François Léger, Industrial Property Counsel, Geneva; Viviane Marzell (Mrs.), Patent Administrator, Diamond Shamrock Technologies S.A., Geneva; Hans Meyer, Patent Counsel, Geneva; Dietrich Mohnhaupt, Patent Counsel, Geneva; Michel Moinas, Industrial Property Counsel, Geneva; John P. Munzinger, Patent Counsel, Geneva; Peter Raess, Patent Department, Sandoz A.G., Basel; Dieter Steen, Patent Counsel, Geneva; Peter Urech, Patent Attorney, Keiserangst; Roman Vuillé, Patent Counsel, Firmenich S.A., Geneva; Wilhelm G. Weber, Head, Patent Department, Buss Ltd., Pratteln; Georges Werner, Patent Attorney, Zürich; **United States of America:** William Thompson, Manager, Patent Department, The Caterpillar Tractor Co., Peoria.

WIPO Secretariat: Arpad Bogsch, Director General; Klaus Pfanner, Deputy Director General; E. Murray Haddrick, Director, PCT Division; Busso Bartels, Head, PCT Legal Section.

WIPO Document Series: PCT/UM/II

Topics Discussed: The Meeting discussed the following topics: (i) the new "Request" form; (ii) the advantages of the PCT from the point of view of industry; (iii) the advantages of the PCT from a patent attorney's perspective; (iv) recent developments affecting the use of the "Euro/PCT route"; and (v) the study of possible improvements to the PCT. The said topics were introduced by four selected speakers and two WIPO staff.

Third Meeting, Geneva, May 26, 1982

Participants: The Meeting was attended by 42 participants, as follows:

Individual participants (in the alphabetical order of the country of residence): **Austria:** Gerald Kaspar, Manager, Patent Department, Voest-Alpine A.G., Linz; **France:** Alain Boussard, Engineer, Industrial Property Service, Compagnie Française de Raffinage, Paris; Charles M. Brunengo,

Director, Legal Service, Société Framatome, Paris; Roger P. Congard, Head, Patent Department, Institut Français du Pétrole, Reuil Malmaison; Louis Olivier, Head, Patent Section, Technical Division, Société Framatome, Paris; **Germany (Federal Republic of):** Martin Daum, Head, Patent Department, Böhringer Mannheim GMBH, Mannheim; Walter Dehmer, Director, F. Krupp GMBH, Essen; Alfons Hellhake, Patent Counsel, Siemens A.G., Munich; Jürgen Herrmann, Head, Patent Department, F. Porsche A.G., Stuttgart; Hans Hasmann, Patent Counsel, F. Krupp GMBH, Essen; Wolfgang Huttenlocker, Deputy Head, Patent Division, Volkswagenwerk A.G., Wolfsburg; Ulrich Lewetag, Knorr-Bremse, Munich; Manuel Rupprecht, Head, Patent Department, Walker-Chemie, Munich; Gerhard Schaefer, Patent Counsel, Linde A.G., Pullach; Hans A. Schell, Head, Patent Department, Felten Guillaume Energietechnik GMBH, Cologne; G. Schenk, Director, Henkel K&A, Düsseldorf; **Liechtenstein:** Roland Wildi, Head, Patent Department, Hilti A.G., Schaan; **Netherlands:** Dirk de Bruijn, Senior Patent Attorney, Shell International Research MIJ, The Hague; Adriaan van Hekke, Chief, Planning and Administration, Patent Department, DSM/Stamicarbo, Geleen; **Switzerland:** H. Burkhardt, Lonza A.G., Basel; Pierre Chopard, Patent Counsel, Battelle Memorial Institute, Geneva; Robert Croes, Patent Department, Sandoz A.G., Basel; Brian Cronin, Patent Attorney, Diamond Shamrock Technologies S.A., Geneva; W. M. Faltas, Patent Attorney, Diamond Shamrock Technologies S.A., Geneva; Carlo Gaggini, Counsel, Maschinenfabrik Rieter A.G.; J.H.D. Georges, Legal Administrator, Biogen S.A., Geneva; B. Kuegele, Patent Attorney, Diamond Shamrock Technologies S.A., Geneva; Werther Lusuardi, Patent Counsel, Georg Fischer A.G., Zürich; Viviane Marczell (Mrs.), Patent Administrator, Diamond Shamrock Technologies S.A., Geneva; Tibor Morva, Sprecher & Schuh A.G., Aarau; H. Moser, Lonza A.G., Basel; Hervé Oppliger, Patent Department, Battelle Memorial Institute, Geneva; Hans-Joachim Paschedag, Patent Counsel, Escher Wyss A.G., Zürich; G. Salvadori, Director, Patents and Marks Department, Firmenich S.A., Geneva; Jean-Paul Savoye, Patent Counsel, Battelle Memorial Institute, Geneva; Arnold Seiler, Ciba-Geigy A.G., Basel; Peter Urech, Patent Counsel, Hoffmann-La Roche, Basel; N. Tomov, Patent Liaison Specialist, Diamond Shamrock Technologies S.A., Geneva; Kurt Vogelsanger, Patent Counsel, SIG, Neuhausen; **United Kingdom:** Alan Hesketh, Senior Chartered Patent Agent, Beecham Pharmaceuticals, Biosciences Research Centre, Epsom; **United States of America:** William Thompson, Manager, Patent Department, The Caterpillar Tractor Co., Peoria; **European Patent Office (EPO):** Günter Gall, Head of Legal Service, Patent Granting Procedures, Munich.

WIPO Secretariat: Arpad Bogsch, Director General; Klaus Pfanner, Deputy Director General; François Curchod, Director, PCT Division; Busso Bartels, Head, PCT Legal Section.

WIPO Document Series: PCT/UM/III

Topics Discussed: The aim of the meeting was to discuss the advantages of the PCT system for industry with the representatives of selected European industrial enterprises identified as having large foreign patenting activities.

Fourth Meeting, Geneva, March 27, 1992 (also called "PCT Informal Meeting with the Private Sector")

Participants: The Meeting was attended by 41 participants, as follows:

Non-governmental organizations: **Chartered Institute of Patents Agents (CIPA):** Jonathan M. Davies, Chartered Patent Agent, London; **Committee of National Institute of Patent Agents (CNIPA):** Jonathan M. Davies, Chartered Patent Agent, London; **European Federation of Agents of Industry in Industrial Property (FEMIP):** Bo G. Erixon, Patent Counsel, Stockholm; **Institute of Professional Representatives Before the European Patent Office (EPI):** Felix A. Jenny, Head, Patent Department, Ciba-Geigy A.G., Basel (Switzerland); **Intellectual Property Owners, Inc. (IPO):** Herbert C. Wamsley, Patent Attorney, Washington; Jack D. Schaeffer; **International Association for the Protection of Industrial Property (AIPPI):** Heinz Bardehle, Patent Attorney, Munich; **International Chamber of Commerce (ICC):** Richard F. Fawcett, Head, Patents and Agreements Division, British Petroleum Research Center, Sunbury-on-Thames (United Kingdom); **International Federation of Industrial Property Attorneys (FICPI):** Peter Puchberger, Patent Agent, Vienna; **International Federation of Inventors' Associations (IFIA):** Bo-Göran Wallin, Patent Attorney, Malmö (Sweden); **Japan Patent Association (JPA):** Yoshiro Hashimoto, Patent Attorney, Tokyo; Hiroshi Kataoka, General Manager, Patent Division, Nippon Shinyaku Co. Ltd., Kyoto; Kensuke Norichika, General Manager, Intellectual Property Department, Toshiba Corporation, Tokyo; Ichio Shamoto, Patent Attorney, Tokyo; **Licensing Executives Society (International) (LES):** James C. Bolding, International Patent Counsel, Monsanto Company, St. Louis (United States of America); **Patent and Trademark Institute of Canada (PTIC):** Robert Mitchell, Patent Agent, Montreal; **Union of European Practitioners in Industrial Property (UEPIP):** Paul A.C. Baron, Counsel, Kodak Ltd., Harrow (United Kingdom).

Individual participants (in the alphabetical order of the country of residence): **Australia:** Keith Leslie, Patent Attorney, Melbourne; Norman Morcom, Patent Manager, The Broken Hill Proprietary Co. Ltd., Melbourne; **Canada:** Robert Mitchell, Patent Agent, Montreal; **Denmark:** Knud Raffinsoe, Patent Attorney, Taastrup; **Germany:** Heinz Bardehle, Patent Attorney, Munich; **Japan:** Yoshiro Hashimoto, Patent Attorney,

Tokyo; Hiroshi Kataoka, General Manager, Patent Division, Nippon Shinyaku Co. Ltd., Kyoto; Kensuke Norichika, General Manager, Intellectual Property Department, Toshiba Corporation, Tokyo; Ichio Shamoto, Patent Attorney, Tokyo; **Netherlands:** J. Bob van Benthem, former President of the European Patent Office (EPO), The Hague; **United States of America:** John J. Chrystal, Patent Attorney, Chicago (Illinois); David R. Cleveland, Intellectual Property Counsel, Brussels; John E. Dull, Managing Counsel, Du Pont de Nemours & Company, Wilmington (Delaware); Stephen S. Grace, Associate General Patent Counsel, The Dow Chemical Company, Midland (Michigan); Robert C. Kline, Patent Attorney, Washington; Gary L. Newton, Patent Attorney, Troy (Michigan); Ruth Newton (Mrs.), Patent Attorney, Troy (Michigan); Vincent J. Rauner, Senior Vice-President, Patents, Trademarks and Licensing, Motorola Inc., Schaumburg (Illinois); Jack D. Schaeffer, Associate Chief Patent Counsel, The Procter & Gamble Company, Cincinnati (Ohio); Allen J. Spiegel, Director of Foreign Patents, Patent Department, Pfizer Inc., New York; William Thompson, Manager, Patent Department, Caterpillar Inc., Peoria (Illinois); Herbert C. Wamsley, Patent Attorney, Washington; Ogden H. Webster, Assistant General Counsel, Eastman Kodak Company, Rochester (New York); Lawrence T. Welch, Senior Patent Counsel and International Patents Director, The Upjohn Company, Kalamazoo (Michigan).

WIPO Secretariat: Arpad Bogsch, Director General; François Curchod, Deputy Director General; Busso Bartels, Director, PCT Legal Division; Philip Thomas, Senior Legal Officer, PCT Legal Division; Teruhisa Shimomichi, Counsellor, PCT Administration Division; Isabelle Boutillon (Miss), Legal Officer, PCT Legal Division; Louis O. Maassel, Consultant, PCT Legal Division.

Summary of Conclusions/Recommendations: The Meeting considered possibilities of adding new features to the PCT system in order to make the international search report and the international preliminary examination report so reliable that supplemental search and examination during the national phase of the PCT procedure would not be regarded as necessary for the overwhelming majority of applications.

PCT International Meeting Tokyo, May 25 to 29, 1981

Participants: The Meeting was attended by eight PCT member States (with 19 delegates), one observer State (with one representative), one intergovernmental organization (with two representatives) and five non-governmental organizations (with six representatives), as follows:

Member States: **Australia:** Francis J. Smith, Commissioner of Patents, Australian Patent Office; Patrick A. Smith; **Austria:** Otto Leberl, President, Austrian Patent Office; **Democratic People's Republic of Korea:** Chang G. Pak, Director of Foreign Relations, State Committee for Science and Technology; Song Gwang Ryu; L.C. Rak; **Japan:** Hiroshi Iwata, Engincer General, Japanese Patent Office; Eikichi Otsuka; Yoshiro Hashimoto; Chiyoshi Takagi; Fumio Iizuka; Fumiaki Otsuka; Tsutomu Hosaka; Jun Kawashima; Ikuo Inoue; **Soviet Union:** Yury Plotnikov, Deputy Director, All-Union Research Institute for State Patent Examination, State Committee for Inventions and Discoveries; **Sweden:** Lars G. Björklund, Deputy Director General, Royal Patent and Registration Office; **United Kingdom:** John Winter, Principal Examiner, Patent Office; **United States of America:** Louis O. Maassel, Patent Practice and Procedure Specialist, United States Patent and Trademark Office.

Observer State: **Republic of Korea:** Yong-Suck Chu, Commercial Attaché, Embassy in Tokyo.

Intergovernmental organization: **European Patent Office (EPO):**⁸ Jacques Delorme, Vice-President, Directorate-General I, The Hague; Kurt Springer.

Non-governmental organizations: **Asian Patent Attorneys Association (APAA):** Kiyoshi Asamura, Patent Attorney, Tokyo; **European Federation of Agents of Industry in Industrial Property (FEMIP):** Masaya Konoura, Patent Attorney, Tokyo; **International Association for the Protection of Industrial Property (AIPPI):** Masahiko Takeda, Patent Attorney, Tokyo; Kazuo Sato; **Pacific Industrial Property Association (PIPA):** Koichi Ono, General Manager, Patent Department, Kyowa Hakko Kogyo Co. Ltd., Tokyo; **Union of European Practitioners in Industrial Property (UEPIP):** Jean Lecca, Patent Attorney, Paris.

Officers: Chairman: Francis J. Smith (Australia); Vice-Chairmen: Hiroshi Iwata (Japan) and Jacques Delorme (EPO); Secretary: Busso Bartels (WIPO).

WIPO Secretariat: Klaus Pfanner, Deputy Director General; Busso Bartels, Head, Legal Section, PCT Division; Akira Okawa, Counsellor, Examination Section, PCT Division.

WIPO Document Series: PCT/TIM/I

Topics Discussed: The objective of the Meeting was to study the possibilities of further harmonizing and simplifying the work of the International Searching and Preliminary Examining Authorities and facilitating the work of the designated and elected Offices, thus increasing the usefulness and practicability of the system for applicants. The Meeting discussed and, in some cases, made recommendations on the following subjects: amendments to the Administrative Instructions (method of identifying documents cited in the international search report and indication of citations of particular relevance); the inclusion of patent family information with a view to reducing the need for translations of cited documents; requirements for carrying out a meaningful search and of unity of invention; extent and depth of search; usefulness of international search and preliminary examination reports in the national phase; uniform procedure for several kinds of searches; several forms used by the International Searching and Preliminary Examining Authorities; communications with the applicant and amendments before the International Preliminary Examining Authority; certain time limits; drafting and publication of abstracts; indication of International Patent Classification (IPC) symbols.

⁸ In its capacity as International Searching and Preliminary Examining Authority.

Meeting With Non-Governmental Organizations (with the participation of Offices of PCT Contracting States) Geneva, April 1 and 2, 1982

Authority/Membership: The Meeting was convened by the Director General of WIPO, in the context of the study of the improvement of the PCT procedures decided on by the PCT Union Assembly at its seventh session in June and July 1981. Invitations were addressed to selected international and national non-governmental organizations, as well as to the patent offices of PCT Contracting States and the European Patent Office (EPO).

Participants: The Meeting was attended by six international non-governmental organizations (with seven representatives), 10 national non-governmental organizations (with 11 representatives), the patent offices of eight PCT Contracting States (with eight representatives) and the European Patent Office (EPO) (with one representative), as follows:

International non-governmental organizations: **Committee of National Institutes of Patent Agents (CNIPA):** Richard P. Lloyd, Patent Counsel, Imperial Chemical Industries Plc., Welwyn Garden City (United Kingdom); **Council of European Industrial Federations (CEIF):** John L. Beton, Patent Counsel, I.C.I. Ltd., London; **European Federation of Agents of Industry in Industrial Property (FEMIPD):** Felix A. Jenny, Patent Counsel, Ciba-Geigy A.G., Basel (Switzerland); **International Association for the Protection of Industrial Property (AIPPI):** Gaylord E. Kirker, Industrial Property Counsel, Geneva; **International Federation of Industrial Property Attorneys (FICPI):** Heinz Bardehle, Patent Agent, Munich; Engelbert J. Hofinger; **Union of Industries of the European Community (UNICE):** John L. Beton, Patent Counsel, I.C.I. Ltd., London.

National non-governmental organizations: **Association of British Chamber of Commerce:** Geoffrey L. Smith, Chairman of the Industrial Property Committee, London; **Association of Norwegian Patent Agents:** Jan E. Helgerud, Patent Agent, Oslo; **Association of Swedish Patent Attorneys:** Franz Lenz, Patent Attorney, Malmö (Sweden); Sven A. Hansson; **Association of Swiss Industrial Property Counsels:** Rudolf Schmid, Patent Counsel, Zurich (Switzerland); **Chartered Institute of Patent Agents:** Richard P. Lloyd, Chartered Patent Agent, Welwyn Garden City (United Kingdom); **Danish Patent and Trademark Agents' Association of 1953:** Mogens Stelling, Patent Agent, Hellerup (Denmark); **Federation of Swedish Industry:** Lars-Erik Johansson, Engineer, Telefon AB LM Ericsson, Stockholm; **Hungarian Group of the International Association for the Protection of Industrial Property (AIPPI):** Tivadar Palágyi, Patent Counsel, Budapest; **National Swedish Board for Technical Development:** Tage Lövgren, Head, Patent Department, Stockholm; **Swiss Group of the International Association for the Protection of Industrial Property (AIPPI):** Gaylord E. Kirker, Industrial Property Counsel, Geneva;

Patent Offices of PCT Contracting States: **Australia:** Geoffrey J. Baker, Assistant Commissioner of Patents, Australian Patent Office; **France:** Jacques Vérone, Administrator, National Institute of Industrial Property; **Germany (Federal Republic of):** Ulrich C. Hallmann, Leitender Regierungsdirektor, German Patent Office, Munich; **Norway:** Rolf Naess, Senior Examiner, Norwegian Patent Office; **Soviet Union:** Serguei N. Afanassiev, Acting Head of Department, All-Union Institute of State Patent Examination, State Committee for Inventions and Discoveries; **Sweden:** Birgitta Sandberg (Mrs.), Head, International Section, Royal Patent and Registration Office; **Switzerland:** René Egli, Head of Division, Swiss Federal Intellectual Property Office; **United Kingdom:** Derrick F. Carter, Superintending Examiner, Patent Office.

European Patent Office (EPO): Gert D. Kolle, Principal Administrator, International Affairs, Munich.

WIPO Secretariat: Arpad Bogsch, Director General; Klaus Pfanner, Deputy Director General; François Curchod, Director, PCT Division; Jordan Franklin, Deputy Head, PCT Division; Busso Bartels, Head, PCT Legal Section; Vitaly Troussov, Senior Counsellor, PCT Legal Section.

WIPO Document Series: PCT/NGO

Topics Discussed: The Meeting discussed a number of proposals for the amendment of certain time limits under the PCT and of the PCT Regulations, to be taken into account in documents to be submitted to the PCT Committee for Administrative and Legal Matters in September 1982.

Meeting of International Authorities Under the PCT First Session, Geneva, January 15 to 19, 1990

Authority/Membership: A Meeting of International Authorities under the PCT was convened by the Director General in January 1990, in Geneva. The (then) eight International Searching and International Preliminary Examining Authorities under the PCT (hereinafter referred to as "International Authorities") were invited to, and were represented at, the Meeting.

Participants: The Meeting was attended by eight International Authorities (with 15 representatives), as follows:

International Authorities (in the English alphabetical order of their names): **Australian Patent Office:** E. Murray Haddrick, Deputy Commissioner of Patents; **Austrian Patent Office:** Dietmar Trattner, Examiner; **European Patent Office:** André Cardon, Director, Directorate General I; Larissa Gruszow (Mrs.); Bertil Hjelm; Brigitte Günzel (Ms.); **Japanese Patent Office:** Shigeo Takakura, First Secretary, Permanent Mission in Geneva; **Swedish Patent Office:** Jan-Eric Bodin, Head of Division; Marie Eriksson (Miss); **United Kingdom Patent Office:** Peter L. Eggington, Principal Examiner; Hugh J. Edwards; **United States Patent and Trademark Office:** Louis O. Maassel, Patent Practice and Procedure Specialist; Vincent Turner; Richard B. Lazarus; **U.S.S.R. State Committee for Inventions and Discoveries:** Vladimir Belov, Deputy Director, All-Union Scientific Research Institute of State Patent Examination (VNIIGPE).

Officers: Chairman and Secretary: Busso Bartels (WIPO).

WIPO Secretariat: Alfons Schäfers, Deputy Director General; Daniel Bouchez, Director, PCT Administration Division; Busso Bartels, Head, PCT Legal Section; Vitaly Trousov, Senior Counsellor, PCT Legal Section; Mats S. Pårup, Senior Legal Officer, PCT Legal Section.

WIPO Document Series: PCT/MIA/I

Main Topics Discussed: The Meeting considered reports by the International Authorities concerning their practice and experience as International Searching and/or International Preliminary Examining Authorities. The Meeting also discussed the revision of the "Guidelines for International Search and International Preliminary Examination" and considered the desirability to amend certain provisions of the PCT Regulations concerning Chapter II of the PCT.

Second Session, Geneva, March 9 to 13, 1992

Participants: The Meeting was attended by eight International Authorities (with 15 representatives), as follows:

International Authorities (in the English alphabetical order of their names): **Australian Patent Office:** David R. Herald, Assistant Commissioner of Patents; **Austrian Patent Office:** Andreas Pfahler, Examiner/Member of Presidential Department II; **Committee for Patents and Trademarks of the Russian Federation:** Vladimir Belov, Deputy Chairman; Alexander V. Senchikhin; **European Patent Office:** André Cardon, Director, Directorate General I, The Hague; Larissa Gruszow (Mrs.); Brigitte M. Günzel (Ms.); Bertil Hjelm; **Japanese Patent Office:** Yoshiaki Aita, Deputy Director, Examination Standard Office, Coordination Division, 2nd Examination Department; Yoshiyuki Takagi; **Swedish Patent Office:** Jan-Eric Bodin, Deputy Head, Patents; Marie Eriksson (Miss); **United Kingdom Patent Office:** Leslie Lewis, Principal Examiner, Legal Division; **United States Patent and Trademark Office:** Vincent Turner, Administrator, International Division, Office of National and International Application Review; Richard B. Lazarus.

Officers: Chairman: Busso Bartels (WIPO); Secretary: Philip Thomas (WIPO).

WIPO Secretariat: François Curchod, Deputy Director General; Busso Bartels, Director, PCT Legal Division; Daniel Bouchez, Director, PCT Administration Division; Teruhisa Shimomichi, Senior Counsellor, PCT Administration Division; Philip Thomas, Senior Counsellor, PCT Legal Division; Vitaly Trousov, Senior Counsellor, PCT Legal Division; Isabelle Boutillon (Ms.), Legal Officer, PCT Legal Division; Louis O. Maassel, Consultant, PCT Legal Division.

WIPO Document Series: PCT/MIA/II

Summary of Conclusions/Recommendations: The Meeting agreed to modifications to the "PCT Search Guidelines" and the "PCT Preliminary Examination Guidelines". It also considered proposed modifications to the Administrative Instructions under the PCT and to the forms relating to the procedure before the International Searching Authorities and before the International Preliminary Examining Authorities.

Third Session, Geneva, June 21 to 25, 1993

Participants: The Meeting was attended by eight International Authorities (with 15 representatives) and one observer (with one representative), as follows:

International Authorities (in the English alphabetical order of their names): **Australian Industrial Property Organisation:** David R. Herald, Assistant Commissioner of Patents; **Austrian Patent Office:** Peter Hofbauer, Examiner, Presidential Department II, PCT Administration; **Committee for Patents and Trademarks of the Russian Federation:** Alexander V. Senchikhin, Head, PCT Department; **European Patent Office:** André Cardon, Director, Directorate General I; Larissa Gruszow (Mrs.); Ingwer Koch; Bertil Hjelm; **Japanese Patent Office:** Ken Ukai, Deputy Director, Examination Standard Office; Yoshiyuki Takagi; **Swedish Patent Office:** Jan-Eric Bodin, Deputy Head, Patents; Marie Eriksson (Miss); **United Kingdom Patent Office:**⁹ Leslie Lewis, Principal Examiner, Legal Division; **United States Patent and Trademark Office:** Charles E. van Horn, Patent Policy and Projects Administrator; Charles Pearson; Nicholas Godici.

Observer: **Chinese Patent Office:**¹⁰ Hu Yi-Ming, Director, First Examination Department.

Officers: Chairman: Busso Bartels (WIPO); Secretary: Philip Thomas (WIPO).

WIPO Secretariat: François Curchod, Deputy Director General; Busso Bartels, Director, PCT Legal Division; Daniel Bouchez, Director, PCT Administration Division; Philip Thomas, Senior Counsellor, PCT Legal Division; Isabelle Boutillon (Miss), Senior Legal Officer, PCT Legal Division; Matthew R. Bryan, Legal Officer, PCT Legal Division.

WIPO Document Series: PCT/MIA/III

Summary of Conclusions/Recommendations: The Meeting agreed that certain Sections of the Administrative Instructions under the PCT, certain PCT Forms and certain parts of the "PCT Search Guidelines" should be modified. Among the more significant modifications, the Meeting agreed to modify the Administrative Instructions to make more uniform the practice of marking replacement sheets containing amendments submitted in connection with international preliminary examination. Also, the Meeting agreed to modify the demand form by pre-marking the check-box "all eligible States" and removing the supplemental box containing the list of PCT Contracting States bound by Chapter II, thus further

⁹ At the time of the Meeting, the United Kingdom Patent Office was expected to cease to act as an International Preliminary Examining Authority after disposing of the pending cases for which demands were filed with it before June 1, 1993.

¹⁰ The Chinese Patent Office was represented by an observer in the expectation that that Office would start acting as an International Searching and Preliminary Examining Authority on January 1, 1994.

protecting applications from mistakes which could preclude their use of Chapter II. The Meeting did not consider in detail the "Guidelines for International Preliminary Examination Under the PCT," inasmuch as the United States Patent and Trademark Office (USPTO) explained that the existing Guidelines were in conflict in several respects with its national practice, but that Office agreed to submit concrete proposals for future modifications of the Guidelines. The Meeting further agreed to a uniform manner of handling comparative test results during international preliminary examination and referred the question of how to deal with the filing of two demands with two competent International Preliminary Examining Authorities to the PCT Committee for Administrative and Legal Matters for further study.

Fourth Session, Geneva, June 27 to July 1, 1994

Participants: The Meeting was attended by nine International Authorities (with 18 representatives), as follows:

International Authorities (in the English alphabetical order of their names): **Australian Industrial Property Organisation:** David R. Herald, Deputy Commissioner of Patents; **Austrian Patent Office:** Peter Hofbauer, Examiner, Presidential Department II, PCT Administration; **Chinese Patent Office:** Lu Suhua (Ms.), Director, 4th Examining Department; **European Patent Office:** Larissa Gruszow (Mrs.), Principal Administrator, Legal and International Affairs; York Busse; André Cardon; Bertil Hjelm; Eleni Kossonakou (Miss); **Japanese Patent Office:** Hiroe Hayano, Deputy Director, Examination Standard Office; Hitoshi Watanabe; **Spanish Patent and Trademark Office:** Miguel Hidalgo Llamas, Legal Advisor, Patent Department; Isabel Serriña (Mrs.); Blanca Vila (Miss); **Swedish Patent Office:** Jan-Eric Bodin, Deputy Head, Patents; Marie Eriksson (Miss); **United Kingdom Patent Office:**¹¹ Leslie Lewis, Principal Examiner, Legal Division, Patents and Designs Directorate; **United States Patent and Trademark Office:** Charles Pearson, PCT Legal Administrator, International Division; Gary L. Smith.

Officers: Chairman: Busso Bartels (WIPO); Secretary: Philip Thomas (WIPO).

WIPO Secretariat: Busso Bartels, Director, PCT Legal Division; Yoshiyuki Takagi, Head, Industrial Property Information Division; Philip Thomas, Senior Counsellor, PCT Legal Division; Isabelle Boutillon (Miss), Senior Legal Officer, PCT Legal Division; Shiro Kimura, Senior Legal Officer, PCT Legal Division; Matthew R. Bryan, Legal Officer, PCT Legal Division.

WIPO Document Series: PCT/MIA/IV

Summary of Conclusions/Recommendations: The Meeting agreed on a number of proposals for the modification of the Administrative Instructions under the PCT and forms of interest to the International Searching Authorities and the International Preliminary Examining Authorities. The Meeting discussed in detail proposals by the United States Patent and Trademark Office (USPTO) intended to introduce more flexibility in the Guidelines for International Preliminary Examination Under the PCT, in order to avoid conflict with practices followed in both national examination and international preliminary examination. Although concern was expressed over the possible dilution of the impact of international preliminary examination reports, which would result from accommodating specific national practices in the said Guidelines, the Meeting agreed on a number of proposed changes. Regarding the establishment of a uniform format for nucleotide and/or amino acid sequence listings, the Meeting noted that agreement had been reached on a set of proposed mandatory requirements in the framework of the Trilateral Cooperation among the European Patent Office (EPO), the USPTO and the Japanese Patent Office (JPO), with a view to establishing a common standard for sequence listings disclosed in international applications, but that questions relating to the language to be used in the said listings were still unresolved. Since, however, most elements of such listings were language-independent and that the

¹¹ Although the United Kingdom Patent Office had ceased to be an International Preliminary Examining Authority on May 30, 1993, it participated in the Meeting since it was still acting in that capacity in respect of demands for international preliminary examination filed by the said date.

sequence listing data banks exclusively used the English language for language-dependent elements, the Meeting agreed that the question of a common standard for, and the language of, sequence listings filed in and in connection with international applications, should be further considered by a special meeting including experts in that specific field.

Fifth Session, Geneva, November 28 to December 1, 1994

Participants: The Meeting was attended by eight International Authorities (with 14 representatives), as follows:

International Authorities (in the English alphabetical order of their names): **Australian Industrial Property Organisation:** David R. Herald, Deputy Commissioner of Patents; **Austrian Patent Office:** Karl Wolf, Deputy Head, Presidential Department II; **Chinese Patent Office:** Yin Xintian, Deputy Director, Administrative Department of Patent Examination; **Committee of the Russian Federation for Patents and Trademarks:** Yevgeny Buryak, Consultant; **European Patent Office:** Larissa Gruszow (Mrs.), Principal Administrator, Legal and International Affairs; Claire Aceti (Mrs.); Arnold J. van Putten; Timothy K. Willis; **Japanese Patent Office:** Hiroe Hayano, Deputy Director, Examination Standard Office; Hitoshi Watanabe; **Spanish Patent and Trademark Office:** Isabel Serriña (Mrs.), Head, Chemistry Section II; José Luis Vizán; **United States Patent and Trademark Office:** Charles Pearson, PCT Legal Administrator, International Division; Arthur F. Purcell.

Officers: Chairman: Busso Bartels (WIPO); Secretary: Philip Thomas (WIPO).

WIPO Secretariat: Busso Bartels, Director, PCT Legal Division; Yoshiyuki Takagi, Director, Industrial Property Information Division; Philip Thomas, Senior Counsellor, PCT Legal Division; Richard Watt, Senior Counsellor, PCT Administration Department; Isabelle Boutillon (Miss), Senior Legal Officer, PCT Legal Division; Shiro Kimura, Senior Legal Officer, PCT Legal Division; Matthew R. Bryan, Legal Officer, PCT Legal Division; Claus Matthes, Legal Officer, PCT Legal Division; Tomoko Miyamoto (Mrs.), Associate Officer, Industrial Property Law Department.

WIPO Document Series: PCT/MIA/V

Summary of Conclusions/Recommendations: The Meeting discussed proposals concerning the establishment of a uniform format for nucleotide and/or amino acid sequence listings, and agreed that a PCT standard for sequence listings in international applications should be prepared. The proposed PCT standard would apply both to sequence listings on paper and to sequence listings on diskette. It would be consistent with WIPO Standards ST.23 and ST.24 which relate to sequence listings, but would be self-contained so as to enable convenient reference by applicants filing international applications. Mandatory and optional elements would be clearly identified and distinguished, the mandatory elements being those necessary to carry out validation of the sequence listings as well as the international search. The Meeting also discussed a number of matters relating to the availability of and access to sequence listings, including their inclusion in on-line data banks. The Meeting requested the International Bureau to prepare a number of changes to the PCT Regulations, Administrative Instructions and Forms to implement its conclusions in relation to sequence listings and the proposed PCT standard.

Chapter X

FACTS AND FIGURES CONCERNING THE PCT

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MEMBERSHIP

THE CONTRACTING STATES OF THE PCT
ON AUGUST 10, 1995

Name of the State	Date of entry into force of the PCT in respect of the State	Name of the State	Date of entry into force of the PCT in respect of the State
Armenia ³	December 25, 1991	Luxembourg	April 30, 1978
Australia	March 31, 1980	Madagascar	January 24, 1978
Austria	April 23, 1979	Malawi	January 24, 1978
Barbados	March 12, 1985	Mali	October 19, 1984
Belarus ³	December 25, 1991	Mauritania	April 13, 1983
Belgium	December 14, 1981	Mexico	January 1, 1995
Benin	February 26, 1987	Monaco	June 22, 1979
Brazil	April 9, 1978	Mongolia	May 27, 1991
Bulgaria	May 21, 1984	Netherlands ⁵	July 10, 1979
Burkina Faso	March 21, 1989	New Zealand	December 1, 1992
Cameroon	January 24, 1978	Niger	March 21, 1993
Canada	January 2, 1990	Norway ²	January 1, 1980
Central African Republic	January 24, 1978	Poland	December 25, 1990
Chad	January 24, 1978	Portugal	November 24, 1992
China	January 1, 1994	Republic of Korea	August 10, 1984
Congo	January 24, 1978	Republic of Moldova ³	December 25, 1991
Côte d'Ivoire	April 30, 1991	Romania ³	July 23, 1979
Czech Republic	January 1, 1993	Russian Federation ³	March 29, 1978 ⁴
D.P.R. of Korea	July 8, 1980	Senegal	January 24, 1978
Denmark	December 1, 1978	Singapore	February 23, 1995
Estonia	August 24, 1994	Slovakia	January 1, 1993
Finland ²	October 1, 1980	Slovenia	March 1, 1994
France ^{3,4}	February 25, 1978	Spain ¹	November 16, 1989
Gabon	January 24, 1978	Sri Lanka	February 26, 1982
Georgia ³	December 25, 1991	Sudan	April 16, 1984
Germany	January 24, 1978	Swaziland	September 20, 1994
Greece ¹	October 9, 1990	Sweden ²	May 17, 1978
Guinea	May 27, 1991	Switzerland	January 24, 1978
Hungary ³	June 27, 1980	Tajikistan ³	December 25, 1991
Iceland	March 23, 1995	The former Yugoslav Republic of Macedonia	August 10, 1995
Ireland	August 1, 1992	Togo	January 24, 1978
Italy	March 28, 1985	Trinidad and Tobago	March 10, 1994
Japan	October 1, 1978	Turkmenistan ³	December 25, 1991
Kazakhstan ³	December 25, 1991	Uganda	February 9, 1995
Kenya	June 8, 1994	Ukraine ³	December 25, 1991
Kyrgyzstan ³	December 25, 1991	United Kingdom ⁶	January 24, 1978
Latvia	September 7, 1993	United States of America ^{7, 8}	January 24, 1978
Liberia	August 27, 1994	Uzbekistan ³	December 25, 1991
Liechtenstein	March 19, 1980	Viet Nam	March 10, 1993
Lithuania	July 5, 1994		

- ¹ Not bound by Chapter II of the PCT (declaration under Article 64(1)(a)).
- ² With the declaration provided for in Article 64(2)(a)(ii).
- ³ With the declaration provided for in Article 64(5).
- ⁴ Including all Overseas Departments and Territories.
- ⁵ Ratification for the Kingdom in Europe, Aruba and the Netherlands Antilles.
- ⁶ Extends to the territory of Hong Kong and to the Isle of Man.
- ⁷ With the declarations provided for in Articles 64(3)(a) and 64(4)(a).
- ⁸ Extends to all areas for which the United States of America has international responsibility.

**CHRONOLOGICAL DEVELOPMENT OF THE
MEMBERSHIP OF THE PCT (1970 - 1995)**

The following table shows the chronological development of the membership of the Patent Cooperation Treaty (PCT) from its adoption to August 10, 1995. The first column of the table indicates the year in which the relevant instrument or declaration was deposited with the Director General of WIPO. The second column indicates the name of the States which deposited instruments of ratification or accession or declarations of continued application; it does so in the chronological order in which the PCT entered into force in respect of those States. The date of entry into force of the PCT in respect of each of those States is indicated in the third column. The fourth column concerns only States which, at the time of depositing their instruments of ratification or accession, made a declaration to the effect that they are not bound by Chapter II (International Preliminary Examination) of the PCT. For each such State the said column indicates, if the declaration was later withdrawn, the period during which the provision of Chapter II did not bind it; whereas, if the declaration was not yet withdrawn by August 10, 1995, the said column contains the words "since this date," "this date" meaning the date of entry into force of the PCT in respect of that State.

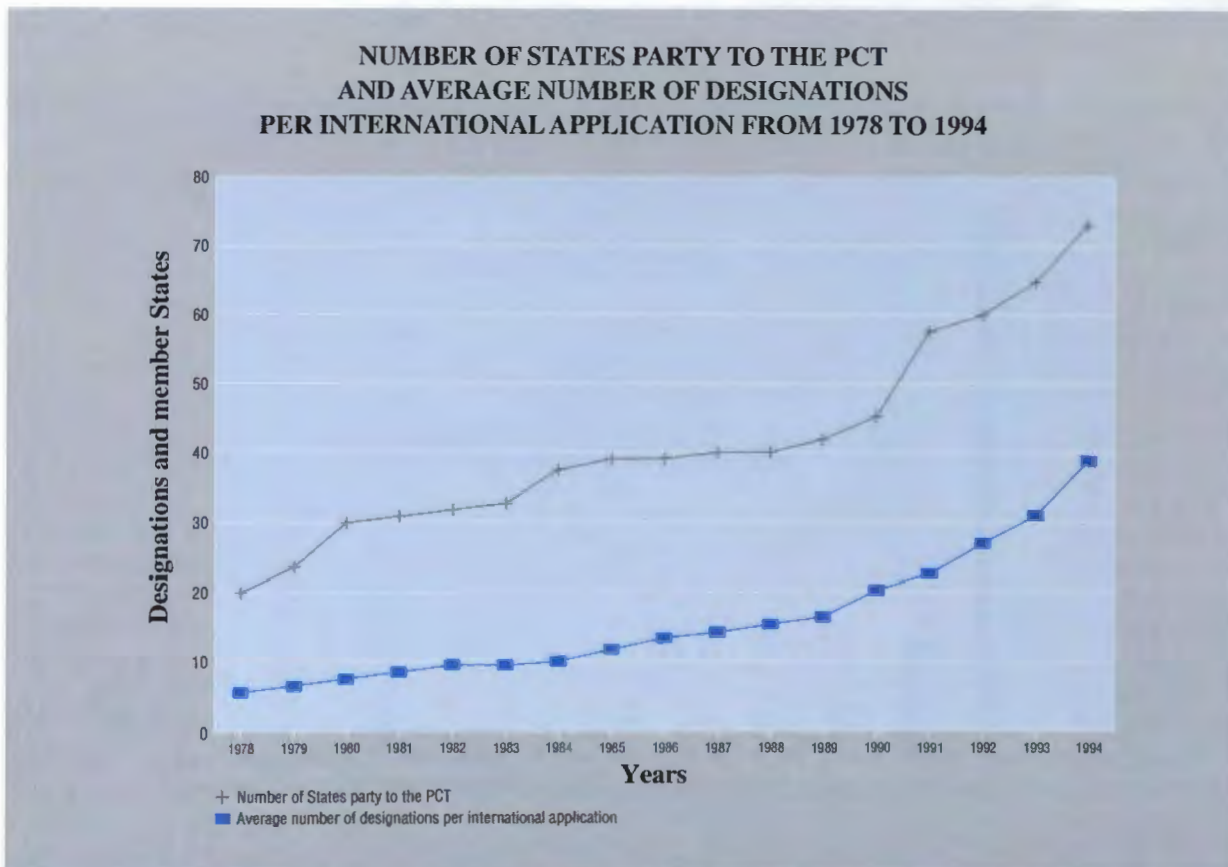
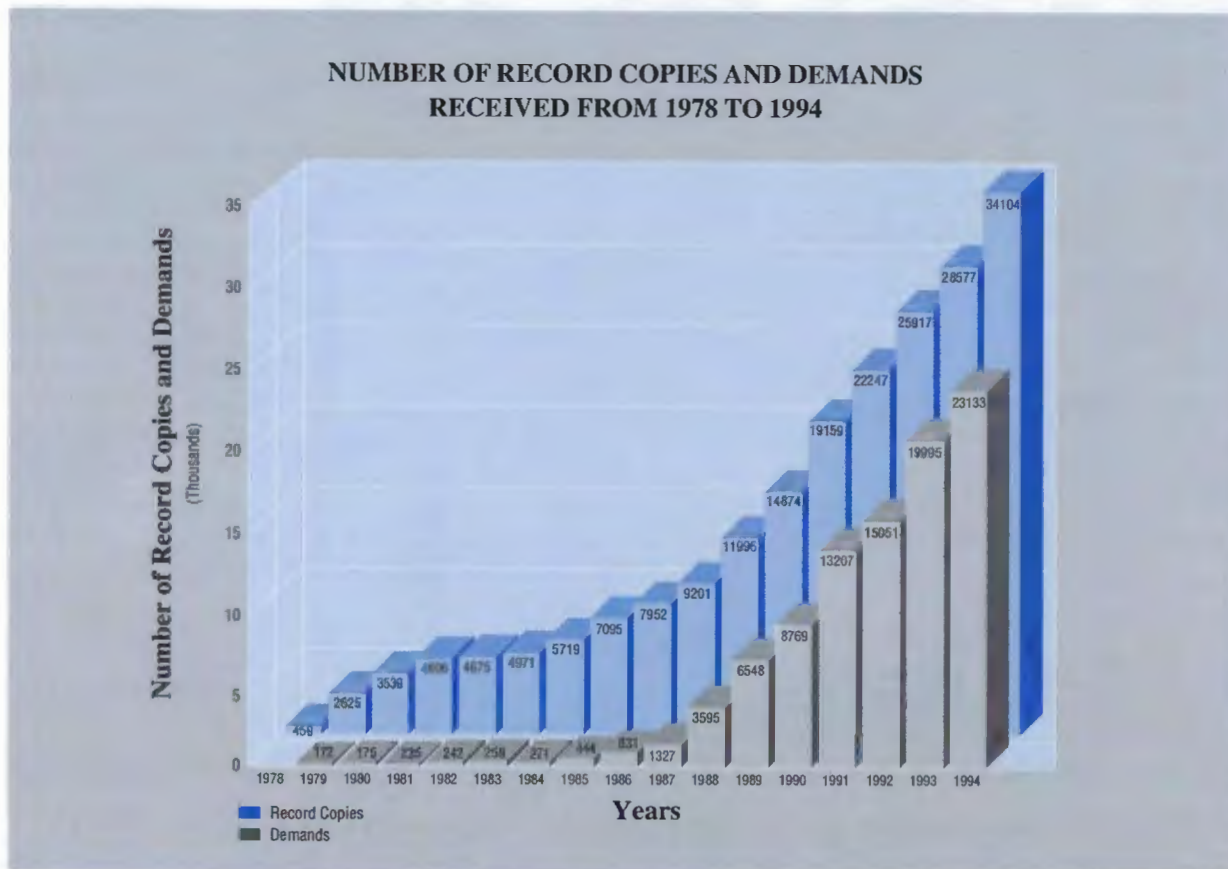
Year of Deposit of Instrument or Declaration	Instruments of Ratification or Accession or Declaration of Continued Application of PCT	Date of Entry into Force of PCT	Not Bound by Chapter II of the PCT
1971	Central African Republic	January 24, 1978	
1972	Madagascar	January 24, 1978	
	Malawi	January 24, 1978	
	Senegal	January 24, 1978	
1973	Cameroon	January 24, 1978	
1974	Chad	January 24, 1978	
1975	Togo	January 24, 1978	
	Gabon	January 24, 1978	
	United States of America	January 24, 1978	from this date to July 1, 1987
1976	Germany (Federal Republic of)	January 24, 1978	
1977	Congo	January 24, 1978	
	Switzerland	January 24, 1978	from this date to August 31, 1995
	United Kingdom	January 24, 1978	
	France	February 25, 1978	from this date to June 12, 1991
	Russian Federation	March 29, 1978 ¹	
1978	Brazil	April 9, 1978	
	Luxembourg	April 30, 1978	from this date to March 15, 1992
	Sweden	May 17, 1978	
	Japan	October 1, 1978	
	Denmark	December 1, 1978	from this date to November 1, 1988
1979	Austria	April 23, 1979	
	Monaco	June 22, 1979	
	Netherlands	July 10, 1979	
	Romania	July 23, 1979	
	Norway	January 1, 1980	from this date to January 1, 1989
	Liechtenstein	March 19, 1980	from this date to August 31, 1995
	Australia	March 31, 1980	
1980	Hungary	June 27, 1980	
	D.P.R. of Korea	July 8, 1980	
	Finland	October 1, 1980	
1981	Belgium	December 14, 1981	
	Sri Lanka	February 26, 1982	
1983	Mauritania	April 13, 1983	
1984	Sudan	April 16, 1984	
	Bulgaria	May 21, 1984	
	Republic of Korea	August 10, 1984	from this date to September 1, 1990
	Mali	October 19, 1984	
	Barbados	March 12, 1985	
	Italy	March 28, 1985	

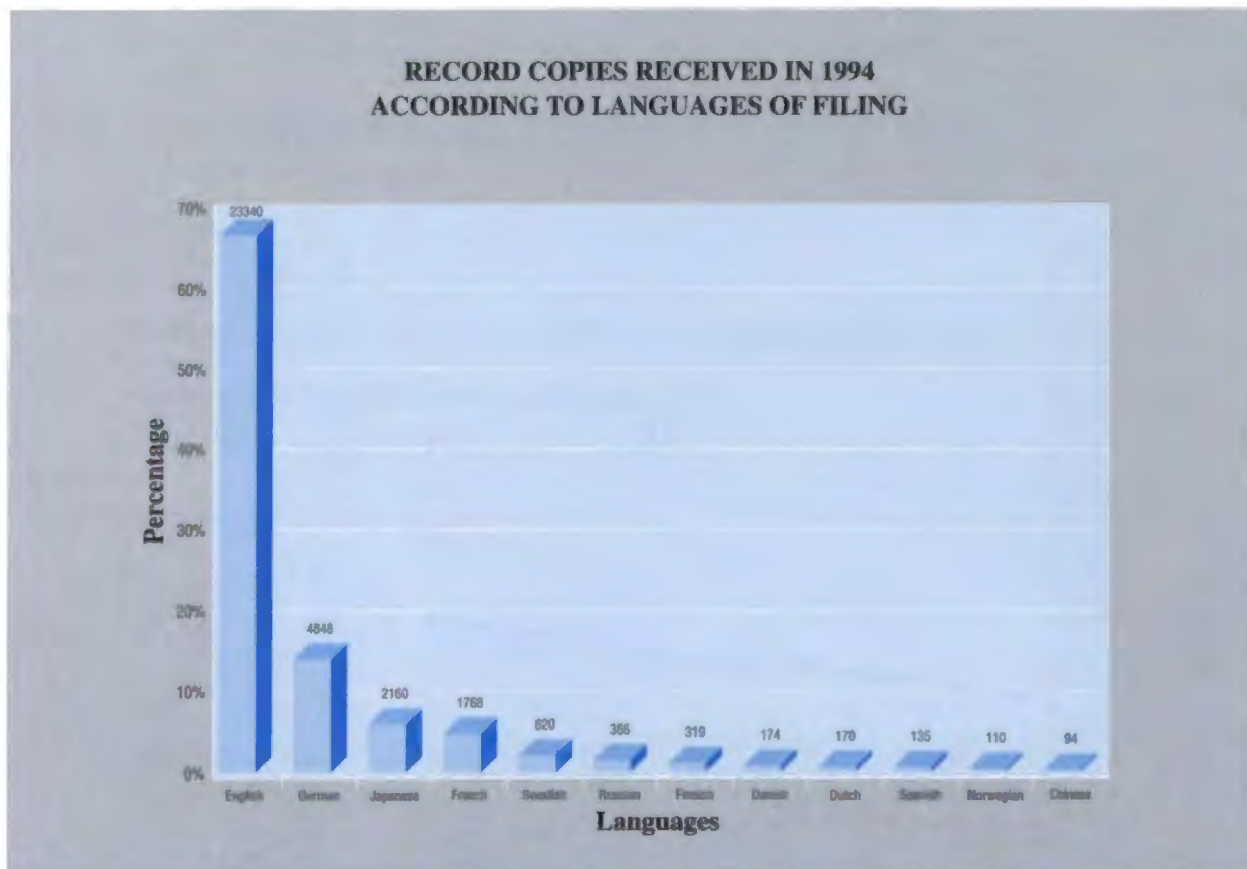
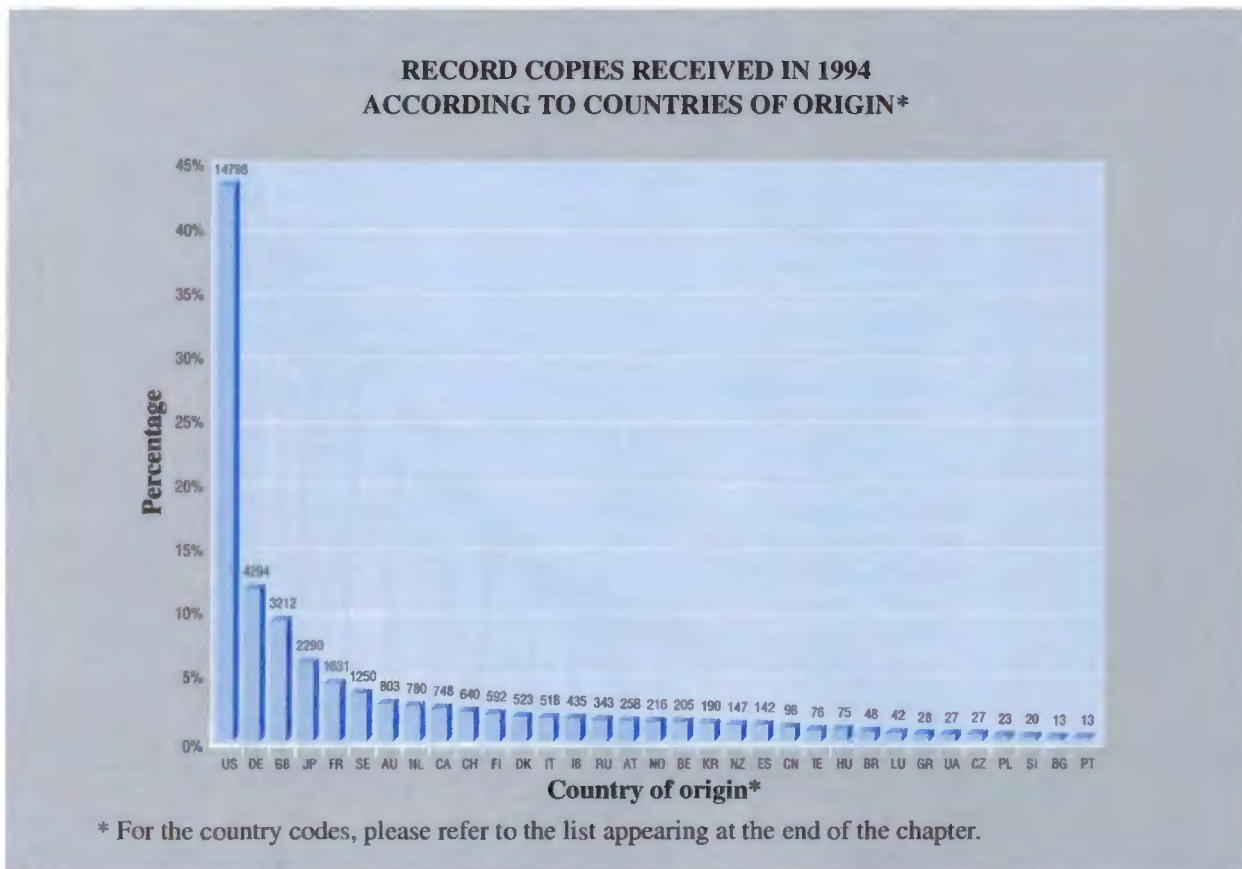
1986	Benin	February 26, 1987	
1988	Burkina Faso	March 21, 1989	
1989	Spain	November 16, 1989	since this date
	Canada	January 2, 1990	
1990	Greece	October 9, 1990	since this date
	Poland	December 25, 1990	
1991	Côte d'Ivoire	April 30, 1991	
	Guinea	May 27, 1991	
	Mongolia	May 27, 1991	
1992	Ukraine ²	December 25, 1991	
	Ireland	August 1, 1992	
	Portugal	November 24, 1992	
	New Zealand	December 1, 1992	
	Czech Republic ²	January 1, 1993	
	Slovakia ²	January 1, 1993	
	Viet Nam	March 10, 1993	
	Niger	March 21, 1993	
1993	Belarus ²	December 25, 1991	
	Kazakhstan ²	December 25, 1991	
	Uzbekistan ²	December 25, 1991	
	Latvia	September 7, 1993	
	China	January 1, 1994	
	Slovenia	March 1, 1994	
	Trinidad and Tobago	March 10, 1994	
1994	Armenia ²	December 25, 1991	
	Georgia ²	December 25, 1991	
	Kyrgyzstan ²	December 25, 1991	
	Republic of Moldova ²	December 25, 1991	
	Tajikistan ²	December 25, 1991	
	Kenya	June 8, 1994	
	Lithuania	July 5, 1994	
	Estonia	August 24, 1994	
	Liberia	August 27, 1994	
	Swaziland	September 20, 1994	
	Mexico	January 1, 1995	
	Uganda	February 9, 1995	
	Singapore	February 23, 1995	
1995	Turkmenistan ²	December 25, 1991	
	Iceland	March 23, 1995	
	The former Yugoslav Republic of Macedonia	August 10, 1995	

¹ Date of ratification of the Soviet Union, continued by the Russian Federation as from December 25, 1991.

² Notification of declaration of continued application.

STATISTICS





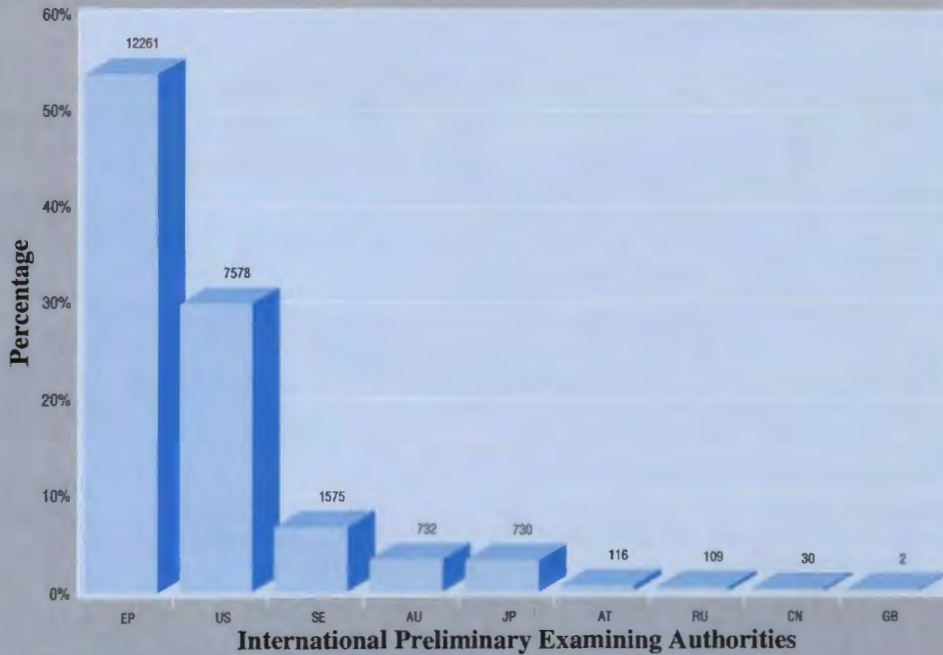
**NUMBER OF INTERNATIONAL APPLICATIONS
ACCORDING TO INTERNATIONAL SEARCHING
AUTHORITIES IN 1994**

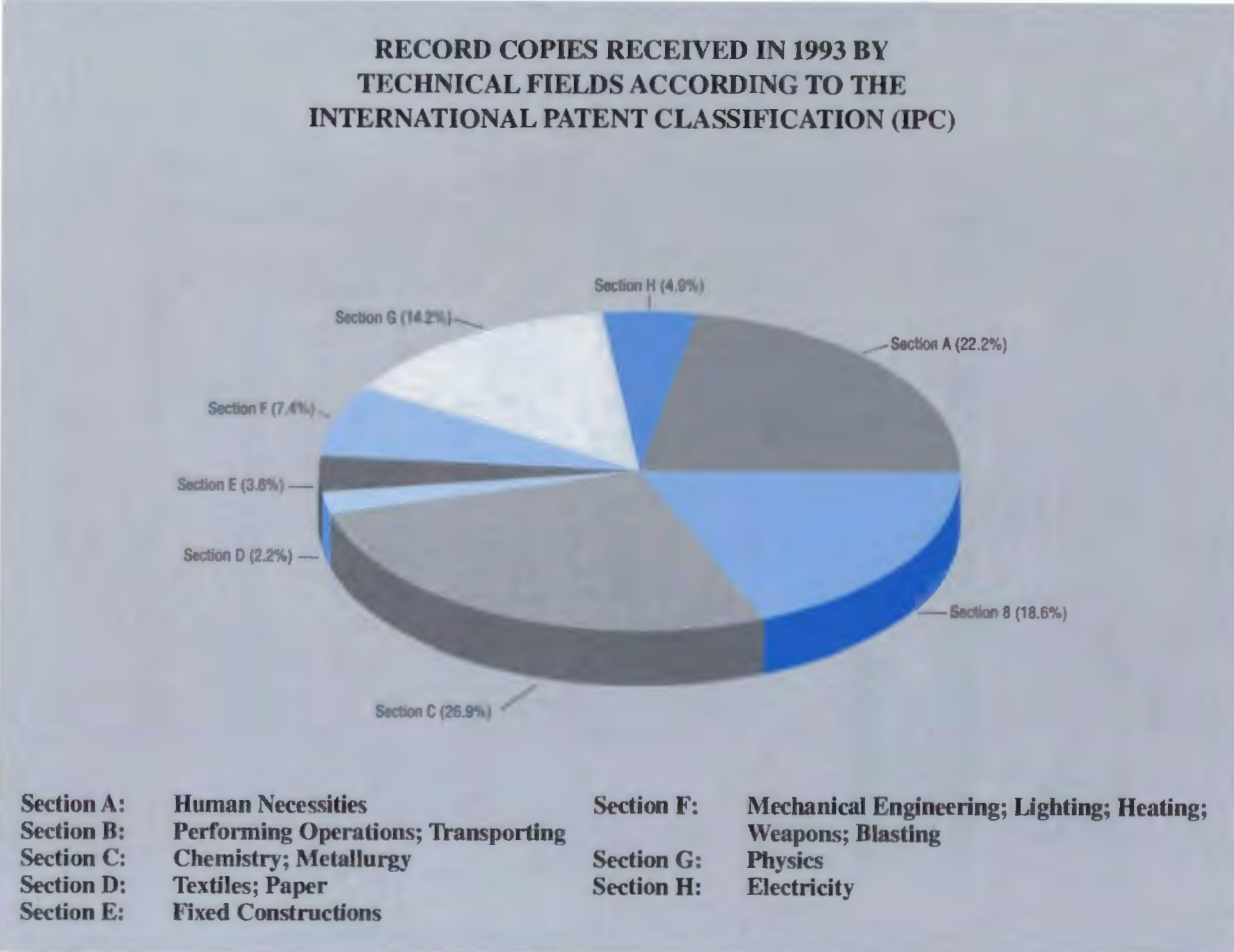
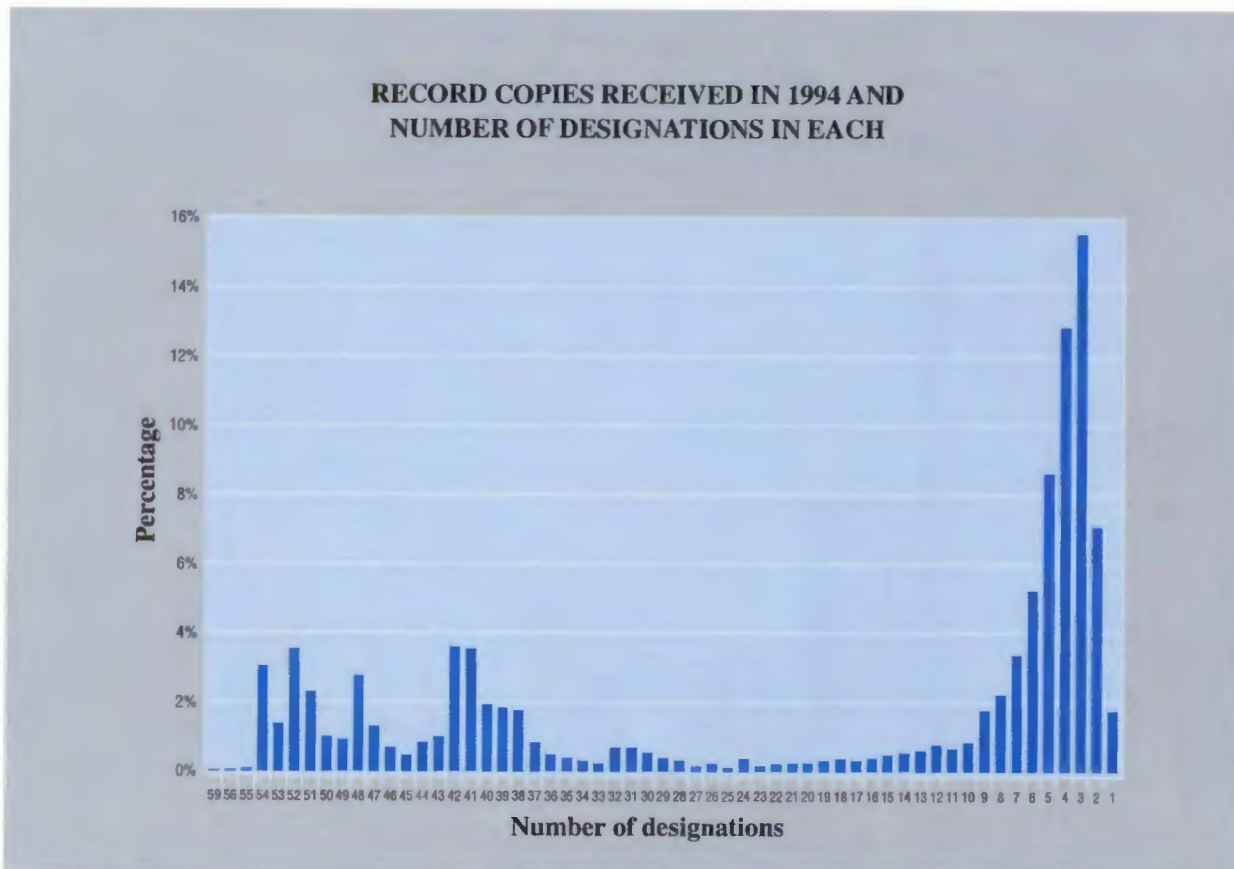


* The codes correspond to the following countries (the corresponding offices appear in brackets):

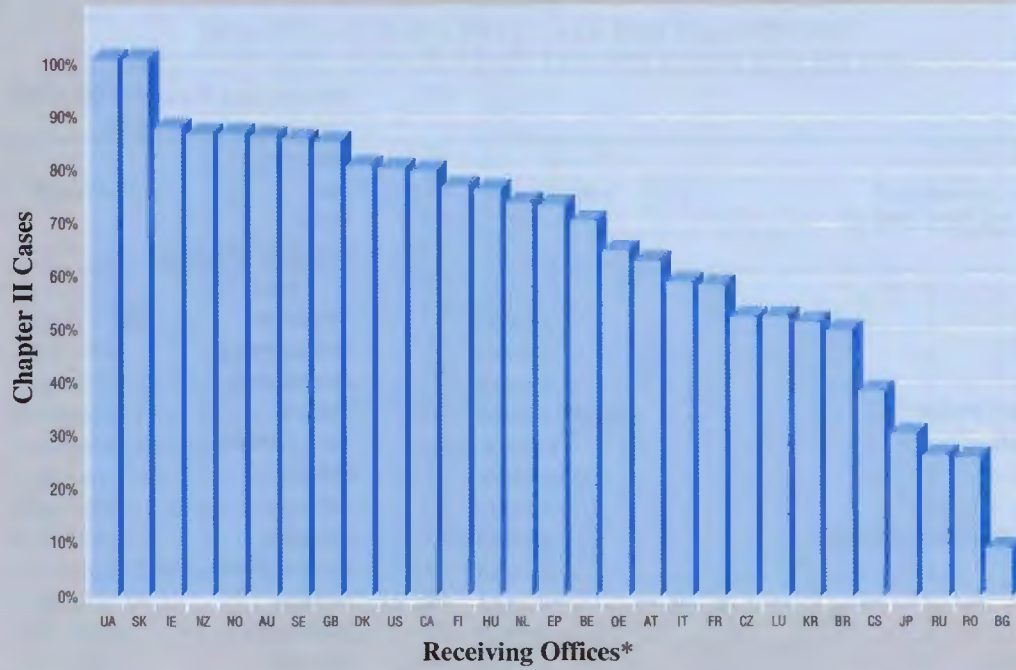
- EP: European Patent Organisation (European Patent Office)
- AT: Australia (Australian Industrial Property Organisation)
- AU: Austria (Austrian Patent Office)
- CN: China (Chinese Patent Office)
- JP: Japan (Japanese Patent Office)
- RU: Russia (Committee of the Russian Federation for Patents and Trademarks (ROSPATENT))
- SE: Sweden (Patent and Registration Office)
- US: United States of America (United States Patent and Trademark Office)

**NUMBER OF DEMANDS FOR INTERNATIONAL
PRELIMINARY EXAMINATION ACCORDING TO INTERNATIONAL
PRELIMINARY EXAMINING AUTHORITIES IN 1994**



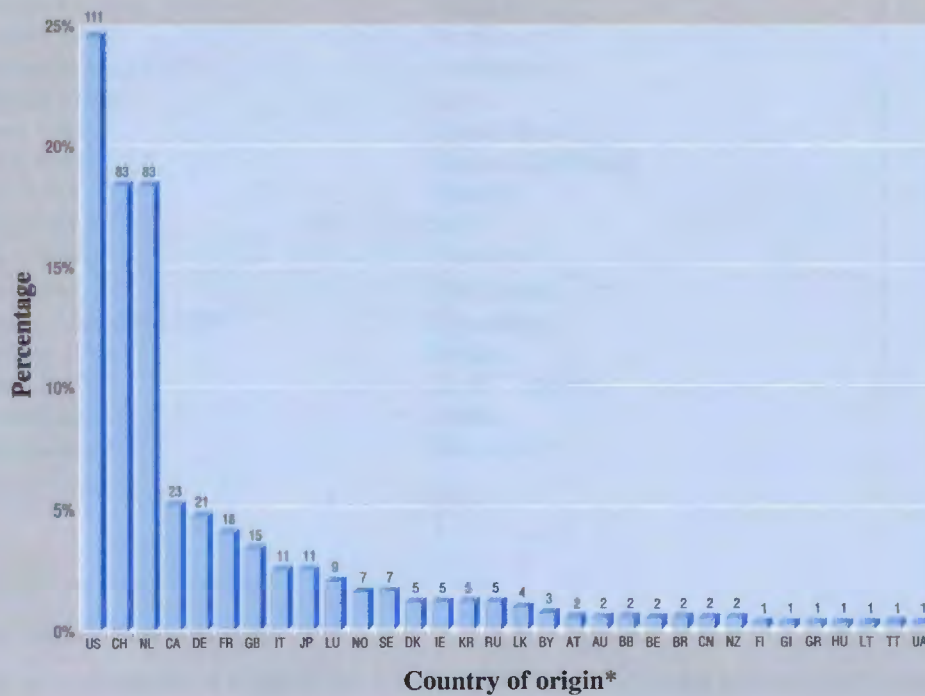


PERCENTAGES OF CHAPTER II CASES IN 1993 ACCORDING TO RECEIVING OFFICES



* The codes correspond to the countries whose offices acted as receiving Offices. For the country codes, please refer to the list appearing at the end of the chapter.

INTERNATIONAL APPLICATIONS FILED WITH THE INTERNATIONAL BUREAU IN 1994



* For the country codes, please refer to the list appearing at the end of the chapter.

COUNTRY CODES

AT:	Austria	IB:	International Bureau of the World Intellectual Property Organization (WIPO)
AU:	Australia	IE:	Ireland
BB:	Barbados	IT:	Italy
BE:	Belgium	JP:	Japan
BG:	Bulgaria	KR:	Republic of Korea
BR:	Brazil	LK:	Sri Lanka
BY:	Belarus	LT:	Lithuania
CA:	Canada	LU:	Luxembourg
CH:	Switzerland	NL:	Netherlands
CN:	China	NO:	Norway
CS:	former Czechoslovakia	NZ:	New Zealand
CZ:	Czech Republic	PL:	Poland
DE:	Germany	PT:	Portugal
DK:	Denmark	RO:	Romania
EP:	European Patent Office (EPO)	RU:	Russian Federation
ES:	Spain	SE:	Sweden
FI:	Finland	SI:	Slovenia
FR:	France	SK:	Slovakia
GB:	United Kingdom	TT:	Trinidad and Tobago
GI:	Gibraltar	UA:	Ukraine
GR:	Greece	US:	United States of America
HU:	Hungary		

**COOPERATION WITH CONTRACTING
AND FUTURE CONTRACTING STATES**

**MISSIONS OF WIPO OFFICIALS FOR TRAINING OF
GOVERNMENT OFFICIALS ON THE PCT FROM 1990 TO 1994**

Month/Year	City Visited	Number of WIPO Officials
March 1990	Ottawa	1
May 1990	Lisbon	1
September 1990	Athens	2
November 1990	Kuala Lumpur	1
November 1990	Warsaw	1
February 1991	Wellington	1
May 1991	Prague	2
July 1991	Beijing	1
November 1991	Munich ¹	1
February 1992	Tokyo	1
May 1992	Washington	1
July 1992	Dublin	2
October 1992	Lisbon	2
November 1992	Bridgetown	1
November 1992	Mombasa (Kenya) ²	1
May 1993	Montevideo	2
July 1993	Jakarta	1
July 1993	Canberra	3
October 1993	Beijing	3
November 1993	Shanghai (China)	3
November 1993	Hong Kong	1
November 1993	Banjul ²	1
January 1994	Ljubljana	2
January-February 1994	Singapore	1
January 1994	Manila	1
January-February 1994	Washington	3
February 1994	Hanoi	2
April 1994	Port-of-Spain	2
April 1994	Kasane (Botswana) ²	1
May 1994	Nairobi	1
May 1994	Sofia	1
May 1994	Canberra	1
June 1994	Washington	4
August-September 1994	Copenhagen	2
October 1994	Beijing	3
October 1994	Kuala Lumpur	2
November 1994	Madrid	1
December 1994	Mexico City	1

¹ The visit was organized to the EPO.

² The visit was organized in connection with the study of the relationship between the PCT system and the system established under the Harare Protocol of the African Regional Industrial Property Organization (ARIPO).

**TRAINING AND STUDY VISITS OF GOVERNMENT OFFICIALS
AT WIPO HEADQUARTERS ON THE PCT FROM 1990 TO 1994**

Month/Year	Number of Officials	Country or Organization of Origin of Officials
November 1990	2	Hungary
August 1990	1	New Zealand
April 1991	3	Algeria
October 1991	3	China
October 1991	1	Mongolia
May 1992	1	Viet Nam
November 1992	2	Ukraine
April 1993	1	Kazakhstan
May 1993	1	Slovakia
June 1993	3	Viet Nam
July 1993	1	ARIPO ¹
August 1993	2	Belarus
August 1993	1	Latvia
February 1994	2	China
February-March 1994	2	Georgia
February-March 1994	2	Slovenia
April 1994	2	Kyrgystan
April 1994	2	Republic of Moldova
April 1994	2	Tajikistan
April 1994	2	Uzbekistan
April 1994	2	Lithuania
June 1994	1	Madagascar
July 1994	2	Armenia
July 1994	2	Estonia
July 1994	2	Kenya
July 1994	1	ARIPO ¹
July 1994	2	Liberia
July 1994	2	Swaziland
November 1994	2	Mexico
December 1994	2	South Africa

¹ African Regional Industrial Property Organization.

**SEMINARS, WORKSHOPS AND OTHER INFORMATION
MEETINGS ON THE PCT FROM 1978 TO 1994**

Countries and Territories in Which the Meetings Were Held	Total Number of Days of the Meetings	Total Number of Participants in the Meetings	Languages Used in the Meetings	Persons Acting as Lecturers in the Meetings
Argentina, Australia, Austria, Belgium, Brazil, Bulgaria, Canada, China, Czechoslovakia, Democratic People's Republic of Korea, Denmark, Estonia, Finland, France, Gambia, Germany, Greece, Hong Kong, Hungary, Ireland, Israel, Italy, Japan, Kenya, Latvia, Lithuania, Malaysia, Mexico, Netherlands, New Zealand, Norway, Philippines, Poland, Portugal, Republic of Korea, Romania, Singapore, Slovenia, Soviet Union, Spain, Sweden, Switzerland, Trinidad and Tobago, United Kingdom, United States of America, Viet Nam (Total: 46).	510	19,500	Chinese English French German Italian Japanese Russian Spanish	All or most of the lecturers in each meeting were staff members of the International Bureau of WIPO.

FINANCES

INCOME AND EXPENDITURE OF THE PCT UNION BETWEEN 1978 AND 1993

YEAR	INCOME*			EXPENDITURE*			RESULT*	
	Deficit Covering Contributions	Fees	Other	Total	Staff	Other		Total
1978	1,606	182	336	2,124	1,574	880	2,454	-330
1979	1,998	1,185	478	3,661	2,560	1,714	4,274	-613
1980	2,177	2,576	710	5,463	3,716	2,439	6,155	-692
1981	1,500	4,293	1,110	6,903	4,448	2,818	7,266	-363
1982	1,502	5,256	1,410	8,168	4,918	3,179	8,097	+71
1983	1,503	5,256	1,410	8,169	4,919	3,179	8,098	+71
1984	0	8,384	1,520	9,904	6,017	3,513	9,530	+374
1985	0	8,384	1,520	9,904	6,017	3,513	9,530	+374
1986	0	12,206	2,129	14,335	8,028	4,650	12,678	+1,657
1987	0	12,206	2,129	14,335	8,028	4,650	12,678	+1,657
1988	0	22,349	3,070	25,419	9,599	6,305	15,904	+9,515
1989	0	22,349	3,070	25,419	9,600	6,305	15,905	+9,514
1990	0	35,646	5,456	41,102	15,970	10,918	26,888	+14,214
1991	0	35,646	5,456	41,102	15,970	10,919	26,889	+14,213
1992	0	62,412	5,409	67,821	24,298	21,786	46,084	+21,737
1993	0	62,412	5,409	67,821	24,299	21,785	46,084	+21,737

* In thousands of Swiss francs.

**PCT DEFICIT-COVERING CONTRIBUTIONS
AND THEIR REIMBURSEMENT**

The following table shows the amounts of the PCT deficit-covering contributions which were paid to the International Bureau by the countries shown during the years 1978 to 1983. The same amounts were all reimbursed by the International Bureau to the countries concerned during the years 1990 to 1993.

Country	From - To	Swiss francs
Australia	1978 - 1983	294,802
Austria	1978 - 1983	178,495
Belgium	1978 and 1983	63,420
Brazil	1978 - 1983	172,304
Canada	1978 - 1980	246,316
Cuba	1978 - 1980	3,000
Denmark	1978 - 1983	172,846
Egypt	1978 - 1980	5,166
Finland	1978 - 1983	111,552
France	1978 - 1983	756,895
Germany	1978 - 1983	1,222,996
Hungary	1978 - 1983	78,652
Ireland	1978 - 1980	24,687
Israel	1978 - 1980	22,391
Japan	1978 - 1983	1,511,631
Liechtenstein	1980, 1982 and 1983	5,528
Luxembourg	1978 - 1980	20,442
Monaco	1979 and 1980	285
Netherlands	1978 - 1983	308,269
Norway	1978 - 1983	119,949
Philippines	1978	3,410
Romania	1978 - 1980	20,782
Soviet Union	1978 - 1983	881,110
Spain	1978 - 1980	74,643
Sweden	1978 - 1983	
Switzerland	1978 - 1983	424,194
United Kingdom	1978 - 1983	900,120
United States of America	1978 - 1983	2,468,666
Yugoslavia	1978	8,256
Total		10,580,819

EVOLUTION OF PCT FEES

The following table shows the evolution of the amounts of the "basic fee", the "designation fee" and the "handling fee" in the period from the starting of PCT operations to December 31, 1994. All amounts are expressed in Swiss francs.

Effective Date	Number of Months During Which the Fee was Applicable	Basic Fee	Designation Fee	Handling Fee
June 1, 1978	7	300	80	96
January 1, 1979	7	250	60	75
August 1, 1979	17	325	78	100
January 1, 1981	12	432	104	133
January 1, 1982	12	527	127	162
January 1, 1983	12	566	136	174
January 1, 1984	12	623	150	191
January 1, 1985	12	654	158	200
January 1, 1986	72	706	171	216
January 1, 1992	*	762	185	233

* In 1995, these amounts were still in force.

STAFF

THE STAFF OF THE PCT FROM 1970 TO 1995

On March 31, 1995, there were two sectors of the International Bureau of WIPO that dealt exclusively with PCT matters. Both were under the supervision of Deputy Director General, François Curchod. They were the PCT Administration Department, under the supervision of Daniel Bouchez, Director, and the PCT Legal Division, under the supervision of Busso Bartels, Director.

As of April 1, 1995, a PCT Department was created, under the supervision of Deputy Director General, François Curchod and the direction of Busso Bartels, Director.

The table below gives, in alphabetical order, a list of all the staff who worked exclusively in the PCT area during the period from 1970 to March 31, 1995. The dates indicated in the table refer to the period during which the said staff worked exclusively in the said PCT area, irrespective of whether they occupied other positions in the International Bureau before or after that period. The table includes all staff serving, or having served, under a permanent, fixed-term or consultancy contract. It does not include short-term staff.

A

Abidine, Mougamadou, since 1987
Adin, Janice (Miss), 1980 and 1981
Agué, Jean-Jacques, since 1990
Allagnat, Véronique (Miss), since 1989
Alléguède, Dominique (Mrs.), since 1990
Andreasson, Kari (Miss), since 1994
Andrews, Janet (Mrs.), 1975 and 1976
Anenden, Ananda (Mrs.), since 1995
Anwar, Janiza (Mrs.), in 1979
Arce, Mariana (Miss), in 1981
Argañosa, Rosalina (Mrs.), since 1991
Asp-Barreto, Fatima (Mrs.), 1977 and 1978
Asseeff, Patrick, since 1988

B

Bähr, Gabriele (Mrs.), since 1995
Bardini, Ann (Mrs.), since 1993
Barnes, David, since 1989
Baron, Jean-Luc, since 1985
Bartels, Busso, 1973-1975 and since 1979
Beijer, Gijsbertus, since 1985
Bérard, Nicole (Mrs.), since 1978
Bernaz-Ciclet, Germaine (Mrs.), since 1986
Blair, Storym (Miss), 1993 and 1994
Blanc, Véronique (Miss), since 1994
Blanchet, Patricia (Mrs.), since 1994
Bornet, Ghislaine (Mrs.), since 1989
Bosson, Françoise (Miss), since 1995
Bouchez, Daniel, 1976-1983 and since 1987
Boutillon, Isabelle (Miss), since 1990
Britel, Idhir, since 1991
Bryan, Matthew, since 1992

C

Canton, Marie-Carmen (Miss), since 1994
Carbonnier, Susan (Mrs.), 1980-1984
Carrié, Christine (Miss), since 1990
Carroz, Gisèle (Mrs.), since 1991
Cassiau, Elisabeth (Miss), 1983 and 1984
Cavelti, Elda (Mrs.), 1990 and 1991
Chambers, David, since 1991
Chambler, Dorothy (Mrs.), 1978-1981
Citron, Sabine (Miss), 1989 and 1990
Claus, Paul, in 1972
Coeckelbergs, Yolande (Mrs.), since 1983
Collier, Debra (Mrs.), since 1989
Combaz, Chantal (Miss), 1991-1994
Coudrier, Gérard, since 1986
Coutier, Marika (Mrs.), since 1987
Cruz, Aldo, since 1990
Curchod, François, 1981-1987

D

D'Arcis, Diane (Mrs.), 1969-1972
Dawson, John, 1979 and 1980
Dekker, Thérèse (Miss), in 1981
De Michiel, Susan (Miss), since 1991
Devillard, Marie-José (Mrs.), since 1993
Diot, Sylvie (Mrs.), since 1991
Duffill, Stephanie (Mrs.), in 1973 and 1974

E

Ekang, Eurora (Miss), in 1977
Elebe, A., in 1978 and 1979
Ellert, Veronika (Miss), 1979-1983
English, Julie (Miss), since 1994
Erdman, Sarah (Miss), 1980 and 1981

F

Feuillassier-Beuchat, Anne (Mrs.), since 1990
Featherby, Helen (Mrs.), since 1988
Fievet, Patrick, since 1995
Fitzgerald, Brett, since 1991
Fourné-Godbensen, Margret (Mrs.), since 1990
Franklin, Jordan, 1974-1987

G

Gallay, Laurence (Miss), since 1988
Gateau, Fabienne (Miss), since 1990
Geranton, Jean, since 1991
Gonzalez, Patricia (Miss), since 1994
Granatella, Diane (Miss), since 1994
Grare, Paulette (Mrs.), 1981-1987
Grassioulet, Christian, since 1979
Grebing, Christa (Miss), since 1989
Grocq, Agnès (Mrs.), since 1987
Gromov, Yury, 1972 and 1973
Gualdrón-Rojas, Clímaco, since 1986
Guy, Elvire (Mrs.), since 1991
Gyrdymov, Yury, 1971-1978

H

Haddrick, E. Murray, 1976-1981
Hamano, Yumiko (Miss), since 1984
Hawkins, John, since 1991
Hindley, Judith (Miss), 1972 and 1973
Hirai, Tamotsu, 1982-1987
Hodge, Basil, 1986-1991
Hours, Ingrid (Mrs.), since 1991
Huchon, Evelyne (Mrs.), since 1993

I

Imperio, Romano, since 1983
Iorio, Aldo, since 1991

J

Jackson, Elizabeth (Miss), 1972-1974
Jean-Prost, Agneta (Mrs.), 1979-1981
Julen-Cuttat, Eliane (Mrs.), since 1979
Justice, Janet (Miss), in 1972

K

Kalombratsos, Alkiviadis, since 1979
Karkachi, Anne (Mrs.), since 1993
Kielpinska, Iwona (Mrs.), since 1990
Kijima, Naoshi, since 1991
Kimura, Shiro, since 1994
Kirchner, Maria (Mrs.), since 1990
Kiriella, Travice, 1981-1990
Kloten, Rosemary (Miss), 1976 and 1977
Kohnen, James, 1973-1975
Kongmark, Louise (Miss), 1983-1987
Kovalitchouk, Flora (Miss), since 1995

L

Lampis, Fabienne (Mrs.), since 1990
Lecuillier, Dominique (Mrs.), 1990 and 1991
Lee, Martine (Mrs.), since 1979
Leitão, Jaime, since 1983
Lindner, Nora (Mrs.), since 1994

M

Maassel, Louis, since 1990
Mabille Arnst, Arlette (Mrs.), since 1993
Maire, Michel, since 1990
Marle-Lasserre, Chantal (Mrs.), since 1994
Marshrons, Marion (Miss), in 1974
Martinez, Catherine (Miss), since 1988
Matthes, Claus, since 1994
McCreadie, Pauline (Mrs.), since 1977
Meach, Rosina (Mrs.), since 1988
Mendoza-Ortega, Amélia (Mrs.), 1980-1994
Mercer, Dennis, since 1993
Metcalf, Aino (Mrs.), since 1994
Mjoun, Abdellatif, since 1990
Morariu, Beatriz (Mrs.), since 1990
Mori, Masayuki, since 1992
Morozov, Ivan, 1971 and 1972
Moyses, Ellen (Mrs.), since 1994
Mpay, Kiwa, since 1991

N

Newton, Janet (Miss), 1979 and 1980

O

Obez, Nicola (Mrs.), since 1992
Ogiue, Toyanara, 1975 and 1976
Okawa, Akira, 1976-1982

P

Pärup, Mats, 1988-1990
Pary, Lazaro, 1980-1986
Perry, Anne (Mrs.), 1980-1982
Pierre, Marie-Caroline (Miss), 1984-1990
Plotnikov, Yury, 1983-1985
Pohjola, Soili (Mrs.), 1979-1981
Poilane, Eugène, since 1990
Prum, Martine (Mrs.), since 1993
Python, Danielle (Mrs.), 1980-1983 and since 1992

R

Raissi, Rékia (Miss), since 1990
Rees, Sheryl (Mrs.), in 1994
Rehs, Imelda (Mrs.), since 1979
Riedel, Janet (Miss), 1981 and 1982
Rotta, Anne-Elvire (Miss), 1990-1995
Roy, Carlos, since 1990

S

Sallier de la Tour, Vittorio, 1982 and 1983
 Santaaulalia, Antonio, 1979 and 1980
 Santiago, Hortensia (Miss), since 1990
 Santos, Eugénia (Mrs.), since 1984
 Scherrer, Normando, 1970-1987
 Schmitt, Beate (Miss), since 1993
 Schroeder, Lee, 1970-1974
 Schwarz, Linda (Miss), since 1978
 Sheehan, James, 1975-1978
 Sheehy, Mary (Miss), since 1991
 Shermarke, Marian (Miss), 1982-1990
 Shimomichi, Teruhisa, 1987-1992
 Sinha, Anil, since 1989
 Smith, Gary, since 1995
 Steunenberg, Petronella (Mrs.), since 1992
 Sünder, Jutaporn (Mrs.), since 1992

T

Tablante, Yolanda (Miss), since 1992
 Takagi, Chiyoshi, 1970 and 1971
 Takeda, Takatoshi, 1972 and 1973
 Taylor, Marie-Claude (Mrs.), since 1990
 Taylor, Sean, 1988-1992
 Thobie, Serge, since 1991
 Thomas, Philip, since 1990
 Thompson, Dilette (Miss), since 1990
 Thompson, William, since 1994
 Troussov, Vitaly, 1978-1983 and since 1985

V

Valarino, Henry, since 1980
 Valerio, Aldo, since 1994
 Valvo, Jeannie (Mrs.), since 1995
 van der Putten, Anahid (Miss), 1982-1986
 van Straten, Mirjam (Miss), since 1995
 Vásquez, Rodrigo, since 1982
 Verdier, Irmgard (Mrs.), since 1994

W

Walenda, Anny (Mrs.), 1981-1988 and since 1989
 Walshc, Anne (Miss), since 1990
 Wang, Zhengfa, since 1993
 Warne, Nicholas, since 1995
 Watt, Richard, since 1993
 Werkman, Casper, 1970-1972
 Win, Pyu Pyu (Miss), since 1988
 Wittmann-Regis, Agnes (Mrs.), since 1987
 Wolff, Eric, since 1994
 Woronowski, Rina (Mrs.), since 1993

Y

Ybarra, Daniel, since 1986

Z

Zahra, Judith (Mrs.), since 1987
 Zarraga, Edita (Miss), 1981-1987
 Zhao, Ting, since 1994
 Zhou, Hao, since 1994
 Zollet, Dominique (Mrs.), 1981-1983

PHOTOGRAPHS OF THE PCT DEPARTMENT STAFF IN 1995



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Carlos Roy



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Nicholas Warne



Richard Watt



Pyu Pyu Win (Miss)



Agnès Wittmann-Regis
(Mrs.)



Eric Wolff



Rina Woronowski (Mrs.)



Daniel Ybarra



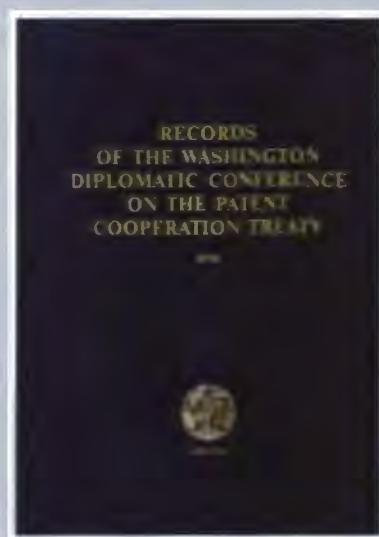
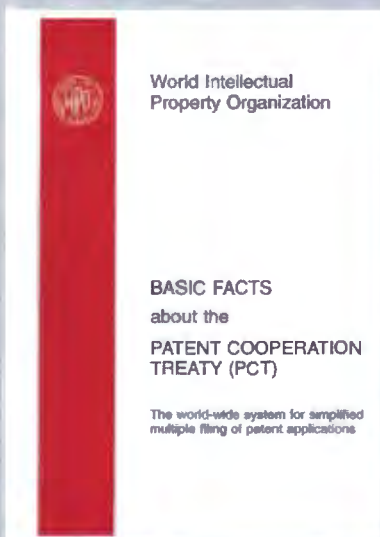
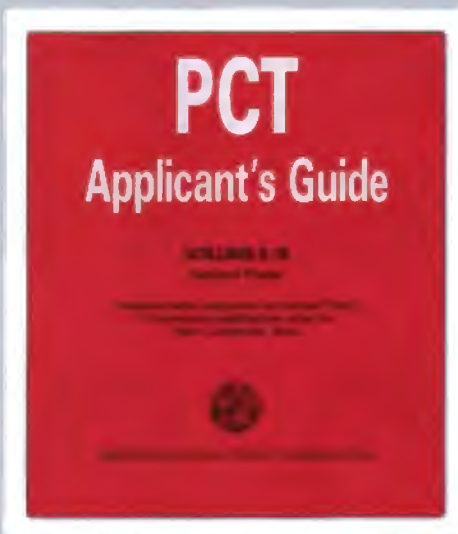
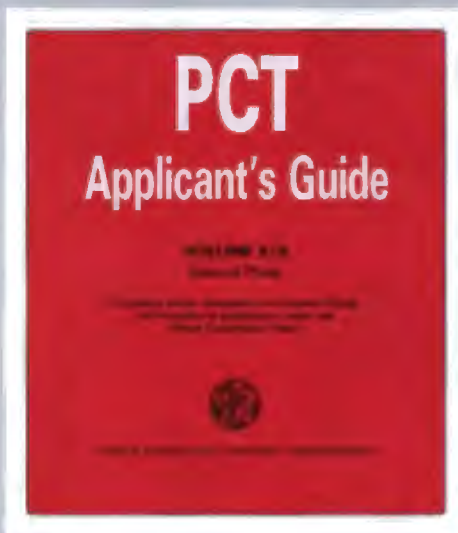
Judith Zahra (Mrs.)



Ting Zhao



Hao Zhou



Sample PCT Publications

PUBLICATIONS

LIST

I. Periodicals

PCT Gazette. Gazette of International Patent Applications. Official publication under the Patent Cooperation Treaty (PCT). Biweekly review since 1978 and weekly from 1995. Several hundred pages per issue. At least two issues each year reserved for notices and information of a general character. (108).¹ Available in English and French.

PCT Newsletter. Monthly review published since March 1994. General information concerning the Patent Cooperation Treaty, including provisional replacement or additional sheets for the PCT Applicant's Guide (see below). (115). Available in English only.

Published PCT International Patent Applications, each identified by a serial number. Each international application is published in a separate pamphlet with an abstract in English and an international search report in English, even if the application is published in a language other than English. Subscription may be made either for all pamphlets or for pamphlets bearing certain numbers of the International Patent Classification (IPC) class or subclass. Pamphlets may also be purchased on an ad hoc basis by indicating their number. Average 34 pages. (PCT pamphlets are also available on ESPACE-WORLD CD-ROM (see below)).

II. Other Publications on Paper

Patent Cooperation Treaty. Text of the Treaty as adopted in Washington on June 19, 1970, and as amended in 1979 and modified in 1984, and the text of the **PCT Regulations** as in force on January 1, 1994. 175 pages. (274). Available in Arabic, Chinese, English, French, German, Italian, Portuguese, Russian and Spanish.

Records of the Washington Diplomatic Conference on the Patent Cooperation Treaty (May 25 to June 19, 1970). Hard-bound volume, 728 pages. (313). Available in English and French.

Basic Facts about the Patent Cooperation Treaty (PCT). Ten pages. (433). Available in English, French, German and Spanish.

PCT Applicant's Guide. Two volumes (loose-leaf) in four binders. Volume I contains detailed information on the PCT, intended for those interested in filing international patent applications (international phase); it consists of one binder. Volume II contains information on the procedure before designated or elected Offices (national phase); it consists of three binders. Updated twice a year. The four binders represent a total of over 1,000 pages. (432). Available in English, French and German.

III. CD-ROM Products

ESPACE-WORLD CD-ROMs. International patent applications published under the Patent Cooperation Treaty (PCT) since 1978. The CD-ROMs are available either in a complete series (a total of 131 disks for the period from 1978 to 1989), or by yearly series. CD-ROMs, covering 1990 and the years thereafter, are available only from the European Patent Office in Vienna (Postal Address: Schottenfeldgasse 29, Postfach 82, 1072 Vienna, Austria; Facsimile Number: (43 1) 5 21 26 54 91). The series of CD-ROMs also contains the second and possibly third publications (e.g., "A3" publications containing the subsequently published international search reports, later published amended claims, corrections) relating to the PCT international applications published from 1978. Whenever applicable, the initial publication is accompanied by the corresponding later publications and can be accessed through one single bibliographic notice.

¹ The numbers in parenthesis are the WIPO publication numbers to be used when ordering.

EVOLUTION OF PRICES OF THE MAIN PCT PUBLICATIONS

The table below shows the selling price of the main PCT publications, in the period from 1979 to 1994. For the PCT Gazette, the table indicates the yearly subscription price. Unless otherwise indicated, all publications are available in English and French. All prices are in Swiss francs.

Year	International Applications ¹ Published under the PCT (Pamphlets)	PCT Gazette	PCT Applicant's Guide	PCT Treaty and Regulations	PCT Newsletter ²
1979	6.-	240.-	50.- ³	8.-	-
1980	8.-	310.-	60.- ³	8.-	-
1981	8.-	400.-	135.-	10.-	-
1982	9.-	400.-	150.-	12.-	-
1983	10.-	400.-	150.-	12.-	-
1984	10.-	440.-	170.-	12.-	-
1985	10.-	440.-	170.-	12.-	-
1986	11.-	440.-	170.-	12.-	-
1987	11.-	440.-	170.-	12.-	-
1988	11.-	440.-	170.-	15.-	-
1989	11.-	460.-	170.-	15.-	-
1990	11.-	460.-	170.-	15.-	-
1991	11.-	460.-	170.-	15.-	-
1992	12.-	460.-	170.-	15.-	-
1993	12.-	480.-	170.-	15.-	-
1994	12.-	500.-	170.-	15.-	30.- ⁴

¹ Published in English, French, German, Japanese, Russian or Spanish, if the application was filed in one of these languages; published in English, if filed in a language other than the preceding six. May be supplied in single copies by number of publication, or supplied automatically upon publication in two modes: either all of them, or selected pamphlets according to the International Patent Classification (IPC) symbols.

² In English only.

³ Only one volume.

⁴ For six months (July to December).

SAMPLES OF PCT PAMPHLETS

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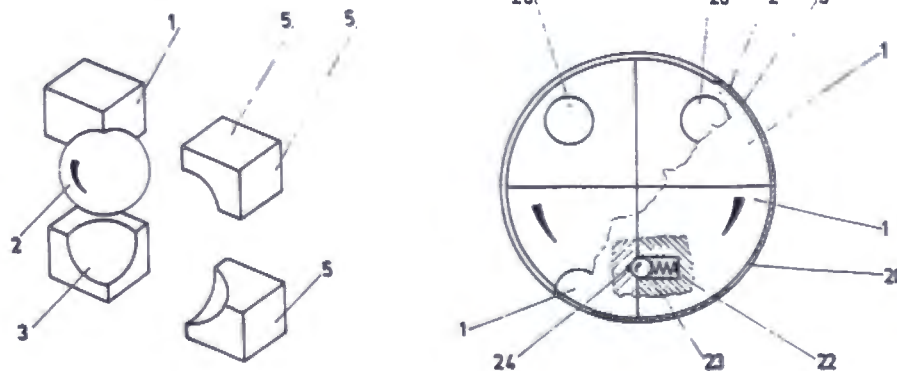
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INTERNATIONAL APPLICATION PUBLISHED UNDER THE PATENT COOPERATION TREATY (PCT)

<p>(51) International Patent Classification³: A63F 9/08</p>	<p>A1</p>	<p>(11) International Publication Number: WO 82/ 02340 (43) International Publication Date: 22 July 1982 (22.07.82)</p>
<p>(21) International Application Number: PCT/HU82/00001 (22) International Filing Date: 5 January 1982 (05.01.82) (31) Priority Application Number: 15/81 (32) Priority Date: 5 January 1981 (05.01.81) (33) Priority Country: HU (71) Applicant (for all designated States except US): KÖZPONTI VÁLTÓ-ÉS HITELBANK RT INNOVÁCIÓS ALAP [HU/HU]; Szabadság tér 5-6, H-1054 Budapest (HU). (72) Inventors; and (75) Inventors/Applicants (for US only): GEDEON, Sándor [HU/HU]; Puskin utca 42, H-2094 Nagykovácsi (HU). JODAL, Sándor [HU/HU]; Lajos utca 107, H-1036 Budapest (HU). MANDZSU, József [HU/HU]; Radvány utca 19, H-1118 Budapest (HU). PAP, Endre [HU/HU]; Somorjai utca 7, H-1124 Budapest (HU). SÜMEGI, Gábor [HU/HU]; Bartók Béla ut 36-38, H-1111 Budapest (HU).</p>	<p>(74) Agent: PATENTBUREAU DANUBIA; P.O. Box 198, H-1368 Budapest (HU). (81) Designated States: AT (European patent), AU, BE (European patent), BR, CF (OAPI patent), CG (OAPI patent), CH (European patent), CM (OAPI patent), DE (European patent), DK, FI, FR (European patent), GA (OAPI patent), GB (European patent), JP, KP, LU (European patent), NL (European patent), NO, RO, SE (European patent), SN (OAPI patent), SU, TD (OAPI patent), TG (OAPI patent), US. Published With international search report.</p>	

(54) Title: SPATIAL LOGICAL TOY



(57) Abstract

Spatial logical toy consisting of solids having been mutually fixed in such a manner, as to be rotated relative to one another. The solids exposing the single parts of the playsurface are adapted to rotate in groups around the axis having been arranged in the geometrical center of the playsurfaces and lying perpendicularly to the same. The solids can be arranged and rearranged, while the axes of rotation of the groups of solids forming the playsurface(s) of the toy are intersecting one another in a single point. The solids are engaged with a one-piece spherical surface and the centre of the spherical surface is lying in the point of intersection of the axes of the groups of solids forming the playsurfaces. The engagement between the solids and the spherical surface may be established by magnetic or mechanical means. The spherical surface may be arranged inside or outside the solids.

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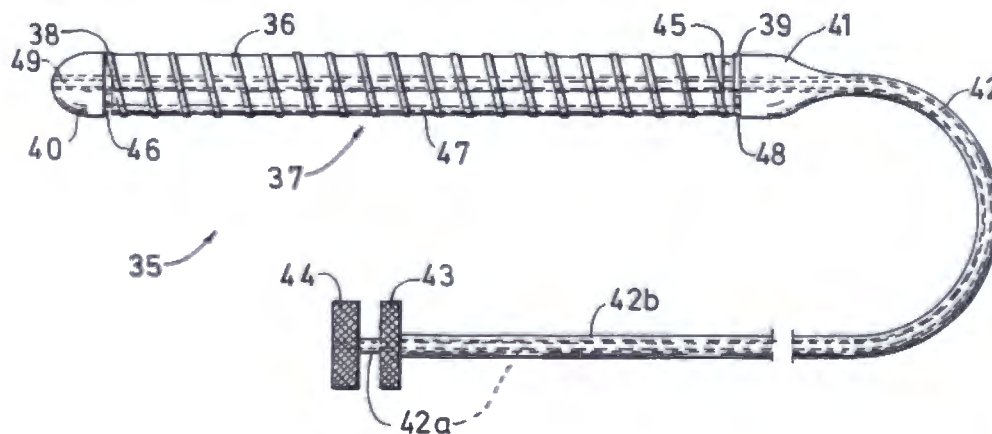
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INTERNATIONAL APPLICATION PUBLISHED UNDER THE PATENT COOPERATION TREATY (PCT)

(51) International Patent Classification³ : A61F 1/00; A61B 17/00		(11) International Publication Number: WO 83/ 00997
A1		(43) International Publication Date: 31 March 1983 (31.03.83)
(21) International Application Number: PCT/SE82/00283		(81) Designated States: AT, AT (European patent), AU, BE (European patent), BR, CH, CH (European patent), DE, DE (European patent), DK, FI, FR (European patent), GB, GB (European patent), JP, LU, LU (European patent), NL, NL (European patent), NO, SE (European patent), SU, US.
(22) International Filing Date: 15 September 1982 (15.09.82)		
(31) Priority Application Numbers: 8105510-5 8202740-0		
(32) Priority Dates: 16 September 1981 (16.09.81) 30 April 1982 (30.04.82)		
(33) Priority Country: SE		
(71)(72) Applicant and Inventor: WALLSTÉN, Hans, Ivar [SE/CH]; Villa Pré-Boisé, CH-1141 Denens (CH).		
(72) Inventor; and (75) Inventor/Applicant (for US only) : MAASS, Dierk [DE/CH]; Langwattstrasse 21, CH-8125 Zollikerberg, Zürich (CH).		
(74) Agents: BURMAN, Tore et al.; Bergling & Sundbergh AB, Box 7645, S-103 94 Stockholm (SE).		Published <i>With international search report.</i>

(54) Title: DEVICE FOR APPLICATION IN BLOOD VESSELS OR OTHER DIFFICULTLY ACCESSIBLE LOCATIONS



(57) Abstract

Device comprising a helically shaped spiral spring (36) and means (40, 41) for bringing the spring (36) to expand from a first state of a certain diameter to a second state of larger diameter and vice versa, characterized thereby that said means (40, 41) are arranged to rotate the ends (38, 39) of the spring (36) relative to each other with maintained length of the spring so that the transition from said first state to said second state takes place by reducing the number of spring turns within said length and the corresponding increase of the pitch of the spring, or to supply to a given length of the spring further spring material at at least one end of the said length of the spring so that the transition from said first state to said second state takes place independent of pitch and number of spring turns within the said length; and a method for transluminal implantation of an intravascular prosthesis using the said device.

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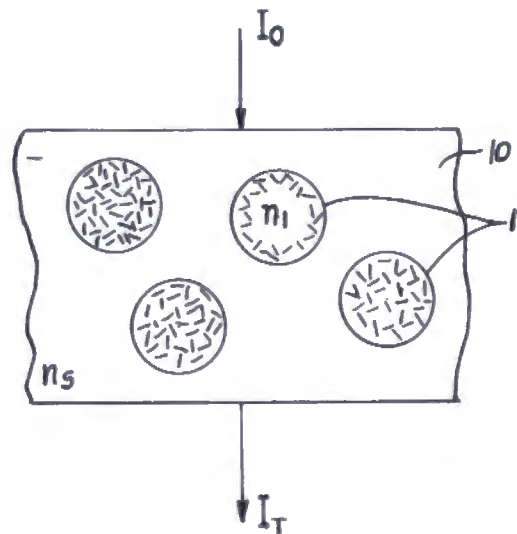
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INTERNATIONAL APPLICATION PUBLISHED UNDER THE PATENT COOPERATION TREATY (PCT)

<p>(51) International Patent Classification⁴ : G02F 1/13</p>	<p>A1</p>	<p>(11) International Publication Number: WO 87/01822 (43) International Publication Date: 26 March 1987 (26.03.87)</p>
<p>(21) International Application Number: PCT/US86/01927 (22) International Filing Date: 16 September 1986 (16.09.86) (31) Priority Application Numbers: 776,831 866,216 879,269 879,327 (32) Priority Dates: 17 September 1985 (17.09.85) 22 May 1986 (22.05.86) 27 June 1986 (27.06.86) 27 June 1986 (27.06.86) (33) Priority Country: US (71) Applicant: KENT STATE UNIVERSITY [US/US]; East Main & Lincoln Street, Kent, OH 44242 (US). (72) Inventors: DOANE, J., William ; 1618 South Lincoln Street, Kent, OH 44240 (US). WEST, John, L. ; 5050 Fish Creek Road, Stow, OH 44224 (US). CHIDI- MO, Giuseppe ; Villaggio Europa, Via Belgrado, 13,</p>	<p>I-87030 Rende (IT). VAZ, Nuno, A., P. ; 29710 Farm- brook Villa Lane, Southfield, MI 48034 (US). WU, Bao-Gang ; 967 Allerton Street, Kent, OH 44240 (US). GOLEMME, Attilio ; 350 Silver Oaks Drive, Kent, OH 44240 (US). ZUMAR, Slobodan ; 917 All- erton Street, Kent, OH 44240 (US). (74) Agent: HEINKE, Lowell, L.; Watts, Hoffmann, Fisher & Heinke, Co., Suite 2850, 100 Erieview, Cleveland, OH 44114 (US). (81) Designated States: AT (European patent), AU, BE (Eu- ropean patent), CH (European patent), DE (Euro- pean patent), FR (European patent), GB (European patent), IT (European patent), JP, KR, LU (European patent), NL (European patent), SE (European pa- tent). Published <i>With international search report.</i> <i>With amended claims.</i></p>	

(54) Title: LIQUID CRYSTAL LIGHT-MODULATING MATERIALS



(57) Abstract

The spontaneous formation of liquid crystal microdroplets by regulated phase separation from a solution of their isotropic state in matrix-producing composition, the matrix being solid and light transmissive synthetic resin, during solidification of such matrix yields a light modulating material consisting essentially of microdroplets (11) of liquid crystal dispersed in the matrix (10).

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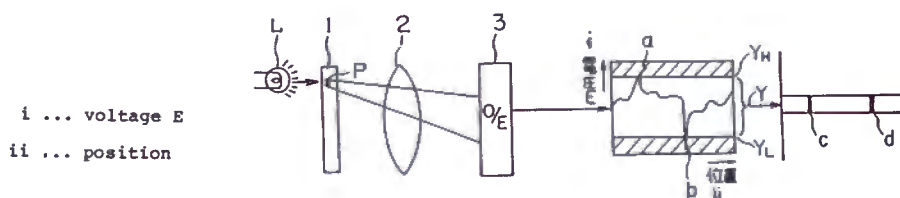


特許協力条約に基づいて公開された国際出願

<p>(51) 国際特許分類 5 G01N 21/88</p>	<p>A1</p>	<p>(11) 国際公開番号 WO 92/15864 (43) 国際公開日 1992年9月17日(17.09.1992)</p>
<p>(21) 国際出願番号 PCT/JP91/00299 (22) 国際出願日 1991年3月6日(06.03.91) (71) 出願人(米国を除くすべての指定国について) 古河電気工業株式会社 (THE FURUKAWA ELECTRIC CO., LTD.)(JP/JP) 〒100 東京都千代田区丸の内2丁目6番1号 Tokyo, (JP) (72) 発明者; および (75) 発明者/出願人(米国についてのみ) 植杉賢司(UESUGI, Kenji)(JP/JP) 島田道宏(SHIMADA, Michihiro)(JP/JP) 〒100 東京都千代田区丸の内2丁目6番1号 古河電気工業株式会社内 Tokyo, (JP) (74) 代理人 弁理士 斎藤義雄(SAITO, Yoshio) 〒100 東京都千代田区丸の内1丁目6番6号 小谷ビル Tokyo, (JP) (81) 指定国 AT(欧州特許), BE(欧州特許), CH(欧州特許), DE(欧州特許), DK(欧州特許), ES(欧州特許), FI, FR(欧州特許), GB(欧州特許), GR(欧州特許), IT(欧州特許), KR, LU(欧州特許), NL(欧州特許), SE(欧州特許), US. 添付公開書類 国際調査報告書</p>		

(54) Title: METHOD OF AUTOMATICALLY DETECTING DEFECTS OF OBJECT TO BE INSPECTED

(54) 発明の名称 被検査物の欠陥自動判別方法



(57) Abstract

In the method of this invention, the respective luminances of the transmitted light (an observation depth being coincided with the depth of a defect, being shallower than it, and being deeper than it) having passed through an inspected substance are taken out as electrical signals, the part of these electrical signals being out of the preset range of intensity of electrical signal is taken out as defect signals and are collated with the binary-coded pattern of various defects. Thus, defects in the object are detected correctly and the kinds, number and sizes of the detected defects are precisely determined. Further, in order to detect precisely and automatically irregularities (defects) in the interface between the semiconductive layer and the insulation layer of the cable being the object to be inspected, the intensity of the light having passed through the cable is subjected to photoelectric conversion and differentiation. Only the ones of the differentiated electrical signals exceeding the fixed thresholds which are defined for the differences in intensities between picture elements and their peripheral ones are taken out as defect signals and are collated with the binary-coded picture pattern of defects.

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Bureau international

DEMANDE INTERNATIONALE PUBLIÉE EN VERTU DU TRAITE DE COOPERATION EN MATIÈRE DE BREVETS (PCT)

(51) Classification internationale des brevets ⁵ : B63B 1/24, 1/12	A3	(11) Numéro de publication internationale: WO 94/23989 (43) Date de publication internationale: 27 octobre 1994 (27.10.94)
(21) Numéro de la demande internationale: PCT/FR94/00404 (22) Date de dépôt international: 12 avril 1994 (12.04.94) (30) Données relatives à la priorité: 93/04310 13 avril 1993 (13.04.93) FR	(74) Mandataire: RODHAIN, Claude; Cabinet Claude Rodhain S.A., 3, rue Moncey, F-75009 Paris (FR). (81) Etats désignés: AU, JP, NZ, US, brevet européen (AT, BE, CH, DE, DK, ES, FR, GB, GR, IE, IT, LU, MC, NL, PT, SE).	Publiée Avec rapport de recherche internationale. Avant l'expiration du délai prévu pour la modification des revendications, sera republiée si de telles modifications sont reçues.
(71) Déposants (pour tous les Etats désignés sauf US): DASSAULT AVIATION [FR/FR]; 9, rond-point des Champs-Élysées, Marcel Dassault, F-75008 Paris (FR). ARCHITECTURE NAVALE MVPVLP [FR/FR]; 11, boulevard Bourdon, F-75004 Paris (FR). (71)(72) Déposants et inventeurs: SOURNAT, André [FR/FR]; 104, rue du Général-Leclerc, F-78500 Sartrouville (FR). DE BERGH, Alain [FR/FR]; 9, place Alexandre-1er, F-78000 Versailles (FR). THEBAULT, Alain [FR/FR]; 77, rue du Cardinal-Lemoine, F-75005 Paris (FR). PERRIER, Philippe [FR/FR]; 4, rue Alphonse-Daudet, F-78860 Saint-Nom-la-Bretèche (FR). (72) Inventeurs; et (75) Inventeurs/Déposants (US seulement): LAURIOT-PREVOST, Vincent [FR/FR]; 11, boulevard Bourdon, F-75004 Paris (FR). VAN PETEGHEM, Marc [FR/FR]; 11, boulevard Bourdon, F-75004 Paris (FR).	(88) Date de publication du rapport de recherche internationale: 08 décembre 1994 (08.12.94)	

(54) Titre: WIND-PROPELLED HYDROFOIL

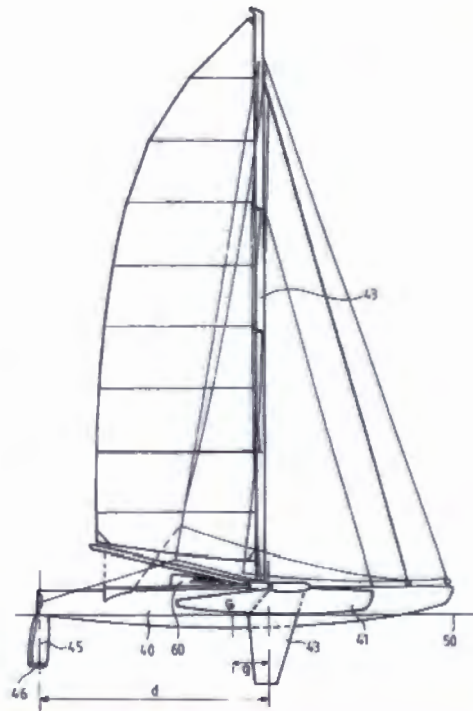
(54) Titre: HYDROPTERE A VOILE

(57) Abstract

A wind-propelled hydrofoil comprising a forward assembly with at least partially submerged forward foils and a fully submerged aft foil. The forward foils (43, 44) are such that the resultant of the vertical forces drops when said assembly is translated vertically upwards, with a heave characteristic (F), and increases when said forward assembly is subject to upward pitching, with an incidence characteristic (A). The aft foil (46) has an incidence characteristic (R) such that $R(d-g) - Ag + F(g^2+r^2) > 0$, wherein d is the distance between the aft foil (46) and the centre of heave, g is the distance between the centre of gravity and the centre of heave, and r is the gyration radius of the hydrofoil.

(57) Abrégé

L'invention concerne un hydroptère à voile présentant un ensemble avant comportant des plans porteurs avant qui sont au moins partiellement immergés et un plan arrière totalement immergé. Les plans porteurs avant (43, 44) sont tels que la résultante des efforts verticaux: diminuent lorsque ledit ensemble est soumis à une translation verticale vers le haut, avec une caractéristique de pilonnement F; augmentent lorsque ledit ensemble avant est soumis à un mouvement de tangage à cabrer, avec une caractéristique d'incidence A. Le plan arrière (46) présente une caractéristique d'incidence R telle que: $R(d-g) - Ag + F(g^2+r^2) > 0$, d désignant la distance entre le plan arrière (46) et le foyer de pilonnement, g désignant la distance entre le centre de gravité et le foyer de pilonnement, et r désignant le rayon de giration de l'hydroptère.



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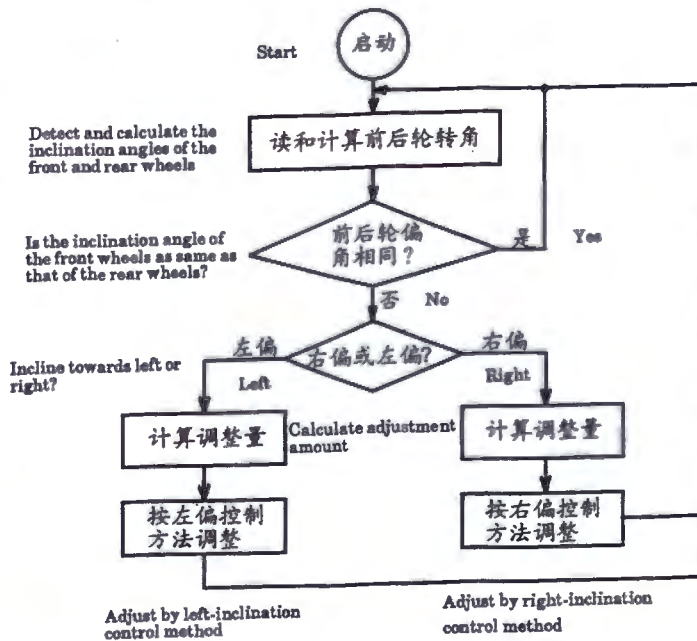
(51) 国际专利分类号 5: B60T 8/24	A1	(11) 国际公布号: WO95/11149
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(54) Title: PROCESS AND APPARATUS OF ANTI-INCLINATION FOR CONTROLLING IN AN EMERGENCY BRAKING

(54) 发明名称: 一种汽车紧急制动时的防偏方法及其装置

(57) Abstract

The invention provides a process and an apparatus for resolving the inclination and steering wheel failure of a vehicle caused by the vehicle emergency braking on slid ground. The invention's concept is used with preventing directly the vehicle from inclination instead of conventional anti-skid. According to sensing angles of the inclination of front and rear wheels about a vertical axis during braking, holding one of front and rear wheels under the present brake pressure, the brake pressure of other wheel is regulated to keep a coincidence of said angles of inclination of front and rear wheels, with the effect of a better vehicle controllability and safety during braking.



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ВСЕМИРНАЯ ОРГАНИЗАЦИЯ
ИНТЕЛЛЕКТУАЛЬНОЙ СОБСТВЕННОСТИ
Международное бюро



МЕЖДУНАРОДНАЯ ЗАЯВКА, ОПУБЛИКОВАННАЯ В СООТВЕТСТВИИ
С ДОГОВОРом О ПАТЕНТНОЙ КООПЕРАЦИИ (PCT)

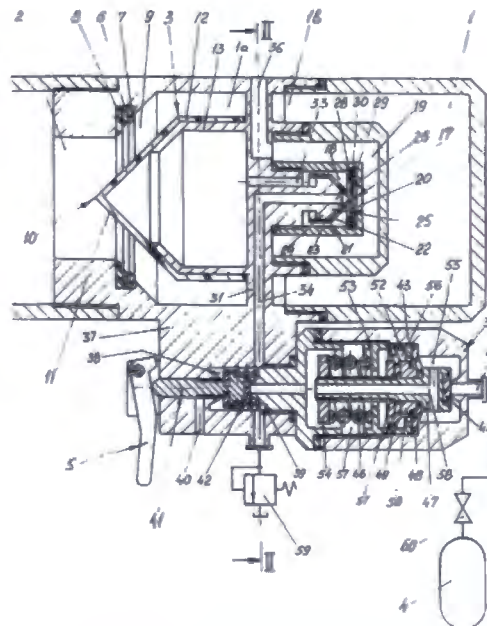
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(54) Title: PROJECTILE FIRING DEVICE

(54) Название изобретения: ПУСКОВАЯ УСТАНОВКА

(57) Abstract

The proposed projectile firing device comprises a reservoir (1) for compressed gas and an outlet chamber (2) connected to the reservoir (1) via a primary fast response valve (3) controlled by a trigger valve (17) which is provided with a hammer device (5). The primary valve (3) contains a seat (6) provided with at least two annular ledges (7, 8) separated by a space and forming an annular flow-through duct (9) between the reservoir (1) and the outlet chamber (2), the said duct narrowing towards the latter; a hollow cylindrical body (13) provided with an outlet aperture (15) on the same side as the flow-through annular duct (9) and coaxial with it; and a displaceable splitter (10) mounted telescopically on the cylindrical body (13) on the same side as the outlet aperture (15). The trigger valve (17) comprises a first chamber (18) which communicates with the hollow space inside the cylindrical body (13) of the primary valve (3); a second chamber (19) which communicates with the atmosphere; a flow-through annular duct (20) between chambers (18) and (19), tapering in the direction from the first chamber (18) towards the second chamber (19), and provided with at least two annular ledges (28 and 29) separated by a space, the said ledges forming a seat (30); a hollow cylindrical body (24) which is mounted in the first chamber (18), connected via a reduction valve (35) to the compressed gas source and via the hammer device (5) to the atmosphere, and provided with an outlet aperture (26) and a displaceable splitter (21) mounted telescopically on the cylindrical body (24) on the same side as the outlet aperture (26).



Chapter XI

ALPHABETICAL INDEX OF PARTICIPANTS IN PCT MEETINGS

The list below contains, in alphabetical order, the names of all those individuals who participated in the 120 meetings held from 1966 to 1994 in relation to the PCT and whose reviews appear in the Chapter entitled "PCT Meeting Profiles."

Those individuals include: (i) delegates from member and/or observer States; (ii) representatives of member and/or observer governmental and non-

governmental organizations; (iii) members of the BIRPI and/or WIPO Secretariat; (iv) in the case of certain meetings, guests of honor, participants from the private sector and/or individuals who delivered official speeches, or were mentioned in official speeches.

The name (family name, first name) of each participant is followed by one, or several, number(s), which indicate the meeting(s) that he or she attended.

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