

WIPO



PT/DC/12

ORIGINAL: English

DATE: May 16, 2000

WORLD INTELLECTUAL PROPERTY ORGANIZATION
GENEVA

E

DIPLOMATIC CONFERENCE FOR THE ADOPTION OF THE PATENT LAW TREATY

Geneva, May 11 to June 2, 2000

AGREED STATEMENT BY THE DIPLOMATIC CONFERENCE ON THE
AVAILABILITY OF PRIORITY DOCUMENTS

Proposal by the Delegation of the United Kingdom

At the third session of the Standing Committee on the Law of Patents (SCP) held in Geneva, September 6-14, 1999 - as reported in paragraphs 43 to 48 of SCP/3/11 - the discussion on draft Article 5(5) saw the International Bureau introduce document SCP/3/5 (Availability of Priority Documents). This document suggested studying the possibility of establishing a central digital library of priority documents among the Member States of WIPO and the Paris Union, outside of the draft Patent Law Treaty (PLT). After some discussion, the Committee decided to follow the draft recommendation of SCP/3/5.

In connection with this issue, in the course of the discussion of Article 13(3), it was suggested that Offices should be obliged to provide copies of earlier applications as soon as possible. In response, the International Bureau proposed an additional Article 13*bis* (Paper No. 4, SCP3, September 9, 2000) for consideration by the SCP. The UK Delegation noted that the draft text of this Article seemed to be in the form of an agreed statement of the Diplomatic Conference, and suggested the withdrawal of the proposed draft Article.

The United Kingdom therefore proposes the following agreed statement for adoption by the Diplomatic Conference:

“When adopting Articles 6(5) and 13(3) and Rules 4 and 14, the Diplomatic Conference understood that each Office would undertake to make available to the applicant and, after publication, to third parties upon request, copies of applications filed with its Office which serve as a basis of a priority claim, as soon as is reasonably possible.

“Furthermore, the Diplomatic Conference urged the World Intellectual Property Organization to expedite the creation of a digital library for priority documents. Such a centralised library would be of benefit to patent owners and others wanting access to priority documents.”

[End of document]