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ASSEMBLY

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MATTERS CONCERNING THE PCT UNION: REGULATIONS

*(Proposed amendments of the Regulations under the PCT:
transmittal fee; PCT minimum documentation)*

Document prepared by the International Bureau

INTRODUCTION

1. This document contains proposals for amendment of the Regulations under the PCT relating to the transmittal fee (Rule 14.1) and the PCT minimum documentation (Rule 34.1). An outline of the proposals is given in the following paragraphs. Proposed amendments of the Regulations are contained in the Annex to this document.
2. It is recalled that, under Rule 88.4 read together with Rules 88.1 and 88.3, any proposal for amending Rule 14.1 or Rule 34 must be communicated to all Contracting States at least two months prior to the opening of the session of the Assembly which is called upon to make a decision on the proposal.
3. Other proposals for amendment of the Regulations will be the subject of a further document which will be communicated shortly. (It is envisaged that the contents of the present document will, for the sake of convenience, be incorporated in the further document.)
4. In the text of the proposed amendments contained in the Annex, proposed additions and deletions are indicated, respectively, by underlining and striking through the text concerned.

TRANSMITTAL FEE (Rule 14.1)

5. At present, applicants make mistakes in paying fees because different fees have different time limits for payment. It is therefore proposed to amend Rule 14.1 so as to fix a time limit of one month from the date of receipt of the international application for payment of the transmittal fee. It is noted that such a one-month time limit is already provided for in respect of the basic fee and is applied in practice by all receiving Offices for the transmittal fee. It is proposed that, where the international application is transmitted to the International Bureau under Rule 19.4, that time limit be calculated from the date of actual receipt by the latter, and not from the date of receipt referred to in the last sentence of Rule 19.4(b).

PCT MINIMUM DOCUMENTATION (Rule 34.1)

6. It is proposed to amend Rule 34.1 by updating the list of the "minimum documentation" which must be consulted by International Searching Authorities in carrying out international searches to take into account the fact that the Soviet Union has ceased to exist and to include in the list national patents issued by, and patent applications published in, the Russian Federation.

7. *The Assembly of the PCT Union is invited:*

(i) to adopt the amendments of the Regulations under the Patent Cooperation Treaty as proposed in the Annex;

(ii) to decide that the amended Regulations shall enter into force on January 1, 1998.

[Annex follows]

ANNEX

PROPOSED AMENDMENTS OF THE PCT REGULATIONS

Rule 14

The Transmittal Fee

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.

(c) The transmittal fee shall be paid within one month from the date of receipt of the international application, provided that, where the international application is transmitted to the International Bureau under Rule 19.4(b), that fee shall be paid within one month from the date of actual receipt of the international application by the International Bureau.

Rule 34

Minimum Documentation

34.1 *Definition*

[...]

(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 [former](#) Soviet Union, Switzerland (in [the](#) French and German languages only), the United Kingdom, and the United States of America,

(ii) the patents issued by the Federal Republic of Germany [and the Russian Federation](#),

(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 [former](#) Soviet Union,

(v) the utility certificates issued by, and the published applications for utility certificates of, France,

[Rule 34.1(c), continued]

(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.

[...]

[End of Annex and of document]