

# WIPO



PCT/CTC/XIII/3

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WORLD INTELLECTUAL PROPERTY ORGANIZATION  
GENEVA

INTERNATIONAL PATENT COOPERATION UNION  
(PCT UNION)

PCT COMMITTEE FOR TECHNICAL COOPERATION

Thirteenth Session  
Geneva, September 22 and 23, 1992

REPORT

adopted by the Committee

## INTRODUCTION

1. The PCT Committee for Technical Cooperation (hereinafter referred to as "the Committee") held its thirteenth session in Geneva on September 22 and 23, 1992.
2. The following members of the Committee were represented: Australia, Austria, Bulgaria, Cameroon, Canada, Côte d'Ivoire, Czechoslovakia, Democratic People's Republic of Korea, Finland, Germany, Hungary, Ireland, Japan, Malawi, Mongolia, the Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Korea, Romania, Russian Federation, Spain, Sweden, Switzerland, Togo, Ukraine, United States of America and the European Patent Office. China was represented by observers. The list of participants is contained in Annex I to this report.
3. The Director General welcomed the participants and opened the session.

## ELECTION OF A CHAIRMAN

4. The Committee unanimously elected Mr. Alfons Schäfers (Germany) as Chairman of the session.

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## ADOPTION OF THE AGENDA

5. The Committee unanimously adopted the agenda which is attached as Annex II to this report.

## APPOINTMENT OF THE CHINESE PATENT OFFICE AS AN INTERNATIONAL SEARCHING AND PRELIMINARY EXAMINING AUTHORITY

6. The Chairman noted that discussion would be based on the proposals by the International Bureau contained in document PCT/CTC/XIII/2, which included document PCT/A/XX/1 as an annex.

7. In response to an invitation by the Chairman, the delegation of China made a statement to the Committee. It first expressed its gratitude for the consideration being given to questions associated with China's accession to the PCT and for the welcome, support and assistance it had received from other countries and from organizations. It emphasized the importance of the PCT generally and in particular to China, which had decided to accede to the PCT as soon as possible on the understanding that Chinese would be made a filing and publication language under the PCT and that the Chinese Patent Office would be appointed as an International Searching and Preliminary Examining Authority. The delegation went on to explain the Chinese Patent Office's capability of undertaking the work of an International Searching and Preliminary Examining Authority.

8. In relation to patent examination, the Chinese Patent Office had nearly 350 examiners, all of whom had a university degree and a good knowledge of at least one foreign language. Of the examiners, one third were senior examiners, half had received training abroad, and two-thirds had more than five years experience as examiners.

9. In relation to patent documentation, the Chinese Patent Office had established a collection including more than 30 million patent documents from more than 20 countries, dating back to 1890. The collection also included a complete set of the periodicals contained in the non-patent literature provided for in the PCT minimum documentation. The search files were arranged according to the International Patent Classification (IPC). Means of access by examiners included search files, microfiche, CD-ROM and computer, details of which were outlined by the delegation.

10. The delegation pointed out that, of the PCT minimum documentation, only those documents listed in Annex III to document PCT/A/XX/1 were not presently held by the Chinese Patent Office. Arrangements had already been made for the documents covered by items 2, 3, 5 and 6 of that list to be obtained. The delegation expressed its sincere gratitude to the Patent Offices of Austria, France, Germany and the United Kingdom, and to WIPO and the Director General, for their generous assistance in this regard. The delegation was also confident that the remaining documents covered by the list would be obtained by the Chinese Patent Office before its planned accession to the PCT in 1993.

11. Pursuant to the statement made by the delegation of China, the Director General pointed out that there was no longer any need to provide for a period (5 years from the date of entry into force of the Agreement between the Chinese Patent Office and WIPO) during which the Office would undertake to acquire any missing part of the PCT minimum documentation since, by the time the Agreement entered into force, the Office would be in possession of the

complete PCT minimum documentation. Consequently, the Director General withdrew paragraph (3) of Article 2 of the draft Agreement as proposed by the International Bureau in Annex I to document PCT/A/XX/1 (annexed to document PCT/CTC/XIII/2).

12. The delegations of Germany, Romania, the European Patent Office, Austria, Finland, the Netherlands, Canada, Spain, Japan, Australia, Ireland, the United States of America, Côte d'Ivoire, Mongolia and Bulgaria expressed support for the appointment of the Chinese Patent Office as an International Searching and Preliminary Examining Authority. Many delegations congratulated the Chinese Patent Office for the remarkable work which it had performed in setting up in a few years a patent system of international standard. It was pointed out that the appointment of the Chinese Patent Office as an International Searching and Preliminary Examining Authority under the PCT would represent a further landmark in international cooperation and development in the field of industrial property. All delegations supported the proposed draft Agreement between the Chinese Patent Office and WIPO, with the amendment mentioned in the previous paragraph.

#### ADVICE TO THE ASSEMBLY OF THE PCT UNION

13. The Committee unanimously recommended to the Assembly of the PCT Union:

- (i) to approve the draft Agreement between the Chinese Patent Office and WIPO as set out in Annex I to document PCT/A/XX/1, subject to the deletion of Article 2(3);
- (ii) to appoint the Chinese Patent Office as an International Searching Authority and as an International Preliminary Examining Authority under Articles 16(3) and 32(3) of the PCT, with effect on the date on which China becomes bound by the PCT.

14. The Committee unanimously adopted this report on September 23, 1992.

[Annexes follow]

LISTE DES PARTICIPANTS/LIST OF PARTICIPANTS

I. MEMBRES/MEMBERS

(dans l'ordre alphabétique des noms français des Etats)  
(in the alphabetical order of the names in French of the States)

ALLEMAGNE/GERMANY

Alfons SCHÄFERS, Deputy Director General, Federal Ministry of Justice, Bonn

Frank Peter GOEBEL, Head of Department, German Patent Office, Munich

AUSTRALIE/AUSTRALIA

Patrick A.D. SMITH, Commissioner of Patents, Patent, Trade Marks and Designs Offices, Canberra

AUTRICHE/AUSTRIA

Otmar RAFEINER, President, Austrian Patent Office, Vienna

Gudrun MAYER-DOLLINER (Mrs.), Chairwoman, Nullity Department and Board of Appeal, Austrian Patent Office, Vienna

BULGARIE/BULGARIA

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CAMEROUN/CAMEROON

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Richard G. YUNG, Directeur, Coopération internationale, Munich

II. OBSERVATEUR/OBSERVER

CHINE/CHINA

GAO Lulin, Director General, Chinese Patent Office, Beijing

QIAO Dexi, Director, Legal Department, Chinese Patent Office, Beijing

WU Zhen Xiang, First Secretary, Permanent Mission, Geneva

WANG Dong Hua, Third Secretary, Ministry of Foreign Affairs, Beijing

ZHAO Ting, Deputy Director, First Division, International Cooperation  
Department, Chinese Patent Office, Beijing

III. BUREAU/OFFICERS

Président/Chairman: Alfons SCHÄFERS, Allemagne/Germany

Secrétaire/Secretary: Busso BARTELS, OMPI/WIPO

IV. BUREAU INTERNATIONAL DE L'ORGANISATION MONDIALE DE LA  
PROPRIETE INTELLECTUELLE (OMPI)/INTERNATIONAL BUREAU  
OF THE WORLD INTELLECTUAL PROPERTY ORGANIZATION (WIPO)

Arpad BOGSCH, Directeur général/Director General

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Busso BARTELS, Directeur de la Division juridique du PCT/Director, PCT Legal  
Division

Daniel BOUCHEZ, Directeur de la Division de l'administration du PCT/Director,  
PCT Administration Division

[L'annexe II suit/Annex II follows]



ANNEX II

AGENDA

adopted by the Committee

1. Opening of the session
2. Election of a Chairman
3. Adoption of the agenda (this document)
4. Appointment of the Chinese Patent Office as an International Searching and Preliminary Examining Authority (document PCT/CTC/XIII/2)
5. Adoption of the report of the session
6. Closing of the session

[End of Annex and of document]