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INTERNATIONALPATENT COOPERATIONUNION (PCTUNION)

WORKINGGROUPONREFORMOFTHEPATENT COOPERATIONTREATY(PCT)

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OPTIONSFORAPossibleREVISIONOFTHEPCT:

EPORESPONSETODOCUMENTPCT/R/WG/3/3

ProposalsbytheEuropeanPatentOffice

1. The European Patent Office (EPO) notes the comments prepared by the International Bureau concerning the possible scenarios for revision of the Patent Cooperation Treaty (PCT). It is certainly clear that consideration will have to be given to the question of modalities whenever the first stage of reform, changes which can be brought about by revision of the PCT Regulations, has completed and it is necessary to consider amendment of the articles. However it is apparent from document PCT/R/WG/3/1 that there are many outstanding items still to be dealt with in the first stage of reform which have not been considered in any detail as yet in the Working Group. These items are likely to take some considerable time before they are satisfactorily dealt with and it is perhaps premature at this stage to devote much time to considering the potentially difficult practical problems which would be associated with a substantial revision of the Treaty.
2. The International Bureau indicates quite rightly that the early identification of the intentions of the member states with respect to the nature of possible reform is essential. However much will depend on the actual progress reached in the Working Group and in the Committee before it becomes apparent whether we shall have modifications which are

compatible with the operation of the existing PCT system or whether changes are required which would be incompatible with the current system.

3. For these reasons the EPO would suggest that while longer term objectives should be identified, the Working Group should not concern itself at this stage with the modalities of a possible PCT revision, rather should concentrate on the immediate work in hand, i.e. prioritizing those reform proposals which could be implemented in the short to medium term by way of changes to the regulations.

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