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PCT/TCO/SS/IV/12

ENGLISH ONLY

DATE: April 26, 1973

WORLD INTELLECTUAL PROPERTY ORGANIZATION  
UNITED INTERNATIONAL BUREAUX FOR THE PROTECTION OF INTELLECTUAL PROPERTY  
GENEVA

**PATENT COOPERATION TREATY**

**INTERIM COMMITTEE FOR TECHNICAL COOPERATION**

**STANDING SUBCOMMITTEE**

**(Fourth Session, Geneva, April 25 to 30, 1973)**

COMMENTS ON THE DRAFT FORMS  
AND THE DRAFT SUGGESTED MODEL WORDINGS

Addendum to Document PCT/TCO/SS/IV/10

This addendum contains the written comments submitted by the United States of America on document PCT/TCO/SS/IV/5 (the draft suggested model wording for applicant communications).

Comments on Draft

Suggested Model Wording For Applicant Communications

PCT/A/501. In the body of the form "notifies" should be --submits-- and "indication" should be --data--.

Before "Name" in the indented portion of the form --Inventor-- should be inserted for clarity.

PCT/A/502. No comment.

PCT/A/503. Since there are a number of requirements which may be necessary in order to be entitled to an international filing date under Article 11, it is suggested that each submitted correction be listed and that --the below listed-- be inserted after "submits".

PCT/A/504. No comment.

PCT/A/505. It is suggested that --a copy of-- be inserted after "that", and --below listed-- be inserted before "designated" in the body of the form.

Article 13(2)(b) permits applicant to request the International Bureau to transmit a copy to any designated State.

PCT/A/506. In the first line, after "submits", it is suggested that --the below listed-- be inserted.

Since there are a number of defects that are correctable under Article 14, it would seem desirable for an applicant to specifically list those that he is submitting.

PCT/A/507. In line 2, before "international", insert --above-identified-- and after "included" insert --with--.

In line 3, delete "in" and, after "application", insert --as filed--.

PCT/A/508. The word "Report" should be deleted from the title. Article 15(5) refers to an international-type search rather than the report thereon.

PCT/A/509. The paragraph would be more accurate if rewritten as follows:

--Applicant hereby declares that with respect to the above-identified international application he does not wish to amend the claims before the International Bureau.--

Reference to the pertinent Article is included under the title and need not be repeated in the text itself. In addition, it would be desirable to highlight the fact that the declaration only applies to amendments before the International Bureau. The proposed language may make it more clear that applicant's right to amend at the national level, under Article 28, is unaffected by the declaration under Rule 47.1(b).

PCT/A/510. No comment.

PCT/A/511. In line 1, after "requests", insert --that he be sent-- ; delete "the receipt of" and substitute --\_\_\_\_\_-- to accommodate orders for more than one copy.

PCT/A/512. No comment.

PCT/A/513. This communication should be redesigned to better specify all the possibilities under Article 22.

A suitable paragraph might be as follows:

--Applicant herewith transmits a copy of the above-identified international application (unless the same has already been communicated under Article 20), a translation of said international application (as prescribed) and the national fee (if any).--

PCT/A/514. In the title, after "Processing" insert --or Examining--.

In the first paragraph change "and" to --or--.

The second paragraph of this form should be rewritten to conform to that suggested for form PCT/A/513.

PCT/A/515. In line 1, after "requests", insert --that--, and delete "to" in line 2.

PCT/A/516. The title should be changed to --Request or Authorization to Inspect--. For clarity the text should be rewritten as follows:

--Applicant hereby (requests)/(authorizes) access to the (above-identified international application)/[file of the international preliminary examination] by \_\_\_\_\_.--

PCT/A/519. The paragraph should be clarified to emphasize what is being furnished. For example:

--The application number of the earlier application, the priority of which is claimed in the request of the above-identified international application, is No. \_\_\_\_\_.--

In addition, provision should be made for the situation where multiple priorities are claimed as in item VI of the

request form PCT/RO/101.

PCT/A/520. No comment.

PCT/A/521. No comment.

PCT/A/522. No comment.

PCT/A/523. In the title, "Rule 71.1(a)" should be  
--Rule 17.1(a)--.

In the interest of clarity and to be consistent with the language of PCT/A/520 "priority document for the" should be deleted and the following substituted therefor:

--earlier national application whose priority is claimed in the request of the above-identified--.

PCT/A/524. For the reasons proposed with regard to PCT/A/523, "priority document of the" should be deleted and the following substituted therefor:

--earlier national application whose priority is claimed in the request of the above-identified--.

PCT/A/525. Cancel "original", and substitute after "applicant", --as presently on record--. The applicant presently on record may not necessarily be the original applicant.

PCT/A/526. The form should include some reference to fees as provided in Rule 20.9.

PCT/A/527. In line 2, before "international", insert --record copy of the--.

PCT/A/528. To better set forth the condition under which this communication would be used, it is suggested that an opening statement similar to that in the first four lines of PCT/A/527 be inserted before "Applicant" in line 1. Moreover, we suggest that because part of PCT/A/529 also deals with the same situation raised by Rule 22.1(c), that part be incorporated into PCT/A/528. The proposed revision of PCT/A/528 would read as follows:

--In view of the fact that applicant has not received notification of receipt of the record copy of the above-identified international application from the International Bureau within 13 months and 10 days of the priority date of the international application, applicant herewith submits (a certified copy of the international application based on the home copy) (the record copy of the international application).--

For consistency the title should be changed to read --SUBMISSION OF RECORD OR CERTIFIED COPY--.

PCT/A/529. In the title delete the reference to Rule 22.1(c), and at the end of line 1 in the body of the text insert --above-identified--. Note the comments on PCT/A/528.

PCT/A/530. The communication appears satisfactory as to substance. We suggest that for clarity the text be rewritten as follows:

---Applicant hereby opts to transmit the record copy to the International Bureau himself.

Applicant elects (to collect said record copy at the Receiving Office)/(to have the Receiving Office mail said record copy to him).---

PCT/A/531. To better set forth the condition under which this communication is to be used, it is suggested that an opening statement be added to read as follows:

--In view of the fact that (the Receiving Office did not hold the record copy at the disposal of the applicant)/(the applicant did not receive the mailed record copy from the Receiving Office as requested) by at least 10 days before the expiration of 13 months from the priority date, applicant hereby transmits his copy of the above-identified international application to be used as the "provisional record copy" --

We suggest that an additional Model Wording communication be designed to accommodate the applicant in replacing the "provisional record copy" 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. A suitable paragraph is as follows:

--Applicant herewith submits (the record copy)/(a substitute record copy certified by the Receiving Office on the basis of the home copy) to replace the "provisional record copy" submitted on \_\_\_\_\_ (date).--

PCT/A/532. No comment.

PCT/A/533. No comment.

PCT/A/534. To make it clear that points 1 and 2 are alternatives, and to be consistent with the format of other Model Wordings where alternatives are offered, we suggest that points 1 and 2 be presented without numbers, each placed within parentheses separated by a slash, following the general format proposed in PCT/A/531.

Because Rule 40.2(c) provides that the applicant's protest and the decision thereon be sent to the designated offices, upon applicant's request, whether or not the protest is held to be justified, the language of the last paragraph of the communication should be reworded as follows:

--Applicant requests that the text of the protest and the decision thereon be sent to the (Designated Offices together with the International Search Report)/[Elected Offices as an annex to the International Preliminary Examination Report].

PCT/A/535. For clarity it is suggested that the communication be reworded as follows:

--Applicant hereby requests that he be furnished with copies of those Article 20 communication documents waived by the following designated Offices:--

PCT/A/536 and PCT/A/537. It is suggested that these two communications be combined to parallel PCT/ISA/207, the



form in response to which both PCT/A/536 and PCT/A/537 are sent. A possible rewording of the combined communication is as follows:

--Applicant hereby transmits:

(amount as payment for preparing the translation of the International Search Report on the above-identified international application)

(the following comments on the draft of the English translation of the international search report of the above-identified international application).--

Note: The above two parenthetical situations may both apply in a given situation; or in the case where the fee has already been paid only the second applies.

PCT/A/538. It is suggested that the two conditions under which the applicant's comments may be sent to the designated Offices be included in an opening statement and the text be reworded in its entirety as follows:

--In view of the fact that (there was insufficient time for the International Searching Authority to consider applicant's comments on the translation prior to communication)/ (there is a difference of opinion between the applicant and the International Searching Authority as to the correctness of the translation) applicant hereby transmits the following comments on the English translation of the international search report.--

PCT/A/553. Since the first blank and the parenthetical expression at the end of the text appear redundant, it is suggested that the communication be reworded as follows:

--Applicant herewith submits the below specified evidence of registered mailing of \_\_\_\_\_ on \_\_\_\_\_, which date is more than 5 days prior to the expiration of the time limit on \_\_\_\_\_.--

PCT/A/554. Since the blank and the parenthetical expression at the end of the text appear redundant, it is suggested that the communication be reworded as follows:

--Applicant herewith submits a substitute document (or letter) and the below specified proof that the document (or letter) offered in substitution is identical with the document (or letter) lost.--

PCT/A/555. The parenthetical expression following the first paragraph of the text is redundant and should be deleted. The text itself requires that the evidence and the time limit be "specified below" and "indicated below", respectively.

For clarity and to avoid redundancy the second paragraph should be rewritten as follows:

--Applicant offers herewith the below specified proof of mailing on \_\_\_\_\_, which date was less than 5 days after resumption of the mail service on \_\_\_\_\_.--

It is also suggested that some reference to the document (or letter) whose mailing date is in question be

included in the text.

PCT/A/556. Because the applicant need only send this notice to one or the other of the addressees, it is suggested that both addressees be placed in parentheses to more clearly indicate alternative possibilities.

PCT/A/557. Both addressees should be enclosed in parentheses for the reason set forth in the comment on PCT/A/556. The purpose of the inclusion of a reference to the date below the text is questioned.

PCT/A/558. No comment.

/End of document/