

# WIPO



PCT/A/XI/9

ORIGINAL: English

DATE: February 3, 1984

WORLD INTELLECTUAL PROPERTY ORGANIZATION  
GENEVA

## INTERNATIONAL PATENT COOPERATION UNION (PCT UNION)

### ASSEMBLY

**Eleventh Session (7th Extraordinary)  
Geneva, January 30 to February 3, 1984**

### REPORT

*Adopted by the Assembly*

#### INTRODUCTION

1. The Assembly of the International Patent Cooperation Union (PCT Union) (hereinafter referred to as "the Assembly") held its eleventh session (7th extraordinary) in Geneva from January 30 to February 3, 1984.
2. The following 19 Contracting States were represented at the session: Australia, Austria, Belgium, Brazil, Denmark, Finland, France, Germany (Federal Republic of), Hungary, Japan, Luxembourg, Netherlands, Norway, Romania, Soviet Union, Sweden, Switzerland, United Kingdom and United States of America.
3. The following two States, members of the International Union for the Protection of Industrial Property (Paris Union), participated in the session as observers: Republic of Korea and Spain.
4. The European Patent Organisation (EPO), having the status of special observer, was represented. The following nine international non-governmental organizations were represented by observers: Asian Patent Attorneys Association (APAA), Committee of National Institutes of Patent Agents (CNIPA), European Federation of Agents of Industry in Industrial Property (FEMIP), Institute of Professional Representatives Before the European Patent Office (EPI), International Association for the Protection of Industrial

Property (AIPPI), International Federation of Industrial Property Attorneys (FICPI), International Federation of Inventors' Associations (IFIA), Union of European Practitioners in Industrial Property (UEPIP) and Union of Industries of the European Community (UNICE).

5. The list of participants is contained in Annex I to this report.

#### OPENING OF THE SESSION

6. The Chairman, Mr. I. Marinescu (Romania), opened the session.

7. Mr. F. Curchod (WIPO) acted as Secretary of the session.

#### ADOPTION OF THE AGENDA

8. The Assembly adopted the agenda of its session as contained in document PCT/A/XI/1 Rev., after the reference, in item 4 thereof, to document PCT/A/XI/7 had been replaced by a reference to document PCT/A/XI/7 Rev.

#### AMENDMENT OF THE RULES OF PROCEDURE OF THE ASSEMBLY, OF THE PCT COMMITTEE FOR TECHNICAL COOPERATION, OF THE PCT COMMITTEE FOR ADMINISTRATIVE AND LEGAL MATTERS AND OF THE PCT COMMITTEE FOR TECHNICAL ASSISTANCE

9. Discussions were based on document PCT/A/XI/2.

10. The Assembly adopted the amendments to the said Rules of Procedure which had been proposed in document PCT/A/XI/2, after having slightly modified the proposed amendments. The texts of the said Rules of Procedure as amended by the Assembly are contained in Annexes II, III, IV and V to this report.

#### AMENDMENT OF THE AGREEMENTS CONCLUDED BETWEEN CERTAIN INTERNATIONAL SEARCHING AUTHORITIES AND THE INTERNATIONAL BUREAU

11. Discussions were based on document PCT/A/XI/7 Rev.

12. In the course of the session, the Secretariat, referring to the second footnote appearing on page 2 of that document, announced that the Australian Government had approved the amendment to the Agreement between the Australian Patent Office and the International Bureau.

13. The Assembly approved amendments to the following provisions of the Agreements indicated below:

- (i) Article 7(2) of the Agreement between the Australian Patent Office and the International Bureau of WIPO;
- (ii) Article 7(2) of the Agreement between the Federal Ministry for Trade, Commerce and Industry of Austria and the International Bureau of WIPO;
- (iii) Article 8(2) of the Agreement between the Japanese Patent Office and the International Bureau of WIPO;
- (iv) Article 7(2) of the Agreement between the Royal Patent and Registration Office of Sweden and the International Bureau of WIPO;
- (v) Article 7(2) of the Agreement between the USSR State Committee for Inventions and Discoveries and the International Bureau of WIPO;
- (vi) Article 8(2) of the Agreement between the International Bureau of WIPO and the European Patent Organisation.

14. The texts of the amended provisions of the said Agreements are contained in Annex VI to this report.

#### AMENDMENT OF CERTAIN TIME LIMITS IN THE PCT AND OF THE REGULATIONS UNDER THE PCT

15. Mr. G. Borggård (Sweden), Vice-Chairman of the Assembly, took the chair of the session as from this item of the agenda.

16. Discussions were based on documents PCT/A/XI/3, 4, 5, 6 and 8.

17. Following the discussions of the proposals contained in the documents referred to in the previous paragraph, the Assembly unanimously adopted amendments to the PCT and to the Regulations under the PCT (including, where applicable, the deletion of some Rules or the inclusion of new Rules). Those amendments concern Articles 22(2) and 39(1)(a) of the Treaty and the following Rules of the Regulations: 4.10, 4.17, 6.4, 8.2, 11.15, 12.1, 12.2, 13*bis*.7, 15.4, 16*bis*.1, 16*bis*.2, 16*bis*.3, 17.1, 20.5, 22.1, 22.2, 22.3, 22.4, 22.5, 23.1, 24.1, 26.2, 26.3, 26.3*bis*, 26.4, 26.5, 28.1, 29.2, 32.1, 32*bis*.1, 34.1, 42.1, 46.1, 46.2, 46.3, 46.4, 46.5, 47.1, 48.2, 48.3, 48.6, 49.1, 49.3, 49.4, 49.5, 51.4, 51*bis*.1, 51*bis*.2, 53.1, 54.3, 54.4, 55.1, 55.2, 58.3, 60.3, 61.1, 62.1, 66.2, 66.3, 66.4, 66.5, 66.7, 66.8, 66.9, 69.1, 70.2, 70.11, 70.16, 70.17, 74.1, 74*bis*.1, 75.1, 75.2, 75.3, 76.1, 76.2, 76.3, 76.5, 80.6, 82.1, 82*bis*.1, 82*bis*.2, 82*ter*.1, 88.2, 88.4, 90.3, 91.1, 91.2, 92.2, 92*bis*.1 and 92*bis*.2.

18. The Assembly decided that all amendments would enter into force on January 1, 1985, subject to the following:

- (i) the amendments to Rules 12.1(c) and (d), 34.1 and 48.3(a) and (b) will become applicable at the same time that the PCT will enter into force in respect of the country which, among Spanish-speaking countries, is the first to ratify or accede to the PCT.
- (ii) the deletion of Rule 80.6(b) will enter into force on January 1, 1986.

19. Several delegations stated that their national provisions would have to be modified in order to comply with the amendments adopted by the Assembly. In their view, those modifications would most probably be effective on the date of entry into force of the amendments. The Assembly felt that, in the event that they should become effective only a few weeks or months later, no practical consequences of any importance were to be feared in view of the nature of the amendments concerned.

20. The texts of the decisions of the Assembly concerning Articles 22(2) and 39(1)(a) and of the amendments to the Regulations under the PCT as adopted by the Assembly appear in Annex VII to this report.

Omitting any drawing from the publication of the abstract where the International Searching Authority finds that no drawing is useful for the understanding of the abstract (see Chapter 3 in document PCT/A/XI/4)

21. When adopting the amendment to Rule 8.2, the Assembly agreed that the applicant would, where he considered that none of the figures of the drawings was useful for the understanding of the abstract, have the possibility to indicate in the check list of the request form referred to in Rule 3.3(a) that no figure of the drawings was suggested to accompany the abstract for publication.

Clarifying the due date of payment of certain fees (see Chapter 6 in document PCT/A/XI/5)

22. With respect to the amendments to Rule 15.4, the Assembly noted a statement by the Delegation of the United States of America that the amendments to paragraphs (a) and (b) were in conflict with the existing national law of its country. Legislation which would remove that conflict was pending before the US Congress and was likely to pass before the entry into force of the amendments. However, as long as the national law had not been so changed, the transitory provision of Rule 15.4(d) was needed. It was understood that Rule 16*bis* would apply, mutatis mutandis, to cases covered by that transitory provision.

23. When the Assembly adopted the amendment to Rule 15.4(c), it was understood that the amount to be charged to the International Bureau under Rule 16*bis*.1 was the lower amount referred to in Rule 15.4(c)(i) in all cases where the payment of the fee was due within one month from the date of receipt of the international application.

24. In the course of the discussion of the amendments to Rule 15.4, the question was raised whether Rule 14 (Transmittal Fee) could not be amended accordingly. It was agreed by the Assembly that such amendment could not be made since this was a matter of the national law applicable by the receiving Offices.

25. The Assembly also considered whether, as far as the handling fee and the supplement to the handling fee were concerned (Rule 57.3), a provision comparable to the amendment to Rule 15.4(c) was required. The Assembly agreed on the principle that, in the rare cases where the amount of those fees changed between the date of making the demand or the later election and the date of actual payment of those fees, the amount payable was the changed amount, that is, the amount in force on the date of payment. An express provision in Rule 57.3, however, was not felt to be necessary, the more so as the applicant would, in case of

insufficient payment, receive an invitation to pay the missing amount without having to pay any surcharge.

Providing for quicker information of the International Bureau where charges are made under Rule 16bis, and providing for the universal application of that Rule (see Chapter 7 in document PCT/A/XI/4)

26. In the course of the discussion of the proposed deletion of Rule 16bis.3, the Assembly noted that the receiving Office of Japan had withdrawn its notification under Rule 16bis.3 with effect as from February 1, 1984.

Making safer the transmittal of the record copy (see Chapter 9 in document PCT/A/XI/4)

27. When adopting the amendments to Rule 22.1, the Assembly agreed that, as long as measures for the preservation of national security prevented the international application from being treated as such, the procedure under Rules 20.5(c) and 22 would not apply.

28. When adopting the amendment to Rule 22.3, the Assembly agreed that, unless the international application was considered withdrawn, the applicant would, irrespective of whether the time limit prescribed by Rule 22.3 had expired or not, have to enter the national phase before the designated (or elected) Offices within the time limit applicable under Article 22 (or Article 39(1)), failing which he would lose his rights under Article 24(1)(iii) (or Article 39(2)). It was furthermore understood that where the international application was considered withdrawn under Article 12(3) after the applicant had performed the acts referred to in Article 22(1), it was a matter for the designated Office to decide whether the effect of the international application under Article 11(3) should be maintained under Article 24(2) or Article 25 or should cease in the designated State for which the designated Office acts as national Office.

29. When the Assembly adopted the deletion of Rule 22.2 and the amendment to Rule 22.3, it was understood that the receiving Offices and the International Bureau should take appropriate measures in order to ensure early and complete information of the users of the PCT system on the deletion of the alternative procedure for the transmittal of the record copy under Rule 22.2 and on the new time limit under Rule 22.3.

Doing away with the obligation of the International Searching Authority to bring certain defects referred to in Article 14(1)(a) to the attention of the receiving Office (see Chapter 12bis in document PCT/A/XI/4)

30. When adopting the deletion in Rule 28.1(a) of the reference to the International Searching Authority, the Assembly agreed that the deletion of that reference would not prevent the International Searching Authority from bringing a previously overlooked defect to the attention of the receiving Office.

31. When adopting the amendment to Rule 28.1(a), the Assembly agreed that the Guidelines for Receiving Offices for the Processing of International Applications under the PCT should be revised in order to better clarify the formality examination standards, in particular, the physical requirements for reasonably uniform international publication referred to in Rule 26.3, so that the cases of application of Rule 28.1 would decrease in the future.

Allowing the filing of withdrawal of the international application, of designations or of the priority claim in all cases with the receiving Office; specifying other procedural matters in connection with withdrawals (see Chapter 14 in document PCT/A/XI/4)

32. When adopting the amendments to Rule 32.1, the Assembly agreed that it was possible for an applicant to withdraw his international application on the condition that it would not be published under Article 21.

33. In the course of the discussion of the proposed amendment to Rule 32*bis*.1(c), the Assembly noted that the International Bureau would not publish an international application on a date computed on the basis of the original priority date if it received the withdrawal of the priority claim before the completion of the technical preparations for international publication but after the expiration of the period of 15 days referred to in the second sentence of Rule 32*bis*.1(c).

Including certain patent documents published in the Spanish language into the PCT minimum documentation; including the Spanish language among the languages of international publication of international applications (see Chapter 15 in document PCT/A/XI/5)

34. In adopting Rule 12.1(d), the Assembly noted a statement by the Delegation of the United Kingdom which communicated a declaration adopted by the Administrative Council of the EPO in its June 1983 session according to which “the Council has decided to express its support for the amendments to the PCT Regulations proposed by the International Bureau of WIPO to facilitate the participation of Spain and the Spanish-speaking countries of Latin America in the PCT system; the Council has decided that the EPO may act as an International Searching Authority for international applications in Spanish, provided these are accompanied by a translation into one of the EPO’s official languages before reaching the [European Patent] Office; the Member States have agreed to support a proposal from the [European Patent] Office to amend PCT Rule 12 to provide for these procedures.”

35. The representative of the EPO also welcomed the proposals concerning the Spanish language, whereas the Delegation of Spain said that it would have preferred that paragraph (d) of Rule 12.1 be omitted.

36. In consequence it was noted that there subsisted no doubt that the European Patent Office would make the declaration referred to in paragraph (d) as far as the Spanish language is concerned and that the said paragraph was needed for authorities other than the European Patent Office and, in the case of the European Patent Office, possibly for other languages than Spanish. The Delegation of Spain expressed its agreement on that solution which seemed to be acceptable from a practical point of view, in particular with a view to finding a quick solution in order to allow for the filing of international applications in Spanish.

37. The representative of the EPO pointed out that the declaration adopted by the Administrative Council of the EPO was concerned only with the role of the European Patent Office as an International Searching Authority. He added that there were some practical problems yet to be solved, hopefully without a need to change the PCT Regulations or the Agreement between the EPO and the International Bureau, concerning the language of the international search report, the final establishment of the title and of the abstract, correspondence with applicants and the rectification of errors.

38. The Director General said that the International Bureau would be at the disposal of both the Spanish-speaking countries and the EPO in order to contribute to finding solutions to those problems and added that, in view of the practical nature of the problems, he was convinced that they could be solved without further changes to the Regulations or to the above-mentioned Agreement.

39. The Assembly also adopted the proposed amendments to Rules 34.1 and 48.3 permitting patent documents published in the Spanish language to be included into the PCT minimum documentation under certain conditions and recognizing the Spanish language as one of the languages of international publication of international applications.

40. With respect to the amendment of Rule 34.1(c)(vi) and (e), the Delegation of the United Kingdom said that its Office, in its capacity as International Preliminary Examining Authority, would need to receive the sorted collections of Spanish-language patent documents with English abstracts referred to in the said provisions in the same manner as for International Searching Authorities.

Specifying the time limit for international search in the PCT Regulations (see Chapter 16 in document PCT/A/XI/3).

41. When the Assembly adopted the amendment to Rule 42.1, it was understood that where, due to the late payment of the search fee, the remaining time of the three-month period for the establishment of the international search report did not allow the timely establishment of that report, its transmittal could be effected exceptionally after the expiration of the three-month period, but not later than one month after that expiration.

Giving more time to the applicant for filing, during the international phase, amendments to the claims in certain cases (see Chapter 17 in document PCT/A/XI/3)

42. When adopting the amendment to Rule 46.1, the Assembly agreed that the Guidelines for Receiving Offices for the Processing of International Applications under the PCT and the Guidelines for International Search to be Carried Out under the PCT should state that, in those cases where amendments under Article 19 would be submitted by the applicant to the receiving Office or to the International Searching Authority, instead of being directly filed with the International Bureau, that Office or Authority should transmit them promptly to the International Bureau.

Simplifying the communication under Article 20 of the international application; changing the date which is relevant for an indication in the pamphlet if certain events have not occurred before that date (see Chapter 20 in document PCT/A/XI/3)

43. In the course of the discussion of the proposal to amend Rule 47, the Assembly, notwithstanding an earlier proposal for amendment by the International Bureau which would have allowed to use the pamphlet for the purposes of communication under Article 20 in all cases, decided not to amend the present text of Rule 47.2(c). However, it was understood that the International Bureau could ask at any time for a reconsideration of that provision if the exceptions to the general rule that copies of the pamphlet under Rule 48 may be used for the purposes of the communication of the international application under Article 20 were to increase to such an extent that they would put a substantial additional burden on the International Bureau.

Making it possible for the applicant to present additional arguments to the International Preliminary Examining Authority even where he submits no amendments; making longer the time limit for establishing the international preliminary examination report (see Chapter 25 in document PCT/A/XI/5)

44. When adopting the amendment to Rule 69.1, the Assembly agreed that during the transitory period when the time limit of 30 months from the priority date under the amended Article 39(1)(a) was not applicable to all Offices elected by an applicant, the International Preliminary Examining Authority should, if the applicant so desired, establish the international preliminary examination report, whenever feasible, before the expiration of 25 months from the priority date.

Simplifying the procedure where the International Preliminary Examining Authority needs the priority document but the International Bureau has not received it under Rule 17.1 (see Chapter 26 in document PCT/A/XI/4)

45. When adopting the amendment to Rule 66.7(a), the Assembly agreed that where, through no fault of the applicant, the International Preliminary Examining Authority had not received a copy of the priority document prior to the establishment of the international preliminary examination report, it was left to the International Preliminary Examining Authority to decide whether or not, when establishing the said report, the priority claim would be disregarded.

Making uniform for all receiving Offices the manner of computing time limits (see Chapter 27 in document PCT/A/XI/4)

46. In the course of the discussion of the proposed deletion of Rule 80.6(b), the Assembly noted that the receiving Office of Japan had withdrawn its notification under Rule 80.6(b) with effect as from February 1, 1984. The Assembly was informed by the Delegation of Sweden that the necessary adaptation of the national law of its country had been completed and that the receiving Office of Sweden would, in the near future, withdraw its notification under Rule 80.6(b). The Delegations of Denmark, Finland and Norway informed the Assembly that the preparations for an amendment to the national laws of their countries had started but that it was unlikely that the process of amending those laws would be completed by the end of this year. They added that, therefore, the entry into force of the deletion of Rule 80.6(b) should be delayed.

Making more liberal the rules concerning the rectification of obvious errors in the international application and other documents of the applicant (see Chapter 30 in document PCT/A/XI/5)

47. When adopting the amendment to Rule 91.1(f), the Assembly agreed that the publication by the International Bureau of a request for rectification where the rectification had been refused during the international phase would not relieve the applicant from the need to request, during the national phase, the designated Offices to authorize the rectification. It was also agreed that the PCT Applicant's Guide should contain information to that effect and that it would also indicate how the International Bureau would obtain the request the publication of which was requested.

Fixing a time limit for the possibility of asking for the recording of certain changes in the request or the demand (see Chapter 31 in document PCT/A/XI/4)

48. When the Assembly adopted the proposed amendments to Rule 92*bis*, it was understood that, where the International Bureau would not record a requested change because the applicable time limit under Rule 92*bis*.1(b) had expired when it received the request for recording the change, the International Bureau, if a preliminary examination was under way by that time, would inform the International Preliminary Examining Authority of the requested change and notify the applicant that he had to request the change before each elected Office.

Making uniform, and in some cases longer, the time limits for entering the national phase in designated or elected States (see Chapter 32 & 33 in document PCT/A/XI/5)

49. In the course of the discussion on the extension of the time limits under Article 22(2) and Article 39(1)(a), the Assembly was informed by the Delegation of Sweden that an amendment to the national law of its country had entered into force on October 1, 1983, which would make it compatible with the extension of the time limit under Article 22(2); the extension of the time limit under Article 39(1)(a), however, would still require a further amendment to the national law but it was hoped that such change would become effective before January 1, 1985. The Delegation of Austria said that the national law of its country was presently also in conflict with the extended time limit under Article 39(1)(a) but that it was being amended; the Delegation added that it was convinced that the necessary amendments would enter into force during 1984. The Delegation of Japan stated that the national law of its country was presently in conflict with the extended time limit under Article 39(1)(a) but that it would be amended as required; the Delegation stated that the Japanese Government would be in a position to apply the 30-month period latest in the course of 1985. The Delegation of Brazil stated that, while maintaining the reservations reflected in paragraph 81 of the report on the second session of the PCT Committee for Administrative and Legal Matters (document PCT/CAL/II/9), it would not object to a consensus on the amendment proposed to Article 39(1)(a).

50. As far as the extension of the time limit under Article 39(1)(a) was concerned, all those participating in the discussion recognized that the said extension constituted a very important improvement for applicants and for the PCT system in general.

51. The Delegations of the United Kingdom and of the Netherlands informed the Assembly that certain interested circles in their countries had expressed concern that a longer time limit for entry into the national phase under Article 39(1)(a) might, under certain circumstances, increase the uncertainty as to the fate of pending international applications. The Assembly felt that the uncertainties which existed under any patent procedure were not significantly affected by the said prolongation.

52. Some delegations and some of the representatives of non-governmental organizations, while underlining the distinct advantages of the extension of the time limit under Article 39(1)(a), expressed, nevertheless, some hesitations as to its consequences since the greater attractiveness of the use of Chapter II of the PCT resulting therefrom might, in the case of the European Patent Office, in its capacity as International Preliminary Examining Authority, lead to an additional burden which, in turn, might affect the processing of other applications. In this context, particular reference was made to the possibility that the United States Patent and Trademark Office, once Chapter II became applicable for the United States

of America, might, for a transitory period at least, specify the European Patent Office as competent International Preliminary Examining Authority for international applications filed with it.

53. The representative of the EPO replied that his Organisation welcomed the proposed extension of the time limit under Article 39(1)(a) since it would alleviate the time pressure under which the European Patent Office had to carry out international preliminary examination under the present 25-month time limit. It would be extremely difficult, without an extension of the time limit, to absorb any increase of such examination work. Therefore, the proposed amendment would help the European Patent Office. The question whether the European Patent Office would be specified as competent International Preliminary Examining Authority for international applications filed in the United States of America was not the concern of the Assembly but of the Administrative Council of the EPO. If any negative effect on the normal functioning of the European Patent Office would occur, the necessary measures would be taken in order to ensure an appropriate processing of applications not filed under the PCT.

54. The Delegation of the United States of America said that, although its country was not bound by Chapter II of the PCT, it would welcome the proposed amendment. If its country was to accept Chapter II, which was under consideration, this would be of benefit for all users of the PCT system and not only for applicants from the United States of America. Because of internal commitments, however, it was impossible to envisage that the United States Patent and Trademark Office could assume the task of an International Preliminary Examining Authority before 1986 or 1987. It was therefore desirable to reach an interim solution with the EPO. If no mutually acceptable solution could be found, the Government of the United States of America would have to reconsider the timetable for the withdrawal of its reservation excluding the application of Chapter II of the PCT.

55. The Chairman concluded the discussion with the statement that the question of possible effects of cooperation under Chapter II between the United States Patent and Trademark Office and the EPO which might be envisaged at a later stage was not a matter for consideration by the Assembly. Moreover, it appeared from what had been stated by the Delegation of the United States of America as well as by other delegations and the representative of the EPO that there should be no risk of any negative effect on the European patent system arising from any such future cooperation under the PCT between the two Offices since it would have to be on terms satisfactory to both parties.

56. When the Assembly adopted the amendment to the time limit under Article 22(2), it agreed that the extended time limit would apply as from its entry into force to all pending international applications to which Article 22(2) was applicable. Where the International Searching Authority had made a declaration, under Article 17(2)(a), that no international search report would be established, and where the present two-month time limit was applicable on the date of the notification of the said declaration but had not expired on the date of entry into force of the modification of the time limit under Article 22(2), the two-month time limit would automatically be extended to 20 months from the priority date.

57. When the Assembly adopted the amendment to the time limit under Article 39(1)(a), it agreed that the extended time limit would apply as from its entry into force to all pending international applications to which Article 39(1)(a) was applicable. Where, on the date of entry into force of the extended time limit of 30 months from the priority date, the present

time limit of 25 months from the priority date had not expired with respect to such applications, the new time limit of 30 months would apply. In respect of the amended time limit under Rule 69.1 for the establishment of the international preliminary examination report, it was understood that the new time limit of 28 months from the priority date would apply in all cases where, on the date of its entry into force, the international preliminary examination report had not yet been established.

Making it unnecessary for the applicant to transmit copies of his international application to the designated Offices (see Chapter 34 in document PCT/A/XI/5)

58. In the course of the discussion of the new Rule 49.1(a-bis) and (a-ter), it was pointed out that not all designated Offices relied entirely on the communication of the international application under Article 20 since the national laws applied by some designated Offices provided that a copy of the international application had to be provided within the Article 22 time limit. If the Article 20 communication had not taken place, such an Office would require a copy of the international application from the applicant.

Specifying the requirements for entering the national phase, in particular, the contents of the translation of the international application (see Chapter 35 in document PCT/A/XI/5)

59. When the Assembly adopted new Rule 49.5(g), it agreed that, where the copy of the drawing, or the drawing executed anew, which was furnished by the applicant did not comply with the physical requirements referred to in Rule 11 (for instance, because the translation of the text matter had been furnished separately whereas it resulted from Rule 11.11 that the text matter of a drawing must be contained in the drawing and could not be furnished separately), the designated Office had the right to request the applicant to correct such defect. On the other hand, since this was merely a defect concerning a physical requirement under Rule 11, it should not consider the international application withdrawn and it should not disregard the drawing. It was to be noted, however, that the international application may be considered withdrawn in case of a failure to furnish the translation of any text matter contained in a drawing.

60. When the Assembly adopted new Rule 49.5(a)(iii), it agreed that the designated Office may require the translation of the international application to be accompanied by a copy of the drawing but it may not require the translation to be accompanied by a drawing executed anew. It was furthermore understood that, if the applicant amended his application during the national phase, it might be necessary to furnish new drawings but that such case was to be distinguished from the cases covered by the new Rule 49.5 which dealt with what the applicant was required to furnish or may not be required to furnish as a condition for entering the national phase.

61. When the Assembly adopted new Rule 49.5(c), it was understood that the designated Office would not be obliged to disregard the statement if not translated; it could take it into account, for instance, if it was drafted in a language which was understood by its examiners. On the other hand, disregarding the statement would be the only possible sanction in case of failure to furnish a translation thereof.

Making it clear that certain requirements to be complied with during the national phase must be complied with by the applicant only after entering the national phase (see Chapter 36 in document PCT/A/XI/5)

62. When the Assembly adopted new Rule 51**bis**.1(a), it agreed that the documents referred to under item (v) of that Rule, namely those which contained proof of the right of the applicant to claim priority where that applicant was different from the applicant having filed the earlier application the priority of which was claimed, included any document relating to the identity of the applicant having filed that earlier application.

63. It was further agreed by the Assembly that item (vi) of new Rule 51**bis**.1(a) would only cover the evidence required in support of a statement concerning non-prejudicial disclosures or exceptions to lack of novelty but not the statement itself. The statement, if not contained in the description, could be required to be furnished in the request. That could be achieved by adding a new optional box to the request form or by adding the case of non-prejudicial disclosures among the cases in which the supplemental box may be used, as would be possible with the new text of Rule 4.17(a). Thus, the evidence would fall under Article 27(2)(ii) as a document constituting proof of a statement made in the international application which, under Article 27(2)(ii), may be required only once the processing of the international application had started in the designated Office.

64. With respect to paragraphs (a)(iii) and (d) of new Rule 51**bis**.1, the Assembly noted a statement by the Delegation of the United States of America that those paragraphs were in conflict with the existing national law of its country. Legislation which would remove that conflict was pending before the US Congress and was likely to pass before the entry into force of the new Rule. However, as long as the national law had not been so changed, a reference to paragraphs (a)(iii) and (d) of Rule 51**bis**.1 was needed in Rule 51**bis**.2(c).

65. When the Assembly adopted new Rule 51**bis**.2, it was understood that there were various possibilities by which the opportunity to comply with national requirements after the entry into the national phase could be granted to the applicant. For instance, the national Office may invite the applicant to comply with the requirement in question within a certain reasonable time limit fixed in the invitation; the national Office may remind the applicant of the said requirement which had to be complied with within a certain time limit or before a certain event (e.g., decision to grant a patent) occurred; the national law may fix a grace period for the compliance or determine a certain event by which the requirement must be complied with after national processing had started; the national Office may, unless the national law expressly provided otherwise, simply accept a later compliance with the requirement or excuse a late compliance, etc.

Improving the wording of Rule 74.1 and simplifying the time limit for the transmittal of the translation of any annexes to the international preliminary examination report (see Chapter 37 in document PCT/A/XI/5)

66. When adopting the amendments to Rule 74.1, the Assembly agreed that the furnishing of a translation of the annexes to the international preliminary examination report was not governed by Article 39(1). That Article applied only to the furnishing of a translation of the international application as filed or, where amended under Article 19(1), as amended. The translation of the annexes to the international preliminary examination report must be furnished pursuant to Article 36(3) (b). The sanction provided for the non-furnishing of a

translation of the international application in Article 39(2) did not apply to the failure to furnish a translation of the annexes to the international preliminary examination report. As a consequence, the sanction for the non-furnishing of a translation of those annexes was left to the national law applied by the elected Office.

Making it clear in which cases Contracting States must excuse delays in meeting time limits or rectify an error made by an international authority (see Chapter 38 in document PCT/A/XI/5)

67. When the Assembly adopted the new Rule 82*bis*.1, it was understood that the excusing of the delay in meeting a time limit may take place, under Article 48(2), only during the national phase, independent of whether the delay to be excused concerned a time limit pertaining to the international phase or a time limit pertaining to the national phase. It was further understood that, for the purposes of Article 48(2), the provisions referred to in Rule 81*bis*. 2 may be applied only under the conditions set forth by the national law. For example, if the applicant failed to pay a fee or to correct a defect within a certain time limit and if such failure could be excused under the national law of a Contracting State, it must be excused for international applications. The Delegation of the United Kingdom said that it did not consider that Article 48(2)(a) could override the provisions of Article 24(1) of the Treaty. Under those provisions, if the international application was correctly considered withdrawn during the international phase, the effect of the international application ceased in the designated States, unless any such State voluntarily chose otherwise. The Delegations of the Netherlands and of the United Kingdom said that they were not convinced that Article 48(2)(a) could be understood in such a way that an applicant, having chosen to follow the PCT route, could make use of both the advantages offered by the procedure under the PCT and the advantages that would have been obtained if the applicant had chosen to follow the national route straight away. Other delegations said that PCT applicants should enjoy the unrestricted advantages offered under the national systems.

#### Final observation

68. The Delegation of the Soviet Union, at the close of the substantive discussions on the modification of time limits in the Treaty and amendments to the Regulations, stressed the need, after the completion of the rather far-reaching round of revisions of the system, to reduce future changes in the Treaty and the Regulations, both in quantity and frequency. Numerous changes at short intervals could be discouraging for the users. It was of course not possible to stop further revision of the system completely. The system, after the overhaul now completed, should be allowed to rest for a while in order to allow those working with it to gain practical experience. Any future revision should be reduced to the extent to which a real need for it could be established.

69. The Assembly agreed with the views expressed by the Delegation of the Soviet Union and, in concluding its discussion of time limits and Regulations, asked for its appreciation of the work done by the International Bureau to be recorded. The mandate given to the International Bureau by the Assembly in 1981 had been most successfully accomplished.

## QUESTIONS OF SPECIAL INTEREST TO DEVELOPING COUNTRIES

70. The Assembly considered this question on the basis of paragraphs 10 to 14 of document PCT/A/XI/3 and the Draft Resolution of the Assembly contained in the Annex to that document.

71. The Assembly expressed itself in favor of measures allowing developing countries to derive full benefit from participating in the PCT system as provided for in the Draft Resolution under discussion.

72. The Delegation of Romania stressed the importance of appropriate action on the basis of the proposed Resolution, not only for the developing countries members of the PCT Union, but also for developing countries still remaining outside that Union. Practical implementation of the principles of the Draft Resolution would undoubtedly enhance use of the PCT system by developing countries and, by attracting further developing countries to adhere, broaden the geographical application of the system.

73. The representative of AIPPI suggested to speak in items (1) and (2) of the Draft Resolution of "applicants from" rather than "nationals of" developing countries in order to align the text with that of item (3).

74. The Delegation of the United States of America reiterated its position taken in earlier discussions concerning the question of preferential treatment as to fees payable by applicants from developing countries and stated that, in its view, adoption of this Resolution should await the outcome of the ongoing revision of the Paris Convention for the Protection of Industrial Property and that, in the meantime, any fee reductions for applicants should be considered and granted on the basis of individual need rather than as an automatic consequence of their nationality. Consequently, the Delegation had some reservations with respect to the principles expressed in items (1) and (2) of the Draft Resolution. If that part of the Draft Resolution were retained nevertheless, it should at least be amended as suggested by the representative of AIPPI.

75. The Assembly agreed with the suggestion of the representative of AIPPI.

76. The representative of the EPO drew attention to a decision taken by the Administrative Council of the EPO on December 9, 1983, concerning the reduction, in favor of nationals of developing countries, of the fees for international search and preliminary examination carried out by the European Patent Office as International Searching and Preliminary Examining Authority. This decision, which was unanimously approved by the Administrative Council of the EPO, provided for a reduction by 50% of the search fee and the fee for international preliminary examination where the international application was filed by a national of a developing country with the receiving Office of a developing country or with the receiving Office acting on behalf of that country. Consequently, the EPO had already taken the necessary measures to implement the principles stated in item (2) of the Draft Resolution.

77. Following statements made by the Delegation of Brazil and the International Bureau, welcoming that decision, expressing their gratitude for that significant step towards facilitating the use of the PCT system by nationals of developing countries and expressing the hope that other countries and PCT Authorities would follow that example, the Assembly noted the information provided by the representative of the EPO with appreciation.

78. The Assembly adopted thereafter unanimously the Resolution as amended during the discussion. The text of the Resolution is contained in Annex VIII to this report.

79. The Delegation of Brazil, stressing the need for a reduction of fees in favor of developing countries, and recalling that its original proposal to consider lower fees in favor of nationals of developing countries went further than the Resolution now adopted, underlined that its proposal included also a study with a view to reducing the level of international fees under the PCT for nationals of developing countries. The Resolution now adopted was a step in the right direction but not enough to enhance the universal character of the PCT by the inclusion of more developing countries and the promotion of an increased use of the PCT by developing countries. The Delegation said furthermore that the proposals with respect to the use of the Spanish language in the framework of the PCT, adopted by the Assembly at its present session, constituted a positive step towards more universal acceptance of the PCT and were therefore very welcome.

#### CONSULTATIONS WITH THE NATIONAL OFFICES AND THE INTERNATIONAL SEARCHING AND PRELIMINARY EXAMINING AUTHORITIES RELATING TO THE ADMINISTRATIVE INSTRUCTIONS

80. The Assembly noted that, on the occasion of the present session, consultations were held between the International Bureau and the national Offices as well as the International Searching and Preliminary Examining Authorities relating to the Administrative Instructions, as provided in PCT Rule 89.2.

81. The consultations were based on the proposed modifications to the Administrative Instructions as contained in documents PCT/A/XI/3, 4 and 5. During the consultations, the International Bureau expressed its intention to study the need for further modifications resulting, in particular, from the amendments to the Regulations which had been adopted by the Assembly. It was necessary in any case to review the existing forms contained in Annex F to the Administrative Instructions. Further consultations would therefore be held, preferably by correspondence. Should, however, the volume and character of the further modifications so require, the Director General would convene a further consultation meeting to advise him before promulgating the modified Administrative Instructions and forms.

82. The Assembly unanimously adopted this report on February 3, 1984.

[Annex I follows]

ANNEX I/ANNEXE I

LIST OF PARTICIPANTS/  
LISTE DES PARTICIPANTS

I. MEMBER STATES/ETATS MEMBRES

AUSTRALIA/AUSTRALIE

Mr. P.M. THOMAS, Senior Assistant Commissioner, Patent, Trade Marks and Designs Office, Canberra

AUSTRIA/AUTRICHE

Mr. N. MARTERER, Vice-President, Austrian Patent Office, Vienna

BELGIUM/BELGIQUE

M. P. CEUNINCK, Secrétaire d'administration, Service de la propriété industrielle, Ministère des affaires économiques, Bruxelles

BRAZIL/BRESIL

Mr. E. CORDEIRO, First Secretary, Permanent Mission, Geneva

DENMARK/DANEMARK

Mr. J. DAM, Head of Section, Patent and Trademark Office, Copenhagen

FINLAND/FINLANDE

Mrs. S.L. LAHTINEN, Acting Deputy Director General, National Board of Patents and Registration, Helsinki

Mrs. E. HÄKLI, Head of Section, National Board of Patents and Registration, Helsinki

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M. P. GUERIN, Conseiller juridique, Institut national de la propriété industrielle, Paris

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GERMANY (FEDERAL REPUBLIC OF)/ALLEMAGNE (REPUBLIQUE FEDERALE D')

Mr. F. GOEBEL, Head of Legal Division, German Patent Office, Munich

Mr. J. SCHADE, Head of Section, German Patent Office, Munich

HUNGARY/HONGRIE

Mr. I. IVANYI, Vice-President, National Office of Inventions, Budapest

Mrs. E. PARRAGH, Head, International Section, National Office of Inventions, Budapest

JAPAN/JAPON

Mr. Y. HASHIMOTO, Director General, Industrial Property Training Institute, Patent Office, Tokyo

Mr. E. SIRAKASI, Director, Examination Standard Office, Patent Office, Tokyo

Mr. S. ONO, First Secretary, Permanent Mission, Geneva

LUXEMBOURG

M. F. SCHLESSER, Inspecteur principal, Service de la propriété intellectuelle, Ministère de l'économie et des classes moyennes, Luxembourg

NETHERLANDS/PAYS-BAS

Mr. J.J. BOS, President, Netherlands Patent Office, Rijswijk

Mr. S. de VRIES, Member of the Patents Council, Netherlands Patent Office, Rijswijk

NORWAY/NORVEGE

Mr. P.T. LOSSIUS, Deputy Director General, Norwegian Patent Office, Oslo

Mr I. LILLEVIK, Head of Section, Patent Department, Norwegian Patent Office, Oslo

Mr. K.H. REINSKOU, Executive Officer, Ministry of Justice, Oslo

ROMANIA/ROUMANIE

M. I. MARINESCU, Directeur, Office d'Etat pour les inventions et les marques, Bucarest

M. P. GAVRILESCU, Troisième Secrétaire, Ministère des affaires étrangères, Bucarest

SOVIET UNION/UNION SOVIETIQUE

Mr. L. KOMAROV, First Deputy Chairman, USSR State Committee for Inventions and Discoveries, Moscow

Mr. V. TROUSSOV, Deputy Director, Patent Examination Department, USSR State Committee for Inventions and Discoveries, Moscow

SWEDEN/SUEDE

Mr. G. BORGGÅRD, Director General, Royal Patent and Registration Office, Stockholm

Ms. B. SANDBERG, Head, International Section, Royal Patent and Registration Office, Stockholm

Mr. E. TERSMEDEN, Legal Adviser, Ministry of Justice, Stockholm

SWITZERLAND/SUISSE

M. M. LEUTHOLD, Chef de la Division administrative, Office fédéral de la propriété intellectuelle, Berne

M. K. GRÜNIG, Fonctionnaire spécialiste, Office fédéral de la propriété intellectuelle, Berne

M. J.-M. SOUCHE, Juriste, Office fédéral de la propriété intellectuelle, Berne

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Mr. A. SUGDEN, Principal Examiner, Patent Office, London

Mr. J. SHARROCK, Principal Examiner, Patent Office, London

UNITED STATES OF AMERICA/ETATS-UNIS D'AMERIQUE

Mr. H.D. HOINKES, Legislative and International Patent Specialist, United States Patent and Trademark Office, Washington, D.C.

Mr. L.O. MAASSEL, Patent Practice and Procedure Specialist, United States Patent and Trademark Office, Washington, D.C.

II. OBSERVER STATES/ETATS OBSERVATEURS

REPUBLIC OF KOREA/REPUBLIQUE DE COREE

Mr. J.U. CHAE, Commercial Attaché, Permanent Mission, Geneva

SPAIN/ESPAGNE

Sr. J. DELICADO MONTERO-RIOS, Director General del Registro de la Propiedad Industrial, Madrid

Sra. S. JESSEL, Directora, Departamento Estudios y Relaciones Internacionales, Registro de la Propiedad Industrial, Madrid

Sr. A. CASADO CERVINO, Jefe del Servicio de Relaciones Internacionales, Registro de la Propiedad Industrial, Madrid

III. INTERGOVERNMENTAL ORGANIZATION/ORGANISATION  
INTERGOUVERNEMENTALE

EUROPEAN PATENT ORGANISATION (EPO)/ORGANISATION EUROPEENNE DES  
BREVETS (OEB)

M. U. SCHATZ, Directeur principal, Affaires internationales, Office européen des brevets,  
Munich

Mme L. GRUSZOW, Administrateur, Affaires internationales, Office européen des brevets,  
Munich

M. M.S. PÅRUP, Juriste, Affaires juridiques, Office européen des brevets, Munich

IV. INTERNATIONAL NON-GOVERNMENTAL ORGANIZATIONS/  
ORGANISATIONS INTERNATIONALES NON GOUVERNEMENTALES

ASIAN PATENT ATTORNEYS ASSOCIATION (APAA)/ASSOCIATION ASIATIQUE  
D'EXPERTS JURIDIQUES EN BREVETS

Mr. T. YAMAGUCHI, Chairman, PCT Committee, Japanese Group, Tokyo

COMMITTEE OF NATIONAL INSTITUTES OF PATENT AGENTS (CNIPA)/COMITE  
DES INSTITUTS NATIONAUX D'AGENTS DE BREVETS

Mr. C.J.W. EVERITT, Patent Agent, London

EUROPEAN FEDERATION OF AGENTS OF INDUSTRY IN INDUSTRIAL  
PROPERTY/FEDERATION EUROPEENNE DES MANDATAIRES DE L'INDUSTRIE EN  
PROPRIETE INDUSTRIELLE (FEMIP)

M. F.A. JENNY, Vice-président, Bâle, Suisse

INSTITUTE OF PROFESSIONAL REPRESENTATIVES BEFORE THE EUROPEAN  
PATENT OFFICE (EPI)/INSTITUT DES MANDATAIRES AGREES PRES L'OFFICE  
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M. F.A. JENNY, Président, Commission pour la pratique du brevet européen,  
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INTERNATIONAL ASSOCIATION FOR THE PROTECTION OF INDUSTRIAL  
PROPERTY/ASSOCIATION INTERNATIONALE POUR LA PROTECTION DE LA  
PROPRIETE INDUSTRIELLE (AIPPI)

M. G.R. CLARK, Membre d'honneur, Downers Grove, Etats-Unis d'Amérique

INTERNATIONAL FEDERATION OF INDUSTRIAL PROPERTY  
ATTORNEYS/FEDERATION INTERNATIONALE DES CONSEILS EN PROPRIETE  
INDUSTRIELLE (FICPI)

Mr. H. BARDEHLE, President, Munich

Mr. K. RAFFNSOE, Vice-President, Study and Works Commission, Copenhagen

INTERNATIONAL FEDERATION OF INVENTORS' ASSOCIATIONS  
(IFIA)/FEDERATION INTERNATIONALE DES ASSOCIATIONS DES INVENTEURS

Mr. C.P. FELDMANN, Glattbrugg, Switzerland

UNION OF EUROPEAN PRACTITIONERS IN INDUSTRIAL PROPERTY  
(UEPIP)/UNION DES PRATICIENS EUROPEENS EN PROPRIETE INDUSTRIELLE  
(UPEPI)

M. G.E. KIRKER, Ingénieur-conseil en propriété industrielle, Genève

UNION OF INDUSTRIES OF THE EUROPEAN COMMUNITY/UNION DES  
INDUSTRIES DE LA COMMUNAUTE EUROPEENNE (UNICE)

Mr. R. KOCKLÄUNER, Hoechst AG, Frankfurt

V. OFFICERS/BUREAU

Chairman/Président	: M. I. MARINESCU (Romania/Roumanie)
Vice-Chairmen/Vice-présidents	: Mr. G. BORGGÅRD (Sweden/Suède) ..... (Togo)
Secretary/Secrétaire	: M. F. CURCHOD (WIPO/OMPI)

VI. INTERNATIONAL BUREAU OF WIPO/BUREAU INTERNATIONAL DE L'OMPI

Dr. A. BOGSCH, Director General

Mr. K. PFANNER, Deputy Director General

M. F. CURCHOD, Directeur, Division du PCT

Mr. J. FRANKLIN, Deputy Head, PCT Division

Mr. B. BARTELS, Head, PCT Legal Section

Mr. N. SCHERRER, Head, PCT Publications, Fees and Statistics Section

Mr. Y. PLOTNIKOV, Senior Counsellor, PCT Legal Section

Mr. T. HIRAI, Examination Procedures Officer, PCT Examination Section

[Annex II follows/L'annexe II suit]

ANNEX II

RULES OF PROCEDURE OF THE  
ASSEMBLY OF THE PCT UNION  
as amended on February 3, 1984

Rule 1: Application of the General Rules of Procedure

The Rules of Procedure of the Assembly of the International Patent Cooperation (PCT) Union shall consist of the General Rules of Procedure of WIPO, supplemented and amended by the provisions set forth hereinafter.

Rule 2: Special Observers

Intergovernmental authorities having the power to grant patents effective in one or more States members of the PCT Union shall be invited as “special observers” to all sessions of the Assembly. They shall have the same rights in the sessions of the Assembly as States members of the Assembly, except the right to vote.

Rule 3: Draft Agenda

The draft agenda of each session shall be drawn up by the Director General. In the case of ordinary sessions, such draft shall follow the instructions of the Executive Committee once the Executive Committee is established (see PCT Articles 53(9) and 54(6)(a)). In the case of extraordinary sessions, the said draft shall include the item or items mentioned in the request referred to in Article 53(11)(c) of the Patent Cooperation Treaty.

Rule 4: Publication of the Report

The report on the work of each session, or a summary drawn up by the International Bureau, shall be published in the Gazette of the PCT Union and in the reviews of the World Intellectual Property Organization La Propriété industrielle and Industrial Property.

[Annex III follows]

RULES OF PROCEDURE OF THE PCT COMMITTEE  
FOR TECHNICAL COOPERATION (PCT/CTC)

as amended on February 3, 1984

Rule 1: Application of the General Rules of Procedure

The PCT Committee for Technical Cooperation (PCT/CTC, hereinafter referred to as “the Committee”), being, within the meaning of Rule 12 of the General Rules of Procedure of WIPO, a subsidiary body of the PCT Assembly, the provisions of the said General Rules of Procedure shall be the Rules of Procedure of the Committee, supplemented and amended by the provisions set forth hereinafter.

Rule 2: Special Observers

Intergovernmental authorities not members of the Committee which have the status of special observer in the PCT Assembly shall be invited as “special observers” to all sessions of the Committee. They shall have the same rights in the sessions of the Committee as members of the Committee, except the right to vote.

Rule 3: Joint Meetings with the WIPO Permanent Committee on Patent Information

The meetings of the Committee shall be joint with those of the WIPO Permanent Committee on Patent Information, it being understood that the activities of the two Committees shall be coordinated and that, where decisions are made by the Committee, only the members of the Committee shall vote.

[Annex IV follows]

RULES OF PROCEDURE OF THE PCT COMMITTEE FOR  
ADMINISTRATIVE AND LEGAL MATTERS (PCT/CAL)

as amended on February 3, 1984

Rule 1: Composition

The PCT Committee for Administrative and Legal Matters (PCT/CAL, hereinafter referred to as “the Committee”) shall have as members the States members of the PCT Union and the International Searching and Preliminary Examining Authorities, it being understood that, where any such Authority is the national Office of a State member of the PCT Union, that State shall not be additionally represented on the Committee.

Rule 2: Terms of Reference

The Committee shall deal with matters concerning

(i) the relationship between the International Bureau on the one hand and the applicants, the receiving Offices, the designated Offices, the elected Offices, the International Searching Authorities and the International Preliminary Examining Authorities on the other hand,

(ii) the relationship between the applicants on the one hand and the receiving Offices, the designated Offices, the elected Offices, the International Searching Authorities and the International Preliminary Examining Authorities on the other hand,

(iii) the relationship between the receiving Offices, the designated Offices and the elected Offices on the one hand and the International Searching Authorities and the International Preliminary Examining Authorities on the other hand,

(iv) fees, forms, procedures and publications under the PCT,

(v) other administrative and legal questions concerning the application of the PCT.

Rule 3: Application of the General Rules of Procedure

The Committee, being, within the meaning of Rule 12 of the General Rules of Procedure of WIPO, a subsidiary body of the PCT Assembly, the provisions of the said General Rules of Procedure shall be the Rules of Procedure of the Committee, supplemented and amended by the provisions set forth hereinafter.

Rule 4: Special Observers

Intergovernmental authorities not members of the Committee which have the status of special observer in the PCT Assembly shall be invited as “special observers” to all sessions of the Committee. They shall have the same rights in the sessions of the Committee as members of the Committee, except the right to vote.

Rule 5: Observers

The Director General shall, on his own initiative or at the request of the Committee, invite representatives of interested organizations to attend the sessions of the Committee in an observer capacity.

Rule 6: Working Groups

The Committee may, with the approval of the Assembly, set up working groups for the purposes of dealing with specific questions. It shall decide their composition, terms of reference, duration and rules of procedure.

[Annex V follows]

RULES OF PROCEDURE OF THE PCT COMMITTEE  
FOR TECHNICAL ASSISTANCE (PCT/CTA)

as amended on February 3, 1984

Rule 1: Application of the General Rules of Procedure

The PCT Committee for Technical Assistance (PCT/CTA, hereinafter referred to as “the Committee”), being, within the meaning of Rule 12 of the General Rules of Procedure of WIPO, a subsidiary body of the PCT Assembly, the provisions of the said General Rules of Procedure shall be the Rules of Procedure of the Committee, supplemented and amended by the provisions set forth hereinafter.

Rule 2: Special Observers

Intergovernmental authorities which have the status of special observer in the PCT Assembly shall be invited as “special observers” to all sessions of the Committee. They shall have the same rights in the sessions of the Committee as States members of the Committee, except the right to vote.

Rule 3: Observers

The Director General shall, on his own initiative or at the request of the Committee, invite representatives of interested international non-governmental organizations to attend the sessions of the Committee in an observer capacity.

Rule 4: Joint Meetings with the WIPO Permanent Committee for Development Cooperation  
Related to Industrial Property

The meetings of the Committee shall be joint with those of the WIPO Permanent Committee for Development Cooperation Related to Industrial Property, it being understood that the activities of the two Committees shall be coordinated and that, where decisions are made by the Committee, only the members of the Committee shall vote.

[Annex VI follows ]

TEXTS OF THE AMENDED PROVISIONS OF THE  
AGREEMENTS CONCLUDED BETWEEN CERTAIN  
INTERNATIONAL SEARCHING AUTHORITIES AND  
THE INTERNATIONAL BUREAU OF WIPO

Agreement between the Australian Patent Office  
and the International Bureau of WIPO

Article 7

Fees and Charges

(1) [No change]

(2) The Authority shall, to the extent and under the conditions set out in Annex C of this Agreement, refund the whole or part of the search fee paid where a search report can be wholly or partially based on the results of an earlier search made by the Authority (Rules 16.3 and 41.1).

Agreement between the Federal Ministry for Trade, Commerce and Industry of Austria and  
the International Bureau of WIPO

Article 7

Fees and Charges

(1) [No change]

(2) The Authority shall, to the extent and under the conditions set out in Annex C of this Agreement, refund the whole or part of the search fee paid where a search report can be wholly or partially based on the results of an earlier search made by the Authority (Rules 16.3 and 41.1).

Agreement between the Japanese Patent Office  
and the International Bureau of WIPO

Article 8

Fees and Charges

(1) [No change]

(2) The Authority shall, to the extent and under the conditions set out in Annex D of this Agreement, refund the whole or part of the search fee paid where a search report can be wholly or partially based on the results of an earlier search made by the Authority (Rules 16.3 and 41.1).

Agreement between the Royal Patent and  
Registration Office of Sweden and the International  
Bureau of WIPO

Article 7

Fees and Charges

(1) [No change]

(2) The Authority shall, to the extent and under the conditions set out in Annex C of this Agreement, refund the whole or part of the search fee paid where a search report can be wholly or partially based on the results of an earlier search made by the Authority (Rules 16.3 and 41.1).

Agreement between the USSR State Committee for  
Inventions and Discoveries and the  
International Bureau of WIPO

Article 7

Fees and Charges

(1) [No change]

(2) The Authority shall, to the extent and under the conditions set out in Annex C of this Agreement, refund the whole or part of the search fee paid where a search report can be wholly or partially based on the results of an earlier search made by the Authority (Rules 16.3 and 41.1).

Agreement between the International Bureau of WIPO  
and the European Patent Organisation

Article 8

Fees and Other Charges

(1) [No change]

(2) The Authority shall, to the extent and under the conditions set out in Annex B of this Agreement, refund the whole or part of the international search fee paid where an international search report can be wholly or partially based on the results of an earlier search made by the Authority.

[Annex VII follows]

DECISIONS OF THE ASSEMBLY CONCERNING  
ARTICLES 22(2) AND 39(1)(a) OF THE PATENT COOPERATION TREATY (PCT) AND  
AMENDMENTS TO THE REGULATIONS UNDER THE PCT  
AS ADOPTED BY THE ASSEMBLY

DECISIONS CONCERNING ARTICLES 22(2) AND 39(1)(a)

Decision concerning Article 22(2)

The Assembly, in order to make the same time limit applicable under paragraphs (1) and (2) of Article 22, decides as follows:

(1) Article 22(2) is modified as follows:

“\*Where the International Searching Authority makes a declaration, under Article 17(2)(a), that no international search report will be established, the time limit for performing the acts referred to in paragraph (1) of this Article shall be the same as that provided for in paragraph (1).”

(2) The modification enters into force on January 1, 1985. However, as long as that time limit is incompatible with the national law applied by the designated Office, a time limit of two months from the date of the notification sent to the applicant of the said declaration shall, during that transitory period, apply with respect to that designated Office, provided that such Office has made a notification to that effect to the International Bureau.

(3) The notification referred to in paragraph (2) shall be addressed to the International Bureau before October 1, 1984. It shall be promptly published by the International Bureau in the Gazette, and it shall become effective on January 1, 1985.

(4) Any notification effected under paragraph (3) may be withdrawn at any time. Such withdrawal shall be promptly published by the International Bureau in the Gazette, and it shall be effective 2 months after its publication in the Gazette or at any later date as indicated in the notice of withdrawal.

Decision Concerning Article 39(1)(a)

The Assembly, in order to extend the time limit under Article 39(1)(a) from 25 to 30 months from the priority date, decides as follows:

(1) Article 39(1)(a) is modified as follows:

“If the election of any Contracting State has been effected prior to the expiration of the 19th month from the priority date, the provisions of Article 22 shall not apply to such State and the applicant shall furnish a copy of the international application (unless the communication under Article 20 has already taken place) and a translation thereof (as

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\* The modification consists of replacing the words “two months from the date of the notification sent to the applicant of the said declaration” by the words underlined; it also consists of deleting, before the word “Where,” the words “Notwithstanding the provisions of paragraph (1),”

prescribed), and pay the national fee (if any), to each elected Office not later than at the expiration of 30\* months from the priority date.”

(2) The modification enters into force on January 1, 1985. However, as long as the said time limit of 30 months is incompatible in all cases with the national law applied by the elected Office, a time limit of 25 months from the priority date shall, during that transitory period, apply with respect to that elected Office, provided that such Office has made a notification to that effect to the International Bureau.

(3) The notification referred to in paragraph (2) shall be addressed to the International Bureau before October 1, 1984. It shall be promptly published by the International Bureau in the Gazette, and it shall become effective on January 1, 1985.

(4) Any notification effected under paragraph (3) may be withdrawn at any time. Such withdrawal shall be promptly published by the International Bureau in the Gazette, and it shall be effective 2 months after its publication in the Gazette or at any later date as indicated in the notice of withdrawal.

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\* The modification consists of changing “25” to “30.”

AMENDMENTS TO THE REGULATIONS\*

Rule 4

The Request (Contents)

4.1 to 4.9 [No change]

4.10 Priority Claim

(a) [No change]

(b) If the request does not indicate both

(i) when the earlier application is not a regional or an international application, the country in which it was filed; when the earlier application is a regional or an international application, at least one country for which it was filed, and

(ii) the date on which it was filed,

the priority claim shall, for the purposes of the procedure under the Treaty, be considered not to have been made except where, resulting from an obvious error<sup>\*\*</sup>, the indication of the said country or the said date is missing or is erroneous; whenever the identity or correct identity of the said country, or the said date or the correct date, may be established on the basis of the copy of the earlier application which reaches the receiving Office before it transmits the record copy to the International Bureau, the error shall be considered as an obvious error.

(c) If the application number of the earlier application is not indicated in the request but is furnished by the applicant to the International Bureau or to the receiving Office prior to the expiration of the 16th month from the priority date, it shall be considered by all designated States to have been furnished in time.<sup>\*\*\*</sup>

(d) If the filing date of the earlier application as indicated in the request does not fall within the period of one year preceding the international filing date, the receiving Office, or, if the receiving Office has failed to do so, the International Bureau, shall invite the applicant to ask either for the cancellation of the declaration made under Article 8(1) or, if the date of the earlier application was indicated erroneously, for the correction of the date so indicated. If the applicant fails to act accordingly within 1 month from the date of the invitation, the declaration made under Article 8(1) shall be cancelled ex officio.<sup>\*\*\*\*</sup>

(e) [No change]

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\* Where the amendment consists of one or more new words, it or they are underlined (the word or words which is or are replaced are not indicated). Where the amendment consists of deleting one or more words, without replacing it or them, this fact is indicated in footnotes.

\*\* The amendment consists of deleting, after the word "error," the words "of transcription".

\*\*\* The amendment also consists of deleting the last two sentences of this paragraph.

\*\*\*\* The amendment consists of deleting the last two sentences of the present text of this paragraph.

4.11 to 4.16 [No change]

4.17 Additional\* Matter

(a) The request shall contain no matter other than that specified in Rules 4.1 to 4.16, provided that the Administrative Instructions may permit, but cannot make mandatory, the inclusion in the request of any additional matter specified in the Administrative Instructions.

(b) If the request contains matter other than that specified in Rules 4.1 to 4.16 or permitted under paragraph (a) of the Administrative Instructions, the receiving Office shall ex officio delete the additional matter.

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\* The amendment consists of deleting the word “No” before the word “Additional”.

Rule 6

The Claims

6.1 to 6.3 [No change]

6.4 Dependent Claims

(a) Any claim which includes all the features of one or more other claims (claim in dependent form, hereinafter referred to as “dependent claim”) shall do so by a reference, if possible at the beginning, to the other claim or claims and shall then state the additional features claimed. Any dependent claim which refers to more than one other claim (“multiple dependent claim”) shall refer to such claims in the alternative only. Multiple dependent claims shall not serve as a basis for any other multiple dependent claim. Where the national law of the national Office acting as International Searching Authority does not allow multiple dependent claims to be drafted in a manner different from that provided for in the preceding two sentences, failure to use that manner of claiming may result in an indication under Article 17(2)(b) in the international search report. Failure to use the said manner of claiming shall have no effect in a designated State if the manner of claiming actually used satisfies the national law of that State.

(b) and (c) [No change]

6.5 [No change]

Rule 8

The Abstract

8.1 [No change]

8.2 Figure

(a) If the applicant fails to make the indication referred to in Rule 3.3(a)(iii), or if the International Searching Authority finds that a figure or figures other than that figure or those figures suggested by the applicant would, among all the figures of all the drawings, better characterize the invention, it shall, subject to paragraph (b), indicate the figure or figures which should accompany the abstract when the latter is published by the International Bureau. In such case, the abstract shall be accompanied by the figure or figures so indicated by the International Searching Authority. Otherwise, the abstract shall, subject to paragraph (b), be accompanied by the figure or figures suggested by the applicant.

(b) If the International Searching Authority finds that none of the figures of the drawings is useful for the understanding of the abstract, it shall notify the International Bureau accordingly. In such case, the abstract, when published by the International Bureau, shall not be accompanied by any figure of the drawings even where the applicant has made a suggestion under Rule 3.3(a)(iii).

8.3 [No change]

Rule 11

Physical Requirements of the International Application

11.1 to 11.14 [No change]

11.15 Translations

[Deleted]

## Rule 12

## Language of the International Application

12.1 Admitted Languages

(a) Any international application shall be filed in the language, or one of the languages, specified in the agreement concluded between the International Bureau and the International Searching Authority competent for the international searching of that application, provided that, if the agreement specifies several languages, the receiving Office may prescribe among the specified languages that language in which or those languages in one of *which* the international application must be filed.

(b) If the international application is filed in a language other than the language in which it is to be published, the request may, notwithstanding paragraph (a), be filed in the language of publication.

(c) Subject to paragraph (d), where the official language of the receiving Office is one of the languages referred to in Rule 48.3(a) but is a language not specified in the agreement referred to in paragraph (a), the international application may be filed in the said official language. If the international application is filed in the said official language, the search copy transmitted to the International Searching Authority under Rule 23.1 shall be accompanied by a translation into the language, or one of the languages, specified in the agreement referred to in paragraph (a); such translation shall be prepared under the responsibility of the receiving Office.

(d) Paragraph (c) shall apply only where the International Searching Authority has declared, in a notification addressed to the International Bureau, that it accepts to search international applications on the basis of the translation referred to in paragraph (c).

12.2 Language of Changes in the International Application

Any changes in the international application, such as amendments and corrections, shall, subject to Rules 46.3 and 66.9, be in the same language as the said application.\*

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\* The amendment also consists of deleting, after the word “application,” the expression “(cf. Rule 66.5).”

Rule 13bis

Microbiological Inventions

13bis.1 to 13bis.6 [No change]

13bis.7 National Requirements: Notification and Publication

(a) [No change]

(b) Each national Office shall notify the International Bureau\* of the depository institutions with which the national law permits deposits of microorganisms to be made for the purposes of patent procedure before that Office or, if the national law does not provide for or permit such deposits, of that fact.

(c) [No change]

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\* The amendment consists of deleting, after the word "Bureau," the following words: "a first time before entry into force of this Rule and then each time a change occurs."

Rule 15

The International Fee

15.1 to 15.3 [No change]

15.4 Time of Payment

(a) The basic fee shall be paid within one month from the date of receipt of the international application.

(b) The designation fee shall be paid:

(i) where the international application does not contain a priority claim under Article 8, within one year from the date of receipt of the international application,

(ii) where the international application contains a priority claim under Article 8, within one year from the priority date or within one month from the date of receipt of the international application if that month expires after the expiration of one year from the priority date.

(c) Where the basic fee or the designation fee is paid later than the date on which the international application was received and where the amount of that fee is, in the currency in which it is payable, higher on the date of payment (“the higher amount”) than it was on the date on which the international application was received (“the lower amount”),

(i) the lower amount shall be due if the fee is paid within one month from the date of receipt of the international application,

(ii) the higher amount shall be due if the fee is paid later than one month from the date of receipt of the international application.

(d) If, on February 3, 1984, paragraphs (a) and (b) are not compatible with the national law applied by the receiving Office and as long as they continue to be not compatible with that law, the basic fee shall be paid on the date of receipt of the international application and the designation fee shall be paid within one year from the priority date.

15.5 [No change: remains deleted]

15.6 [No change]

Rule 16bis

Advancing Fees by the International Bureau

16bis.1 Guarantee by the International Bureau

(a) Where, by the time they are due under Rule 14.1(b), Rule 15.4(a)\* and Rule 16.1(f), the receiving Office finds that in respect of an international application no fees were paid to it by the applicant, or that the amount paid to it by the applicant is less than what is necessary to cover the transmittal fee, the basic fee and the search fee, the receiving Office shall charge the amount required to cover those fees, or the missing part thereof, to the International Bureau and shall consider the said amount as if it had been paid by the applicant at the due time.

(b) Where, by the time\* they are due under Rule 15.4(b)\*\* , the receiving Office finds that in respect of an international application the payment made by the applicant is insufficient to cover the designation fees necessary to cover all the designations, the receiving Office shall charge the amount required to cover those fees to the International Bureau and shall consider that amount as if it had been paid by the applicant at the due time.

(c) [No change]

(d) [~~Deleted~~]

16bis.2 Obligations of the Applicant, Etc.

(a) to (c) [No change]

(d) to (g) [~~Deleted~~]

16bis.3 Notifications

[~~Deleted~~]

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\* The amendment consists of deleting, after the word "time," the words "it or. "

\*\* The amendment consists of deleting the reference to paragraph (c).

Rule 17

The Priority Document

17.1 Obligation to Submit Copy of Earlier National Application

(a) Where the priority of an earlier national application is claimed under Article 8 in the international application, a copy of the said national application, certified by the authority with which it was filed (“the priority document”), shall, unless already filed with the receiving Office together with the international application, be submitted by the applicant to the International Bureau or to the receiving Office not later than 16 months after the priority date or, in the case referred to in Article 23(2), not later than at the time the processing or examination is requested.\*

(b) Where the priority document is issued by the receiving Office, the applicant may, instead of submitting the priority document, request the receiving Office to transmit the priority document to the International Bureau. Such request shall be made not later than the expiration of the applicable time limit referred to under paragraph (a) and may be subjected by the receiving Office to the payment of a fee.\*\*

(c) [No change]

(d) (Deleted)

17.2 [No change]

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\* The amendment consists of deleting the last two sentences of this paragraph.

\*\* The amendment consists of deleting the last sentence of this paragraph.

Rule 20

Receipt of the International Application

20.1 to 20.4 [No change]

20.5 Positive Determination

(a) [No change]

(b) [No change]

(c) The receiving Office shall promptly notify the applicant of the international application number and the international filing date. At the same time, it shall send to the International Bureau a copy of the notification sent to the applicant, except where it has already sent, or is sending at the same time, the record copy to the International Bureau under Rule 22.1(a).

20.6 to 20.9 [No change]

Rule 22

Transmittal of the Record Copy

22.1 Procedure

(a) [No change]

(b) If the International Bureau has received a copy of the notification under Rule 20.5(c) but is not, by the expiration of 13 months from the priority date, in possession of the record copy, it shall remind the receiving Office that it should transmit the record copy to the International Bureau promptly.

(c) If the International Bureau has received a copy of the notification under Rule 20.5(c) but is not, by the expiration of 14 months from the priority date, in possession of the record copy, it shall notify the applicant and the receiving Office accordingly.

(d) After the expiration of 14 months from the priority date, the applicant may request the receiving Office to certify a copy of his international application as being identical with the international application as filed and may transmit such certified copy to the International Bureau.

(e) Any certification under paragraph (d) shall be free of charge and may be refused only on any of the following grounds:

(i) the copy which the receiving Office has been requested to certify is not identical with the international application as filed;

(ii) prescriptions concerning national security prevent the international application from being treated as such:

(iii) the receiving Office has already transmitted the record copy to the International Bureau and that Bureau has informed the receiving Office that it has received the record copy.

(f) Unless the International Bureau has received the record copy, or until it receives the record copy, the copy certified under paragraph (e) and received by the International Bureau shall be considered to be the record copy.

(g) If, by the expiration of the time limit applicable under Article 22, the applicant has performed the acts referred to in that Article but the designated Office has not been informed by the International Bureau of the receipt of the record copy, the designated Office shall inform the International Bureau. If the International Bureau is not in possession of the record copy, it shall promptly notify the applicant and the receiving Office unless it has already notified them under paragraph (c).

22.2 Alternative Procedure

[Deleted]

22.3 Time Limit under Article 12(3)

The time limit referred to in Article 12(3) shall be 3 months from the date of the notification sent by the International Bureau to the applicant under Rule 22.1(c) or (g).

22.4 Statistics Concerning Non-Compliance with Rules 22.1 and 22.2

[Deleted]

22.5 Documents Filed with the International Application

[Deleted]

Rule 23

Transmittal of the Search Copy

23.1 Procedure

(a) The search copy shall be transmitted by the receiving Office to the International Searching Authority at the latest on the same day as the record copy is transmitted to the International Bureau.\*

(b) If the International Bureau has not received, within 10 days from the receipt of the record copy, information from the International Searching Authority that that Authority is in possession of the search copy, the International Bureau shall promptly transmit a copy of the international application to the International Searching Authority.\*\*

(c) [Deleted]

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\* The amendment consists of deleting, at the end of the present text of this paragraph, the words “or, under Rule 22.2(d), to the applicant.”

\*\* The amendment consists of deleting the second sentence of this paragraph.

Rule 24

Receipt of the Record Copy by the International Bureau

24.1 Recording of Date of Receipt of the Record Copy

[Deleted]

24.2 [No change]

Rule 26

Checking By, and Correcting before, the Receiving Office of Certain Elements of the International Application

26.1 [No change]

26.2 Time Limit for Correction

The time limit referred to in Article 14(1)(b) shall be reasonable under the circumstances\* and shall be fixed in each case by the receiving Office. It shall not be less than 1 month\*\* from the date of the invitation to correct. It may be extended by the receiving Office at any time before a decision is taken.

26.3 Checking of Physical Requirements under Article 14(1)(a)(v)

The physical requirements referred to in Rule 11 shall be checked only to the extent that compliance therewith is necessary for the purpose of reasonably uniform international publication.

26.3bis Invitation to Correct Defects under Article 14(1)(b)

The receiving Office shall not be required to issue the invitation to correct a defect under Article 14(1)(a)(v) where the physical requirements referred to in Rule 11 are complied with to the extent necessary for the purpose of reasonably uniform international publication.

26.4 Procedure

(a) [No change]

(b) to (d) [~~Deleted~~]

26.5 Decision of the Receiving Office

(a) The receiving Office shall decide whether the applicant has submitted the correction within the time limit under Rule 26.2 and, if the correction has been submitted within that time limit, whether the international application so corrected is or is not to be considered withdrawn, provided that no international application shall be considered withdrawn for lack of compliance with the physical requirements referred to in Rule 11 if it complies with those requirements to the extent necessary for the purpose of reasonably uniform international publication.

(b) [~~Deleted~~]

26.6 [No change]

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\* The amendment consists of deleting, after the word “circumstances,” the words “of the particular case.”  
\*\* The amendment consists of deleting, after the word “month,” the words “and normally not more than 2 months.”

Rule 28

Defects Noted by the International Bureau<sup>\*</sup>

28.1 Note on Certain Defects

(a) If, in the opinion of the International Bureau<sup>\*\*</sup>, the international application contains any of the defects referred to in Article 14(1)(a)(i), (ii) or (v), the International Bureau<sup>\*\*\*</sup> shall bring such defects to the attention of the receiving Office.

(b) [No change]

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\* The amendment consists of deleting, after the word “Bureau,” the words “or the International Searching Authority.”

\*\* The amendment consists of deleting, after the word “Bureau,” the words “or of the International Searching Authority.”

\*\*\* The amendment consists of deleting, after the word “Bureau,” the words “or the International Searching Authority, respectively.”

Rule 29

International Applications or Designations Considered  
Withdrawn under Article 14(1), (3) or (4)

29.1 [No change]

29.2 Finding by Designated Office

[Deleted]

29.3 and 29.4 [No change]

Rule 32

Withdrawal of the International Application  
or of Designations

32.1 Withdrawals

(a) and (b) [No change]

(c) Withdrawal shall be effected by a signed notice from the applicant to the International Bureau or\* to the receiving Office. In the case of Rule 4.8(b), the notice shall require the signature of all the applicants.

(d) [~~Deleted~~]

(e) There shall be no international publication of the international application or of the designation, as the case may be, if the notice effecting withdrawal reaches the International Bureau before the technical preparations for publication have been completed.

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\* The amendment consists of deleting, after the word “or,” the following words: “, if the record copy has not yet been sent to the International Bureau.”

Rule 32**bis**

Withdrawal of the Priority Claim

32**bis**.1 Withdrawals

(a) and (b) [No change]

(c) Where the withdrawal of the priority claim, or, in the case of more than one such claim, the withdrawal of any of them, causes a change in the priority date of the international application, any time limit which is computed from the original priority date and which has not already expired shall be computed from the priority date resulting from that change. In the case of the time limit of 18 months referred to in Article 21(2)(a), the International Bureau may nevertheless proceed with the international publication on the basis of the said time limit as computed from the original priority date if the notice effecting withdrawal reaches the International Bureau during the period of 15 days preceding the expiration of that time limit.

(d) For any withdrawal under paragraph (a), the provisions of Rule 32.1(c)\* shall apply mutatis mutandis.

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\* The amendment also consists of deleting, after the words “Rule 32.1(c),” the words “and (d) and Rule 74**bis**.1.”

Rule 34

Minimum Documentation

34.1 Definition

(a) and (b) [No change]

(c) Subject to paragraphs (d) and (e), the “national patent documents” shall be the following:

(i) to (v) [No change]

(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.

(d) [No change]

(e) Any International Searching Authority whose official language, or one of whose official languages is not Japanese, Russian or Spanish is entitled not to include in its documentation those patent documents of Japan and the Soviet Union as well as those patent documents in the Spanish language, respectively, for which no abstracts in the English language are generally available. English abstracts becoming generally available after the date of entry into force of these Regulations shall require the inclusion of the patent documents to which the abstracts refer no later than 6 months after such abstracts become generally available. In case of the interruption of abstracting services in English in technical fields in which English abstracts were formerly generally available, the Assembly shall take appropriate measures to provide for the prompt restoration of such services in the said fields.

(f) [No change]

Rule 42

Time Limit for International Search

42.1 Time Limit for International Search

The time limit for establishing the international search report or the declaration referred to in Article 17(2)(a) shall be 3 months from the receipt of the search copy by the International Searching Authority, or 9 months from the priority date, whichever time limit expires later.\*

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\* The amendment also consists of deleting the last sentence of Rule 42.1.

## Rule 46

## Amendment of Claims Before the International Bureau

## 46.1 Time Limit

The time limit referred to in Article 19 shall be 2 months from the date of transmittal of the international search report to the International Bureau and to the applicant by the International Searching Authority or 16 months from the priority date, whichever time limit expires later, provided that any amendment made under Article 19 which is received by the International Bureau after the expiration of the applicable time limit shall be considered to have been received by that Bureau on the last day of that time limit if it reaches it before the technical preparations for international publication have been completed.

## 46.2 Dating of Amendments

[Deleted]

## 46.3 Language of Amendments

If the international application has been filed in a language other than the language in which it is published<sup>\*</sup>, any amendment made under Article 19 shall be<sup>\*\*</sup> in the language of publication.

## 46.4 Statement

(a) The statement referred to in Article 19(1) shall be in the language in which the international application is published and shall not exceed 500 words if in the English language or if translated into that language. The statement shall be identified as such by a heading, preferably by using the words “Statement under Article 19(1)” or their equivalent in the language of the statement.

(b) The statement shall contain no disparaging comments on the international search report or the relevance of<sup>\*\*\*</sup> citations contained in that report. Reference to citations, relevant to a given claim, contained in the international search report may be made only in connection with an amendment of that claim.

## 46.5 Form of Amendments

(a) [No change]

(b) and (c) [Deleted]

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\* The amendment also consists of deleting, after the word “published,” the words “by the International Bureau”.

\*\* The amendment also consists of deleting, after the word “be,” the word “both.”

\*\*\* The amendment also consists of deleting, after the word “of” the word “the.”

Rule 47

Communication to Designated Offices

47.1 Procedure

(a) [No change]

(b) Such communication shall be effected promptly after the international publication of the international application and, in any event, by the end of the 19th month after the priority date. Any amendment received by the International Bureau within the time limit under Rule 46.1 which was not included in the communication shall be communicated promptly to the designated Offices by the International Bureau, and the latter shall notify the applicant accordingly.\*

(c) to (e) [No change]

47.2 and 47.3 [No change]

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\*

The amendment also consists of deleting the last sentence of Rule 47.1(b).

Rule 48

International Publication

48.1 [No change]

48.2 Contents

(a) The pamphlet shall contain:

(i) to (v) [No change]

(vi) any statement filed under Article 19(1), unless the International Bureau finds that the statement does not comply with the provisions of Rule 46.4,

(vii) any request for rectification referred to in the third sentence of Rule 91.1(f).

(b) Subject to paragraph (c), the front page shall include:

(i) [No change]

(ii) a figure or figures where the international application contains drawings, unless Rule 8.2(b) applies,

(iii) [No change]

(c) to (f) [No change]

(g) If, at the time of the completion of the technical preparations for international publication, the international search report is not yet available, (for example, because of publication on the request of the applicant as provided in Articles 21(2)(b) and 64(3)(c)(i)), the pamphlet shall contain, in place of the international search report, an indication to the effect that that report was not available and that either the pamphlet (then also including the international search report) will be republished or the international search report (when it becomes available) will be separately published.

(h) If, at the time of the completion of the technical preparations for international publication, the time limit for amending the claims under Article 19 has not expired, the pamphlet shall refer to that fact and indicate that, should the claims be amended under Article 19, then, promptly after such amendments, either the pamphlet (containing the claims as amended) will be republished or a statement reflecting all the amendments will be published. In the latter case, at least the front page and the claims shall be republished and, if a statement under Article 19(1) has been filed, that statement shall be published as well, unless the International Bureau finds that the statement does not comply with the provisions of Rule 46.4.

(i) [No change]

48.3 Languages

(a) If the international application is filed in English, French, German, Japanese, Russian or Spanish, that application shall be published in the language in which it was filed.

(b) If the international application is filed in a language other than English, French, German, Japanese, Russian or Spanish, that application shall be published in English translation. The translation shall be prepared under the responsibility of the International Searching Authority, which shall be obliged to have it ready in time to permit international publication by the prescribed date, or, where Article 64(3)(b) applies, to permit the communication under Article 20 by the end of the 19th month after the priority date. Notwithstanding Rule 16.1(a), the International Searching Authority may charge a fee for the translation to the applicant. The International Searching Authority shall give the applicant an opportunity to comment on the draft translation. The International Searching Authority shall fix a time limit reasonable under the circumstances of the case for such comments. If there is no time to take the comments of the applicant into account before the translation is communicated or if there is a difference of opinion between the applicant and the said Authority as to the correct translation, the applicant may send a copy of his comments, or what remains of them, to the International Bureau and each designated Office to which the translation was communicated. The International Bureau shall publish the essence of the comments together with the translation of the International Searching Authority or subsequently to the publication of such translation.

(c) If the international application is published in a language other than English, the international search report to the extent that it is published under Rule 48.2(a)(v), or the declaration referred to in Article 17(2)(a), the title of the invention, the abstract and any text matter pertaining to the figure or figures accompanying the abstract shall be published both in that language and in English. The translations shall be prepared under the responsibility of the International Bureau.

48.4 and 48.5 [No change]

48.6 Announcing of Certain Facts

(a) [No change]

(b) [~~Deleted~~]

(c) If the international application or the designation of any designated State is withdrawn under Rule 32.1, or if the priority claim is withdrawn under Rule 32bis.1, after the technical preparations for international publication have been completed, this fact shall be published in the Gazette.

Rule 49

Copy, Translation and Fee under Article 22

49.1 Notification

(a) [No change]

(a-bis) Any Contracting State not requiring the furnishing, under Article 22, by the applicant of a copy of the international application (even though the communication of the copy of the international application by the International Bureau under Rule 47 has not taken place by the expiration of the time limit applicable under Article 22) shall notify the International Bureau accordingly.

(a-ter) Any Contracting State which, pursuant to Article 24(2), maintains, if it is a designated State, the effect provided for in Article 11(3) even though a copy of the international application is not furnished by the applicant by the expiration of the time limit applicable under Article 22 shall notify the International Bureau accordingly.

(b) Any notification received by the International Bureau under paragraphs (a), (a-bis) or (a-ter) shall be promptly published by the International Bureau in the Gazette.

(c) [No change]

49.2 [No change]

49.3 Statements under Article 19; Indications under Rule 13bis.4

For the purposes of Article 22 and the present Rule, any statement made under Article 19(1) and any indication furnished under Rule 13bis.4 shall, subject to Rule 49.5(c) and (h), be considered part of the international application.

49.4 Use of National Form

No applicant shall be required to use a national form when performing the acts referred to in Article 22.

49.5 Contents of and Physical Requirements for the Translation

(a) For the purposes of Article 22, the translation of the international application shall contain the description, the claims, any text matter of the drawings and the abstract. If required by the designated Office, the translation shall also, subject to paragraphs (b) and (e),

(i) contain the request,

(ii) if the claims have been amended under Article 19, contain both the claims as filed and the claims as amended, and

(iii) be accompanied by a copy of the drawings.

(b) Any designated Office requiring the furnishing of a translation of the request shall furnish copies of the request form in the language of the translation free of charge to the

applicants. The form and contents of the request form in the language of the translation shall not be different from those of the request under Rules 3 and 4; in particular, the request form in the language of the translation shall not ask for any information that is not in the request as filed. The use of the request form in the language of the translation shall be optional.

(c) Where the applicant did not furnish a translation of any statement made under Article 19(1), the designated Office may disregard such statement.

(d) If any drawing contains text matter, the translation of that text matter shall be furnished either in the form of a copy of the original drawing with the translation pasted on the original text matter or in the form of a drawing executed anew.

(e) Any designated Office requiring under paragraph (a) the furnishing of a copy of the drawings shall, where the applicant failed to furnish such copy within the time limit applicable under Article 22,

(i) invite the applicant to furnish such copy within a time limit which shall be reasonable under the circumstances and shall be fixed in the invitation or,

(ii) disregard the said drawing if such invitation, on February 3, 1984, is not compatible with the national law applied by that Office and as long as it continues to be not compatible with that law.

(f) The expression "Fig." does not require translation into any language.

(g) Where any copy of the drawings or any drawing executed anew which has been furnished under paragraph (d) or (e) does not comply with the physical requirements referred to in Rule 11, the designated Office may invite the applicant to correct the defect within a time limit which shall be reasonable under the circumstances and shall be fixed in the invitation.

(h) Where the applicant did not furnish a translation of any indication furnished under Rule 13bis.4, the designated Office shall invite the applicant to furnish such translation, if it deems it to be necessary, within a time limit which shall be reasonable under the circumstances and shall be fixed in the invitation.

(i) Information on any requirement and practice of designated Offices under the second sentence of paragraph (a) shall be published by the International Bureau in the Gazette.

(j) No designated Office shall require that the translation of the international application comply with physical requirements other than those prescribed for the international application as filed.

Rule 51

Review by Designated Offices

51.1 to 51.3 [No change]

51.4 Notification to the International Bureau

[Deleted]

Rule 51bis

Certain National Requirements Allowed  
under Article 27(1), (2), (6) and (7)

51bis.1 Certain National Requirements Allowed

(a) The documents referred to in Article 27(2)(ii), or the evidence referred to in Article 27(6), which the applicant may be required to furnish under the national law applicable by the designated Office include, in particular:

(i) any document relating to the identity of the inventor,

(ii) any document relating to any transfer or assignment of the right to the application,

(iii) any document containing an oath or declaration by the inventor alleging his inventorship,

(iv) any document containing a declaration by the applicant designating the inventor or alleging the right to the application,

(v) any document containing any proof of the right of the applicant to claim priority where he is different from the applicant having filed the earlier application the priority of which is claimed,

(vi) any evidence concerning non-prejudicial disclosures or exceptions to lack of novelty, such as disclosures resulting from abuse, disclosures at certain exhibitions and disclosures by the applicant during a certain period of time.

(b) The national law applicable by the designated Office may, in accordance with Article 27(7), require that

(i) the applicant be represented by an agent having the right to represent applicants before that Office and/or have an address in the designated State for the purpose of receiving notifications,

(ii) the agent, if any, representing the applicant be duly appointed by the applicant.

(c) The national law applicable by the designated Office may, in accordance with Article 27(1), require that the international application, the translation thereof or any document relating thereto be furnished in more than one copy.

(d) The national law applicable by the designated Office may, in accordance with Article 27(2)(ii), require that the translation of the international application furnished by the applicant under Article 22 be verified by the applicant or the person having translated the international application in a statement to the effect that, to the best of his knowledge, the translation is complete and faithful.

51bis.2 Opportunity to Comply with National Requirements

(a) Where any of the requirements referred to in Rule 51bis.1, or any other requirement of the national law applicable by the designated Office which that Office may apply under Article 27(1), (2), (6) or (7), is not already fulfilled during the same period within which the requirements under Article 22 must be complied with, the applicant shall have an opportunity to comply with the requirement after the expiration of that period.

(b) The national law applicable by the designated Office may, in accordance with Article 27(2)(ii), require that the applicant, upon invitation by the designated Office, furnish a certification of the translation of the international application by a public authority or a sworn translator, if the designated Office deems such certification to be necessary under the circumstances, within a time limit which shall be reasonable under the circumstances and shall be fixed in the invitation.

(c) If, on February 3, 1984, paragraph (a) is, with respect to the requirements referred to in Rule 51bis.1(a)(iii) and (vi), (b)(i) and (d), not compatible with the national law applied by the designated Office and as long as it continues to be not compatible with that law, the applicant shall have no opportunity to comply with any of the requirements after the expiration of the time limit applicable under Article 22. Information on such national laws shall be published by the International Bureau in the Gazette.

Rule 53

The Demand

53.1 Form

(a) to (c) [No change]

(d) [Deleted]

53.2 to 53.8 [No change]

Rule 54

The Applicant Entitled to Make a Demand

54.1 and 54.2 [No change]

54.3 Several Applicants: Different for Different Elected States

(a) [No change]

(b) [~~Deleted~~]

54.4 Applicant Not Entitled to Make a Demand or an Election

(a) If the applicant does not have the right or, in the case of several applicants, if none of them has the right to make a demand under Article 31(2), the demand shall be considered not to have been submitted.

(b) If the requirement under Rule 54.3(a) is not fulfilled in respect of any elected State, the election of that State shall be considered not to have been made.

Rule 55

Languages (International Preliminary Examination)

55.1 The Demand

The demand shall be in the language of the international application or, if the international application has been filed in a language other than the language in which it is published, in the language of publication.

55.2 The International Application

[Deleted]

Rule 58

The Preliminary Examination Fee

58.1 and 58.2 [No change]

58.3 Refund

The International Preliminary Examining Authorities shall inform the International Bureau of the extent, if any, to which, and the conditions, if any, under which, they will refund any amount paid as a preliminary examination fee where the demand is considered as if it had not been submitted<sup>\*</sup>, and the International Bureau shall promptly publish such information.

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<sup>\*</sup> The amendment consists of deleting, after the word “submitted,” the words “under Rule 57.4(c), Rule 58.2(c) or Rule 60.1(c).”

Rule 60

Certain Defects in the Demand or Elections

60.1 and 60.2 [No change]

60.3 Attempted Elections

[Deleted]

Rule 61

Notification of the Demand and Elections

61.1 Notifications to the International Bureau, the Applicant, and the International Preliminary Examining Authority

(a) The International Preliminary Examining Authority shall indicate on\* the demand the date of receipt or, where applicable, the date referred to in Rule 60.1(b). The International Preliminary Examining Authority shall promptly send the demand to the International Bureau, and shall prepare and keep a copy in its files.

(b) The International Preliminary Examining Authority shall promptly inform the applicant in writing of the date of receipt of the demand. Where the demand has been considered under Rules 54.4(a), 57.4(c), 58.2(c) or 60.1(c) as if it had not been submitted or where an election has been considered under Rule 54.4(b) as if it had not been made, the International Preliminary Examining Authority shall notify the applicant and the International Bureau accordingly.

(c) [No change]

61.2 and 61.3 [No change]

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\* The amendment consists of deleting, after the word “on,” the words “both copies of.”

Rule 62

Copy for the International Preliminary Examining Authority

62.1 The International Application

[Deleted]

62.2 [No change]

Rule 66

Procedure Before the International Preliminary  
Examining Authority

66.1 [No change]

66.2 First Written Opinion of the International Preliminary Examining Authority

(a) If the International Preliminary Examining Authority

(i) considers that the international application has any of the defects described in Article 34(4),

(ii) considers that the international preliminary examination report should be negative in respect of any of the claims because the invention claimed therein does not appear to be novel, does not appear to involve an inventive step (does not appear to be non-obvious), or does not appear to be industrially applicable,

(iii) notices that there is some defect in the form or contents of the international application under the Treaty or these Regulations,

(iv) considers that any amendment goes beyond the disclosure in the international application as filed, or

(v) wishes to accompany the international preliminary examination report by observations on the clarity of the claims, the description, and the drawings, or the question whether the claims are fully supported by the description, the said Authority shall notify the applicant accordingly in writing. Where the national law of the national Office acting as International Preliminary Examining Authority does not allow multiple dependent claims to be drafted in a manner different from that provided for in the second and third sentences of Rule 6.4(a), the International Preliminary Examining Authority may, in case of failure to use that manner of claiming, apply Article 34(4)(b). In such case, it shall notify the applicant accordingly in writing.

(b) [No change]

(c) The notification shall invite the applicant to submit a written reply together, where appropriate, with amendments\*.

(d) [No change]

66.3 Formal Response to the International Preliminary Examining Authority

(a) The applicant may respond to the invitation referred to in Rule 66.2(c) of the International Preliminary Examining Authority by making amendments\* or--if he disagrees with the opinion of that Authority--by submitting arguments, as the case may be, or do both.

(b) [No change]

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\* The amendment consists of deleting, after the word "amendments," the words "or corrections."

#### 66.4 Additional Opportunity for Submitting Amendments or Arguments

(a) [No change]

(b) On the request of the applicant, the International Preliminary Examining Authority may give him one or more additional opportunities to submit amendments or arguments.

#### 66.5 Amendment

Any change, other than the rectification of obvious errors<sup>\*</sup>, in the claims, the description, or the drawings, including cancellation of claims, omission of passages in the description, or omission of certain drawings, shall be considered an amendment.

#### 66.6 [No change]

#### 66.7 Priority Document

(a) If the International Preliminary Examining Authority needs a copy of the application whose priority is claimed in the international application, the International Bureau shall, on request, promptly furnish such copy. If that copy is not furnished to the International Preliminary Examining Authority because the applicant failed to comply with the requirements of Rule 17.1, the international preliminary examination report may be established as if the priority had not been claimed.

(b) If the application whose priority is claimed in the international application is in a language other than the language or one of the languages of the International Preliminary Examining Authority, that Authority may invite the applicant to furnish a translation in the said language or one of the said languages within 2 months from the date of the invitation. If the translation is not furnished within that time limit, the international preliminary examination report may be established as if the priority had not been claimed.

(c) [Deleted]

#### 66.8 Form of<sup>\*\*</sup> Amendments

(a) The applicant shall be required to submit a replacement sheet for every sheet of the international application which, on account of<sup>\*\*\*</sup> an amendment, differs from the sheet originally filed. The letter accompanying the replacement sheets shall draw attention to the differences between the replaced sheets and the replacement sheets. To the extent that any amendment results in the cancellation of an entire sheet, that amendment shall be communicated in a letter.

(b) [Deleted]

#### 66.9 Language of Amendments

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\* The amendment consists of deleting, after the word "errors," the words "of transcription."

\*\* The amendment consists of deleting, after the word "of," the words "Corrections and."

\*\*\* The amendment consists of replacing, after the word "of," the words "a correction or" by the word "an."

If the international application has been filed in a language other than the language in which it is published, any amendment, as well as any letter referred to in Rule 66.8(a), shall be submitted in the language of publication.

Rule 69

Time Limit for International Preliminary Examination

69.1 Time Limit for International Preliminary Examination

(a) The time limit for establishing the international preliminary examination report shall be:

(i) 28 months from the priority date if the demand was filed prior to the expiration of 19 months from the priority date;

(ii) 9 months from the start of the international preliminary examination if the demand was filed after the expiration of 19 months from the priority date.

(b) and (c) [No change]

Rule 70

The International Preliminary Examination Report

70.1 [No change]

70.2 Basis of the Report

(a) [No change]

(b) If, pursuant to Rule 66.7(a) or (b), the report is established as if the priority had not been claimed, the report shall so indicate.

(c) [No change]

70.3 to 70.10 [No change]

70.11 Mention of Amendments\*

If, before the International Preliminary Examining Authority, amendments\* have been made, this fact shall be indicated in the report. Where any amendment has resulted in the cancellation of an entire sheet, this fact shall also be specified in the report.

70.12 to 70.15 [No change]

70.16 Annexes of the Report

If the claims, the description, or the drawings, were amended\*\* before the International Preliminary Examining Authority, each replacement sheet under Rule 66.8(a) shall be annexed to the report.\*\*\* Replacement sheets superseded by later replacement sheets and letters under Rule 66.8(a) shall not be annexed.\*\*\*\*

70.17 Languages of the Report and the Annexes

(a) The report and any annex shall be in the language in which the international application to which they relate is published.

(b) [Deleted]

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\* The amendment consists of deleting, in the title, after the word "Amendments," the words "or Correction of Certain Defects" and, in the Rule itself, after the word "amendments," the words "or corrections."

\*\* The amendment also consists of deleting, after the word "amended", the words "or any part of the international application was corrected."

\*\*\* The amendment also consists of deleting, after the word "report," the words "as an annex thereto."

\*\*\*\* The amendment also consists of deleting the last sentence of Rule 70.16.

Rule 74

Translations of Annexes of  
the International Preliminary Examination Report  
and Transmittal Thereof

74.1 Contents of Translation and Time Limit for Transmittal Thereof

Where the furnishing of a translation of the international application is required by the elected Office under Article 39(1), the applicant shall, within the time limit applicable under Article 39(1), transmit a translation of any replacement sheet referred to in Rule 70.16 which is annexed to the international preliminary examination report. The same time limit shall apply where the furnishing of a translation of the international application to the elected Office must, because of a declaration made under Article 64(2)(a)(i), be effected within the time limit applicable under Article 22.

Rule 74bis

Notification of Withdrawal under Rule 32

74bis.1 Notification of the International Preliminary Examining Authority

[Deleted]

Rule 75

Withdrawal of the Demand, or of Elections

75.1 Withdrawals

(a) Withdrawal of the demand or all the elections may be effected prior to the expiration of 30 months from the priority date except as to any elected State in which national processing or examination has already started. Withdrawal of the election of any elected State may be effected prior to the date on which examination and processing may start in that State.

(b) [No change]

75.2 Notification of Elected Offices

[Deleted]

75.3 Notification of the International Preliminary Examining Authority

[Deleted]

75.4 [No change]

Rule 76

Copy, Translation and Fee under Article 39(1);  
Translation of Priority Document

76.1 Notification

[Deleted]

76.2 Languages

[Deleted]

76.3 Statements under Article 19; Indications under Rule 13bis.4

[Deleted]

76.4 [No change]

76.5 Application of Rules 22.1(g), 49 and 51bis

Rules 22.1(g), 49 and 51bis shall apply, provided that:

(i) any reference in the said Rules to the designated Office or to the designated State shall be construed as a reference to the elected Office or to the elected State, respectively;

(ii) any reference in the said Rules to Article 22 shall be construed as a reference to Article 39(1);

(iii) the words “international applications filed” in Rule 49.1(c) shall be replaced by the words “a demand submitted.”

Rule 80

Computation of Time Limits

80.1 to 80.5 [No change]

80.6 Date of Documents

(a) [No change]

(b) [Deleted]

80.7 [No change]

Rule 82

Irregularities in the Mail Service

82.1 Delay or Loss in Mail

(a) and (b) [No change]

(c) In the cases provided for in paragraph (b), evidence of mailing within the prescribed time limit, and, where the document or letter was lost, the substitute document or letter as well as the evidence concerning its identity with the document or letter lost shall be submitted within 1 month after the date on which the interested party noticed--or with due diligence should have noticed--the delay or the loss, and in no case later than 6 months after the expiration of the time limit applicable in the given case.

82.2 [No change]

Rule 82bis

Excuse by the Designated or Elected State of Delays  
in Meeting Certain Time Limits

82bis.1 Meaning of “Time Limit” in Article 48(2)

The reference to “any time limit” in Article 48(2) shall be construed as comprising a reference:

(i) to any time limit fixed in the Treaty or these Regulations;

(ii) to any time limit fixed by the receiving Office, the International Searching Authority, the International Preliminary Examining Authority or the International Bureau or applicable by the receiving Office under its national law;

(iii) to any time limit fixed by, or in the national law applicable by, the designated or elected Office, for the performance of any act by the applicant before that Office.

82bis.2 Reinstatement of Rights and Other Provisions to which Article 48(2) Applies

The provisions of the national law which is referred to in Article 48(2) concerning the excusing, by the designated or elected State, of any delay in meeting any time limit are those provisions which provide for reinstatement of rights, restoration, restitutio in integrum or further processing in spite of non-compliance with a time limit, and any other provision providing for the extension of time limits or for excusing delays in meeting time limits.

Rule 82ter

Rectification of Errors Made by the Receiving Office  
or by the International Bureau

82ter.1 Errors Concerning the International Filing Date and the Priority Claim

If the applicant proves to the satisfaction of any designated or elected Office that the international filing date is incorrect due to an error made by the receiving Office or that the declaration made under Article 8(1) has been erroneously cancelled or corrected by the receiving Office or the International Bureau, and if the error is an error such that, had it been made by the designated or elected Office itself, that Office would rectify it under the national law or national practice, the said Office shall rectify the error and shall treat the international application as if it had been accorded the rectified international filing date or as if the declaration under Article 8(1) had not been cancelled or corrected, as the case may be.

Rule 88

Amendment of the Regulations

88.1 [No change]

88.2 Requirement of Unanimity During a Transitional Period

[Deleted]

88.3 [No change]

88.4 Procedure

Any proposal for amending a provision referred to in Rules 88.1\* or 88.3 shall, if the proposal is to be decided upon in the Assembly, be communicated to all Contracting States at least 2 months prior to the opening of that session of the Assembly which is called upon to make a decision on the proposal.

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\* The amendment consists of deleting, after the expression "Rule 88.1," the expression "88.2."

Rule 90

Representation

90.1 and 90.2 [No change]

90.3 Appointment

(a) and (b) [No change]

(c) If the separate power of attorney is not signed<sup>\*</sup>, or if the required separate power of attorney is missing, or if the indication of the name or address of the appointed person does not comply with Rule 4.4, the power of attorney shall be considered non-existent unless the defect is corrected.

(d) [No change]

90.4 [No change]

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\* The amendment consists of deleting, after the word “signed,” the words “as provided in paragraph (a).”

Rule 91

Obvious Errors in Documents

91.1 Rectification

(a) Subject to paragraphs (b) to (g-quater), obvious errors\* in the international application or other papers submitted by the applicant may be rectified.

(b) Errors which are due to the fact that something other than what was obviously intended was written in the international application or other paper shall be regarded as obvious errors\*. The rectification itself shall be obvious in the sense that anyone would immediately realize that nothing else could have been intended than what is offered as rectification.

(c) [No change]

(d) Rectification may be made on the request of the applicant. The authority having discovered what appears to be an obvious error\*\* may invite the applicant to present a request for rectification as provided in paragraphs (e) to (g-quater). Rule 26.4(a) shall apply mutatis mutandis to the manner in which rectifications shall be requested.

(e) [No change]

(f) Any authority which authorizes or refuses any rectification shall promptly notify the applicant of the authorization or refusal and, in the case of refusal, of the reasons therefor. The authority which authorizes a rectification shall promptly notify the International Bureau accordingly. Where the authorization of the rectification was refused, the International Bureau shall, upon request made by the applicant prior to the time relevant under paragraph (q-bis), (q-ter) or (q-quater) and subject to the payment of a special fee whose amount shall be fixed in the Administrative Instructions, publish the request for rectification together with the international application. A copy of the request for rectification shall be included in the communication under Article 20 where a copy of the pamphlet is not used for that communication or where the international application is not published by virtue of Article 64(3).

(g) The authorization for rectification referred to in paragraph (e) shall, subject to paragraphs (q-bis), (g-ter) and (g-quater), be effective:

(i) where it is given by the receiving Office or by the International Searching Authority, if its notification to the International Bureau reaches that Bureau before the expiration of 17 months from the priority date;

(ii) where it is given by the International Preliminary Examining Authority, if it is given before the establishment of the international preliminary examination report;

(iii) where it is given by the International Bureau, if it is given before the expiration of 17 months from the priority date.

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\* The amendment consists of deleting, after the word "errors," the words "of transcription."

\*\* The amendment consists of deleting, after the word "error," the words "of transcription."

(g-bis) If the notification made under paragraph (q)(i) reaches the International Bureau, or if the rectification made under paragraph (g)(iii) is authorized by the International Bureau, after the expiration of 17 months from the priority date but before the technical preparations for international publication have been completed, the authorization shall be effective and the rectification shall be incorporated in the said publication.

(g-ter) Where the applicant has asked the International Bureau to publish his international application before the expiration of 18 months from the priority date, any notification made under paragraph (g)(i) must reach, and any rectification made under paragraph (g)(iii) must be authorized by, the International Bureau, in order for the authorization to be effective, not later than at the time of the completion of the technical preparations for international publication.

(g-quater) Where the international application is not published by virtue of Article 64(3), any notification made under paragraph (g)(i) must reach, and any rectification made under paragraph (g)(iii) must be authorized by, the International Bureau, in order for the authorization to be effective, not later than at the time of the communication of the international application under Article 20.

(h) [Deleted]

## 91.2 Manner of Carrying Out Rectifications

[Deleted]

Rule 92

Correspondence

92.1 [No change]

92.2 Languages

(a) Subject to Rules 55.1 and 66.9 and to paragraph (b) of this Rule, any letter or document submitted by the applicant to the International Searching Authority or the International Preliminary Examining Authority shall be in the same language as the international application to which it relates.

(b) [No change]

(c) [Deleted]

(d) and (e) [No change]

92.3 and 92.4 [No change]

Rule 92bis

Recording of Changes in Certain Indications in the Request  
or the Demand

92bis.1 Recording of Changes by the International Bureau

(a) The International Bureau shall, on the request of the applicant or the receiving Office, record changes in the following indications appearing in the request or demand:

(i) person, name, residence, nationality or address of the applicant,

(ii) person, name or address of the agent, the common representative or the inventor.

(b) The International Bureau shall not record the requested change if the request for recording is received by it after the expiration:

(i) of the time limit referred to in Article 22(1), where Article 39(1) is not applicable with respect to any Contracting State;

(ii) of the time limit referred to in Article 39(1)(a), where Article 39(1) is applicable with respect to at least one Contracting State.

92bis.2 Notifications

[Deleted]

[Annex VIII follows]

Resolution

The Assembly of the International Patent Cooperation Union (PCT Union)

Noting that the number of developing countries which are members of the PCT Union is relatively small,

Noting further that the number of international applications emanating from those developing countries which are members of the PCT Union is extremely small,

Assuming that one of the reasons for such unsatisfactory situation may be the high cost of international search and international preliminary examination for applicants from developing countries,

Resolves to:

(1) Recommend to all States members of the PCT Union to seek ways and means for financing at least part of the fees payable by applicants from developing countries for international search and international preliminary examination;

(2) Recommend to all International Searching and Preliminary Examining Authorities to study the possibility of reducing the amount of the fees payable by applicants from developing countries for international search and international preliminary examination;

(3) Recommend to all States members of the PCT Union to study whether national or regional funds could be put at the disposal of the International Bureau or of the International Searching and Preliminary Examining Authorities, in order to be used to assist such applicants from developing countries in paying such fees.

[Adopted on February 3, 1984]

[End of Annex VIII and of document]