

# WIPO



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WORLD INTELLECTUAL PROPERTY ORGANIZATION  
GENEVA

## DIPLOMATIC CONFERENCE FOR THE ADOPTION OF THE PATENT LAW TREATY

**Geneva, May 11 to June 2, 2000**

ARTICLES 5, 6 AND 13, AND RULES 2, 9, 12, 14 AND 16

*Proposal by the Delegation of Japan*

The following modifications are suggested by the Delegation of Japan in the Articles and Rules referred to:

*Article 5*

*Filing Date*

(7) [*Replacing Description and Drawings by Reference to a Previously Filed Application*] (a) Subject to the requirements prescribed in the Regulations, a reference, made upon the filing of the application, in a language accepted by the Office, to a single previously filed application shall, for the purposes of the filing date of the application, replace the description and any drawings. The Contracting Party may also require that the application referred to be the application as filed on its filing date, and that it have been filed by the same applicant or its successor.

*Rule 2*

*Details Concerning Filing Date Under Article 5*

(5) [*Requirements Under Article 5(7)(a)*]

[...]

(b) The reference referred to Article 5(7)(a) shall be made within a time limit which shall be not less than 12 months after the previously filed application was made.

(bc) Any Contracting Party may, subject to Rule 4(3), require...

*Article 6*

*Application*

(2) [*Request Form or Format*] (a) A Contracting Party may require that the contents of an application which correspond to the contents of the request of an international application under the Patent Cooperation Treaty be presented on a request Form, or in a format, prescribed by that Contracting Party. A Contracting Party may also require that any further contents prescribed in the Regulations pursuant to paragraph (1)(iii) or certain national requirements allowed under the Patent Cooperation Treaty be contained in that request Form or format.

*Rule 9*

*Details Concerning the Signature Under Article 8(4)*

(4) [*Signature of Communications Filed in Electronic Form or by Electronic Means Resulting in Graphic Representation*] Where a Contracting Party permits the filing of communications ~~in electronic form or by electronic means~~ by telefacsimile or other like means, it shall consider such a communication signed if a graphic representation of a signature accepted by that Contracting Party under paragraph (3) appears on that communication as received by the Office of that Contracting Party.

*Rule 12*

*Details Concerning Relief in Respect of  
Time Limits Under Article 11*

(5) [*Exceptions Under Article 11(3)*] (a) No Contracting Party shall be required under Article 11(1) or (2) to grant:

{(i) a second, or any subsequent, relief in respect of a time limit for which relief has already been granted under Article 11(1) or (2);}

[...]

{(v) relief in respect of a time limit for an action before a board of appeal or other review body constituted in the framework of the Office;}

### *Article 13*

#### *Correction or Addition of Priority Claim; Restoration of Priority Right*

(3) [*Failure to File a Copy of Earlier Application*] Where a copy of an earlier application required under Article 6(5) is not filed with the Office within the time limit prescribed in the Regulations pursuant to Article 6, the Office shall restore the right of priority, if:

[...]

(iv) A copy of the earlier application is filed within the time limit prescribed in the Regulations.

### *Rule 14*

#### *Details Concerning Correction or Addition of Priority Claim and Restoration of Priority Right Under Article 13*

(8) [Time Limit Under Article 13(3)(iv)] The time limit referred to in Article 13(3)(iv) shall be not less than twelve months from the date of expiration of the time limit prescribed in Rule 4(1).

### *Rule 16*

#### *Request for Recordation of Change in Applicant or Owner*

(2) [*Documentation of the Basis of the Change in Applicant or Owner*]

[...]

(e) Where a request for recordation of the change is made in a communication signed by the applicant or owner, or by the new applicant or new owner under paragraph (1)(a), a Contracting Party may require that the consent to make that change recorded to the Office be made in a communication by the other party, who has not signed in the request.

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