

WIPO



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GENEVA

**INTERNATIONAL PATENT COOPERATION UNION
(PCT UNION)**

ASSEMBLY

**Twenty-Eighth (16th Extraordinary) Session
Geneva, March 13 to 17, 2000**

PROPOSED AMENDMENTS OF PCT RULE 51*bis*.2

Proposal by Germany

Concerning the proposed amendments of the PCT Regulations and modifications of the PCT Administrative Instructions, relating to the draft Patent Law Treaty (document PCT/A/28/2), it is proposed to simplify the wording of proposed Rule 51*bis*.2 as set out on the following pages.

PROPOSED AMENDMENTS OF RULE 51*bis*.2

Rule 51*bis*.2 Circumstances in Which Documents or Evidence May Be Required

(a) Where the applicable national law does not require that national applications be filed by the inventor, the designated Office shall not, unless it has reasonable doubts as to the veracity of the indications or declaration concerned, require any document or evidence:

(i) relating to the identity of the inventor (Rule 51*bis*.1(a)(i)), if indications concerning the inventor, in accordance with Rule 4.6, are contained in the request;

(ii) relating to the identity of the inventor (Rule 51*bis*.1(a)(i)), or the applicant's entitlement, as at the international filing date, to apply for and be granted a patent (Rule 51*bis*.1 (a)(ii)) or to claim priority of an earlier application (Rule 51*bis*.1(a)(iii)), if a declaration as to such matter, in accordance with Rule 4.17(i), (ii) or (iii), respectively, is contained in the request or is submitted directly to the designated Office.

(b) Where the applicable national law requires that national applications be filed by the inventor, the designated Office shall not, unless it has reasonable doubts as to the veracity of the declaration concerned, require any document or evidence:

(i) relating to the identity of the inventor (Rule 51bis.1(a)(i)) (other than a document containing an oath or declaration of inventorship (Rule 51bis.1(a)(iv)), if indications concerning the inventor, in accordance with Rule 4.6, are contained in the request;

(ii) relating to the applicant's entitlement, as at the international filing date, to claim priority of an earlier application (Rule 51bis.1(a)(iii)), or containing an oath or declaration of inventorship (Rule 51bis.1(a)(iv)), if a declaration as to such matter, in accordance with Rule 4.17(iii) or (iv), respectively, is contained in the request or is submitted directly to the designated Office.

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