

WIPO



PCT/A/29/4

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WORLD INTELLECTUAL PROPERTY ORGANIZATION
GENEVA

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

ASSEMBLY

**Twenty-Ninth (17th Extraordinary) Session
Geneva, September 25 to October 3, 2000**

REPORT

adopted by the Assembly

1. The Assembly was concerned with the following items of the Consolidated Agenda (document A/35/1 Prov.4): 1, 2, 4, 5, 7, 9, 11, 22, 27 and 28.
2. The report on the said items, with the exception of item 9, is contained in the General Report (document A/35/15).
3. The report on item 9 is contained in the present document.
4. Mr. Jorge Amigo Castañeda (Mexico), presided over the meeting of the Assembly.

ITEM 9 OF THE CONSOLIDATED AGENDA:

MATTERS CONCERNING THE PCT UNION

Proposed Amendment of the Schedule of Fees Annexed to the Regulations Under the PCT;
Proposed Rectification of the French Text of PCT Rule 26bis.2(c)

5. Discussions were based on document PCT/A/29/1.
6. In introducing the document, the International Bureau reiterated the statement it had made before the Program and Budget Committee (at its second session held from September 20 to 22, 2000) to the effect that reductions in PCT fees invariably make the PCT system more attractive to users and that the International Bureau therefore expected the proposed reduction to result in an increase in PCT filings. Although such an increase was difficult to quantify in advance, the increased filings could be expected to roughly compensate, in terms of overall fee income for the International Bureau, for the decreased amount of fees payable per application. Consequently, there should be no fear that the fee reduction might negatively affect the resources available for cooperation for development activities.
7. The Delegations of Algeria, Cuba, Bulgaria (speaking on behalf of the Central European and Baltic States), Canada, the Republic of Korea and the Czech Republic expressed support for the proposal, several of them noting that such a fee reduction would further stimulate PCT filings.
8. The Delegation of Egypt expressed its gratitude for the assistance provided to its country by the International Bureau on intellectual property matters in general and on the PCT in particular. The Delegation informed the Assembly that steps for accession by Egypt to the PCT were being taken and that the deposit of the instrument of accession could be expected after the next parliamentary elections.
9. The International Bureau took the opportunity to inform the Assembly that the Director General had decided to lower the present amount of the transmittal fee charged by the International Bureau acting as receiving Office from 300 Swiss francs to 100 Swiss francs, as from January 1, 2001. Furthermore, the Director General had decided that, in respect of international applications filed with the International Bureau acting as receiving Office, applicants who presently qualified for a 75% reduction of the international fee under item 5 of the Schedule of Fees (see the Annex to this report) would not, as from January 1, 2001, have to pay any transmittal fee.
10. The Assembly unanimously adopted the amendment of the Schedule of Fees as set out in the Annex to this report and decided that it would enter into force on January 1, 2001, and approved the rectification of the French text of Rule 26bis.2(c) as set out in paragraph 8 of document PCT/A/29/1.

Progress Report on the PCT Automation (“IMPACT”) Project

11. Discussions were based on documents PCT/A/29/2 and PCT/A/29/2 Add.

12. In introducing the documents, the International Bureau emphasized the approach, based on the best practices of the Project Management Institute, which was being used in the management of the IMPACT project. The International Bureau noted that a detailed plan had been prepared for the development and implementation of the first stage of the project (the IMPACT Communication System (COR) stage), that a plan for the project as a whole was being further refined, and that a high-level plan for the PCT Electronic Filing (E-filing) stage had been prepared.

13. The International Bureau noted that recent informal consultations with the combined membership of the PCT and the Standing Committee on Information Technologies (SCIT) had led to significant progress towards the establishment of the legal framework and technical standards necessary to implement PCT electronic filing and that agreement was close to being reached on a set of common requirements.

14. The International Bureau drew attention to steps taken in relation to the high priority task of identifying user requirements in connection with the IMPACT project. A questionnaire relating to the first stage of the project had been circulated to PCT Offices and Authorities in June 2000, to which some replies had been received by the International Bureau and more would be welcomed. To complement the questionnaire, the IMPACT Project Team had undertaken eight fact-finding missions to Offices of PCT Contracting States in various regions of the world to study in detail their working methods in their different capacities under the PCT. The International Bureau intended to continue such missions as the IMPACT project progressed to ensure that the requirements of Contracting States would be fully taken into account during the development and deployment of the project.

15. The Delegation of Algeria noted its satisfaction with the documents. It referred to the assistance that had to be provided to developing countries, under the agreement reached at the Diplomatic Conference on the Patent Law Treaty (see document PT/DC/47, page 56, paragraph 4).

16. The Delegations of the Czech Republic and of Cuba commended the efforts of the International Bureau in respect of PCT automation.

17. The Assembly took note of documents PCT/A/29/2 and PCT/A/29/2 Add.

Reform of the Patent Cooperation Treaty

18. Discussions were based on document PCT/A/29/3, the Annex to which contained a proposal by the United States of America.

19. The Delegation of the United States of America stated that it was intensely interested in reform of the PCT in order to simplify both the Treaty and the Regulations, and to streamline filing and processing procedures for users, patent Offices (both large and small), and the International Bureau. The Delegation explained that its proposal had been made after formal and informal discussions with its “Trilateral partners” (the European Patent Office and the Japanese Patent Office), other patent Offices, WIPO officials and PCT users in the United

States of America. The Delegation noted that the Assembly was not being asked to act on the particulars of the proposal but rather on the proposal of the Director General set out in paragraphs 2 and 3 of the document. The Delegation urged strong support for the Director General's proposal, adding that the issues raised in its proposal could serve as a basis for the work of the proposed special body for PCT reform.

20. The Delegation of Algeria noted that, although its country's accession to the PCT was recent (March 2000), it expected some difficulties with respect to national phase processing. The Delegation therefore welcomed the proposal to simplify the PCT as well as the proposal to establish a special body entrusted with the consideration of the issue.

21. The Delegation of Canada, noting the recent adoption of the Patent Law Treaty, expressed the view that enhancing the PCT was key to the development of an effective international patent system. The Delegation further stated that Canada wished to participate in the proposed special body.

22. The Delegation of France, speaking on behalf of the Member States of the European Union, recalled the opening statement by the Director General of WIPO at the commencement of the Assemblies' meetings in which he emphasized that the PCT was a major success for the International Bureau. The Delegation observed, however, that after 22 years of operation, the PCT had come to the point where it needed to be reformed, rationalized and modernized. The Delegation noted the Director General's proposal that a special body be set up to consider the proposal made by the United States of America. The Member States of the European Union supported the idea of embarking on a process aimed at achieving reform of the PCT and, in particular, simplifying its operations and reducing costs. They supported the establishment of a special body for this purpose but wanted more specificity as to its mandate and composition. Regarding the mandate for the special body, the Member States of the European Union were of the opinion that it should concentrate on the issues presented under the heading "First Stage of Reform" in the Annex to document PCT/A/29/3. Furthermore, they believed that the special body should not limit itself to the proposals by the United States of America but that proposals, pursuing the same objectives as those presented under the heading "First Stage of Reform," from other PCT Member States and intergovernmental organizations responsible for international search and preliminary examination should also be considered. Such other proposals should be presented within a reasonable period of time, for example, during the first few months of 2001, taking into account the numerous ongoing exercises in the field of patents. As to the membership of the special body, the Member States of the European Union would like to be closely associated with its work. The Delegation also expressed the view that the European Commission should be able to participate. In addition, it would be important to fully involve the European Patent Office in the discussions.

23. The Delegation of Japan expressed its appreciation to the United States of America for its proposal. The Delegation expressed support for the Director General's proposal contained in document PCT/A/29/3. The Delegation noted that the PCT system was working well, judging from the increase in the number of applications filed, but stated that it was also a fact that PCT users often complained about the complexity of PCT procedures and, in particular, about the duplication of work in search and examination procedures among International Searching Authorities, International Preliminary Examining Authorities and designated Offices. Japan shared the view of the United States of America that the PCT system should be simplified and that duplication of work should be reduced in order to facilitate the process of obtaining patent protection worldwide. The Delegation added that the PCT, if further

improved, would form one of the pillars for a global patent system along with the envisaged substantive patent law harmonization. In this context, it supported embarking on a comprehensive review of the Treaty as well as the Regulations. The Delegation was also of the view that PCT reform should take into account such considerations as consistency with the Patent Law Treaty, simplification of procedures, reduction of duplication of work in search and examination throughout the international and the national phases, accommodation of different users' needs, and equitable treatment among applicants. The Delegation further stated that the proposal of the United States of America identified many issues needing to be tackled in order to improve the PCT system. The issues to be examined in detail should also include a review of PCT Article 64(4) relating to reservations as to prior art effect.

24. The Delegation of Switzerland observed that, even though the PCT system was one of the major successes of WIPO and had achieved a degree of integration of patent systems throughout the world, it was still too complex and too expensive compared with what might be expected. The Delegation therefore was in favor of efforts to reform the PCT, in particular those aimed at the granting of patents effective worldwide, while recognizing that that might be a long term matter. It noted that the proposal annexed to document PCT/A/29/3 emphasized the importance of harmonization of substantive patent law as a condition for further integration of patent granting procedures. The Delegation referred to the recent conclusion of the Patent Law Treaty and remarked that some ambitious goals had had to be set aside in the process of negotiating that Treaty since certain countries had not been prepared to review particularities of their national patent systems. In the view of the Delegation, the far-reaching proposal by the United States of America was laudable but might be rather difficult to achieve. The Delegation, referring to the intervention made by the Delegation of France on behalf of the Member States of the European Union, supported the ambitious proposals with respect to the future development of the PCT, but hoped that reform of the PCT would take place in connection with a more in-depth harmonization of substantive patent law. The Delegation stated that the issues to be examined by the special body should be expanded so as to also cover substantive patent law aspects, which it considered to be essential.

25. The Delegation of Spain expressed its support for the statement made by the Delegation of France on behalf of the Member States of the European Union. The Delegation emphasized the following three points: first, only the first stage of the proposal by the United States of America should be included in the terms of reference of the special body; second, the work of that special body should not necessarily be limited to that proposal; and third, the Member States of the European Union should be involved in the work of the special body. Spain would be extremely interested in participating in the work of the special body if and when established.

26. The Delegation of Brazil felt that the Assembly was being asked to engage in a full-fledged reform of the PCT system without being clear as to what the parameters of the exercise would be. It commented that the proposal by the United States of America dealt with two different aspects: a procedural aspect which the Delegation could readily agree to, since it would make the PCT system easier to use, and a substantive aspect, which was more delicate. The Delegation stressed that it would not be in a position to accept the creation of the special body unless its mandate was clear. Since the PCT was a cornerstone of WIPO activities, the Assembly should deal with these issues very carefully.

27. The Delegation of Australia welcomed the proposal to establish a special process to consider reform of the PCT. It also thanked the United States of America for presenting a

thought-provoking paper on some of the issues that might be considered. The Delegation expressed the view that significant areas of reform in the PCT system could be addressed, but it shared the views of some other delegations, such as the Delegation of Switzerland, that there were implications for patent law harmonization. The Assembly would need to consider how those two processes would be linked. The Delegation was of the view that some aspects of PCT reform needed to be addressed and acted upon in a shorter time frame than that contemplated in the proposal contained in the Annex to document PCT/A/29/3. The year 2005 seemed a long way away, taking into consideration the rapidly increasing workload of patent Offices worldwide; aspects of reform which would assist in dealing with that workload should be undertaken as quickly as possible. Referring to the intervention by the Delegation of Brazil, the Delegation of Australia suggested that the Assembly could request the special body to report to the Assembly on the scope of the reform agenda at an early stage.

28. The Delegation of Cuba stated that a reform of the PCT system would require prior consultation with all Member States. The reform should address those features of the PCT which prevented it from becoming more universal, while maintaining the features that had made it work successfully. The Delegation associated itself with the comments made by the Delegation of Brazil, expressed its confidence in the Director General and indicated full support for his proposal.

29. The Delegation of the Czech Republic expressed its support for reform of the PCT, which would need to take due account of the Patent Law Treaty as well as other new developments, and supported the Director General's proposal.

30. The Director General stated that the approach to reform should be inclusive in that it should also take into account proposals other than those contained in the Annex to document PCT/A/29/3. He indicated that the special body should report to the Assembly and not to the Director General. As to the composition of the special body, and referring mainly to the statement by the Delegation of France speaking on behalf of the Member States of the European Union, the Director General indicated that the European Patent Office would necessarily be included under the International Bureau's proposal since it was one of the International Searching and Preliminary Examining Authorities mentioned in paragraph 2 of document PCT/A/29/3. He indicated that the European Commission could also be invited, if the Assembly so wished.

31. The Delegation of Brazil stated that, since the PCT was a cornerstone of WIPO activities, membership of the special body should be open to all Member States, noting that the Director General could select additional members. The Delegation, noting that the mandate of the special body had not yet been defined, agreed with the view expressed by other delegations that the special body should also consider proposals other than that contained in the Annex to document PCT/A/29/3.

32. On the question of the composition of the special body, the Director General stated his intention to consult with the coordinators of the various groups, in particular on the question whether the membership should be open to all States wishing to participate. He would favor a composition which would lead to the most effective, efficient and speedy process. The Director General further indicated that he had no objection to clarifying that the special body would be asked to consider both the proposal contained in the Annex to document PCT/A/29/3 and subsequent proposals.

33. The Delegation of Brazil stated that the Assembly should, in the creation of a special body, balance the needs for both efficiency and inclusiveness. It indicated that it would certainly wish to put forward ideas about reform of the PCT, as would other delegations, and that there should be no limitation in this respect; it further stated that all Member States should be looking forward to working on such a matter in an open context.

34. The Delegation of France thanked the Director General for his explanations. The Delegation wished to clarify the spirit in which it had made its statement on behalf of the Member States of the European Union. The special body should focus on the first stage of reform as set out in the Annex to document PCT/A/29/3, that is, on changes of a more modest nature, aimed at simplifying the PCT. Other proposals by Member States of the European Union, other Member States of the PCT and the European Patent Office should be examined at the same time as, and on an equal footing with, the proposals by the United States of America. The Delegation stated that, taking due account of other discussions concerning patent law currently being undertaken both at the international level and within the European Union, such proposals should be able to be submitted during the first months of the year 2001. The Delegation stressed that it did not wish the special body which was to be established to transform itself into another PCT Assembly. The Delegation thanked the Director General for having confirmed that the European Commission, which now had competence in certain patent matters, could be invited to participate in the special body.

35. The representative of the European Patent Organisation underlined the dedication of the European Patent Office (EPO) to the PCT, noting that the EPO carried out more than 60% of the international searches and international preliminary examinations under the PCT. It was obvious that the EPO would be affected to a great extent by any change to the PCT, and it would have a great interest in sharing its own experience and knowledge so as to improve the system wherever possible. The representative wished, as had already been emphasized by the Delegation of Japan, that the question of increasing workload for Offices be taken into consideration when examining the first stage of reform as proposed by the United States of America. The mandate of the special body should not be limited to issues relating to simplification, but should also include issues relating to workload. The representative noted that the EPO had launched some ideas concerning the time limit for entry into the national phase under PCT Article 22, and that related ideas were in fact mentioned in the proposal by the United States of America. The representative was grateful for the clarification given by the Director General as to the mandate and composition of the special body. He would, however, appreciate receiving further clarification with respect to the working methods of the special body, and in particular, whether it would report to the Assembly or to the Director General. The representative stressed, as had been done by the Delegations of Japan and of Switzerland, that substantive patent law harmonization was an issue. The representative further stated that the EPO would agree to concentrate on the first stage of reform and related proposals. The representative finally recalled the question of the existing reservations under PCT Article 64 and stated that it should be considered, if not within the first stage of reform, then in the second stage.

36. The Director General confirmed his view that the special body should report directly to the PCT Assembly.

37. The representative of IFIA congratulated the Delegation of the United States of America for having initiated a process for reform of the PCT and stated that the Director General's proposal contained in document PCT/A/29/3, with the subsequent clarifications provided during the discussion, was the wisest solution. The representative indicated that the views of

users and potential users of the PCT should be taken into account, and stressed that the important users were in fact inventors and patent applicants, noting that all inventions were the creation of either independent inventors, inventor entrepreneurs, or employee inventors, the latter being employed by either enterprises or research institutes. When the choice of non-governmental organizations to participate in the special body was made, this should be borne in mind. The representative also recognized the need to invite organizations representing patent attorneys and other experts. The representative emphasized that IFIA was in favor of the development of a world patent system, and also spoke of his desire to see the creation of a world patent court. The representative concluded by saying that the market economy would drive the system in the direction of world patents.

38. The Delegation of Mexico indicated that it had carefully analyzed the proposal by the United States of America and had found it most useful, but that the discussion would be enhanced by contributions from other countries so as to ensure that different viewpoints were taken into account. The proposal by the Director General to set up a special body seemed to be the appropriate way of handling such a discussion. The Delegation indicated that, in order for the work of the special body to be successful, its composition should be limited in numbers, but that its members should be representative of all regions. The Delegation expressed the hope that there would be financial assistance to enable participation of those developing countries which were invited.

39. The Delegation of India stated that a large body of opinion appeared to favor consideration of the proposal by the United States of America, but only as a basis for further discussion. The Delegation therefore believed that the Director General should formally invite all members of the PCT Assembly to contribute proposals for PCT reform within three months, which would all be considered on an equal footing. With regard to the composition of the special body, the Delegation indicated that the possibility of inviting participation by all interested Member States was worthy of serious consideration.

40. The International Bureau read the following suggestion for a draft decision by the Assembly:

“The Assembly decided that a special body would be set up to consider the proposals contained in the Annex to document PCT/A/29/3 under the title “First Stage of Reform” and any other proposal pursuing the same objectives that would be submitted to the International Bureau until the end of January 2001, that the special body would consist of Member States, International Searching and Preliminary Examining Authorities and interested intergovernmental and non-governmental organizations, that the Director General would designate the members of the special body in consultation with Member States, and that the special body would report to the September 2001 session of the Assembly.”

41. The Delegation of Australia stated that it did not appear to be necessary at this time to include in the draft text the limitation which had been proposed by the Delegation of France, which spoke on behalf of the Member States of the European Union, to the effect that only stage one in the proposal by the United States of America should be considered. The Delegation was of the view that the special body should itself consider the entire proposal and then propose any limitations to the scope of its work.

42. The Delegation of France referred to the recent conclusion of the Patent Law Treaty and expressed its agreement with the view of the Delegation of Switzerland to the effect that

questions of substantive patent law needed to be kept in mind. The first stage of reform, which aimed at simplifying the PCT system, would be helpful not only to users but also to International Searching and Preliminary Examining Authorities. On the other hand, considering more substantive changes at a time when discussions on patent-related issues were taking place in other fora would be premature. The Delegation stated that the Assembly was competent, as provided for in the PCT, to decide upon the mandate of the special body.

43. The Delegation of the United States of America stated that its proposal did indeed divide issues into two categories but that some of those in the first category could in fact prove to be more difficult to tackle than some in the second category, and vice versa. Therefore, it was of the view that the special body should have a chance to review all proposals and decide which ones were ready to move forward and which ones should be deferred. The Delegation thus supported the proposal made by the Delegation of Australia as to how the special body should proceed.

44. The Director General confirmed that the Assembly, not the International Bureau, would decide on the scope of the mandate of the special body. The International Bureau would provide the services required depending on the Assembly's decision, whether it meant considering all proposals together, or taking them step by step.

45. The representative of the European Patent Organisation, while expressing support for the statement made by the Delegation of France, stated that the Assembly should consider what was envisaged in the second stage of reform before deciding on what should be included in the first round of proposals to be examined by the special body. The representative referred to several points mentioned under "Second Stage of Reform," in the Annex to document PCT/A/29/3, namely "Regionalization of current search/examination authorities," "Elimination of distinction between national and international applications," "Positive examination results in certain PCT authorities bind Contracting States," and "Provide further flexibilities in terms of relaxed timing requirements for national stage processing." The representative indicated that the last point, but only that last point, could, in his view, be included in the first stage of reform. The other three points, among others, concerned issues of substantive harmonization. The representative urged the Assembly to consider the problems relating to those steps and reiterated a comment made earlier to the effect that the European Patent Office as an International Authority (and the same would be true for other International Authorities) had major problems with workload and was now looking for solutions which could be implemented in the short term, not the long term. The representative further stated that the special body should concentrate on those points which would help Offices and Authorities and on those which aimed at modernizing the PCT, without embarking on a complete revision at this point.

46. The Delegation of Japan stated that the special body should consider the entire proposal as made by the Delegation of the United States of America, noting that the issues raised under the second stage of reform were indeed rather difficult but that discussion of those issues should be initiated. The Delegation stated that it would be very interested in discussing the third point of the second stage of reform.

47. The Delegation of the United States of America noted the comments made by the representative of the European Patent Organisation to the effect that the fourth point listed under the second stage of reform could be discussed in the first stage. The Delegation stated that the Assembly should leave it to the special body to determine how to move forward on

the issues in both proposed stages of reform and that the special body should also be able to consider proposals other than those made by the United States of America.

48. The Chairman made the following proposal to the Assembly: one of the first objectives of the special body should be to decide on the issues which should be analyzed on the basis of both stages of the proposal by the United States of America; it would also decide on other issues which might have been raised by other countries interested in the subject. The Chairman recognized that there might be some logic in tackling certain issues first and others later having regard to their complexity. The Chairman, noting that no delegation had spoken against the need to reform the PCT, thought it was clear at this point that the Assembly would have to embark upon a process of reforming the PCT for all the reasons which had been put forward by various delegations.

49. The Delegation of France stated that it would be useful to hold consultations among delegations on the basis of a written text that would reflect the discussions so far in the Assembly's session.

50. The Delegation of Brazil expressed its concern on the third point of the proposed second phase of PCT reform, as contained in the Annex to document PCT/A/29/3, which envisaged the transformation of the non-binding patentability opinions into binding opinions, since that would imply a major departure from a basic characteristic of the PCT. The Delegation suggested that further discussions take place on the basis of a written text which would reflect a compromise enabling the Assembly to take a decision.

51. The session was suspended to allow for consultations. When the session resumed its work, the Chairman read the following draft decision (in English):

“The Assembly of the PCT Union decided:

- “(i) that a special body would be set up to consider, as a first step, proposals for reform of the PCT that would pursue the same objectives as those defined under the title “The First Stage of Reform” of the Annex to document PCT/A/29/3. These proposals may be those contained in the Annex and/or in any other submission made to the International Bureau, if possible, before the end of January 2001;
- “(ii) that the special body would consist of Member States, the International Searching and Preliminary Examining Authorities and observers, in particular, intergovernmental and non-governmental organizations, including the European Commission;
- “(iii) that the Director General would designate the members of the special body in consultation with Member States, taking due consideration of the need for geographical balance;
- “(iv) that the special body would report to the September 2001 session of the Assembly of the PCT Union, which would also include its recommendations to that Assembly for proposals to be considered as part of the first step;
- “(v) that the special body would proceed with diligence in completing the first step and in addressing other key issues, subject to the same procedure as that agreed for the first step.”

52. The Delegation of France, as coordinator of Group B, asked the Chairman to give the floor to the Delegation of Canada for a statement to be made, on behalf of Group B, on the draft decision which had just been read.

53. The Delegation of Canada made the following statement:

“Thank you for providing my Delegation with the opportunity of clarifying the compromise proposal now submitted by a number of groups regarding PCT reform. We would appreciate it if this declaration could be included in its entirety in the Assembly’s report. For many delegations, the aim of PCT reform is to simplify operations under the PCT and reduce its costs for users and Offices, particularly in the context of electronic commerce. This initiative is all the more important since PCT services contribute to some three-quarters of the Organization’s revenues—several among us agree on the urgency of moving forward.

“The proposal before the Assembly, based on the unofficial document distributed last night to this Assembly, is one of compromise. Bearing the stamp of caution, it recognizes the common thread underlying a large number of interventions made yesterday and focusing on the mandate of the new body, which can be represented by two main themes: the objective of the first phase of the work program, and an open mandate enabling the inclusion of items originating from any Member State. The present proposal is also a response to concerns expressed by delegations and voiced today by their coordinators, particularly regarding the status of non-governmental organizations and the geographical distribution of the new body’s participants. It does not modify the Director General’s proposal as to how members will be designated.

“Regarding the objective of the work program, as generally agreed, the first phase should focus on issues relating to the simplification of operations, modest in scope and achievable within a five-year period, dealing in particular with elements contained in the recently adopted Patent Law Treaty.

“Regarding the origin of issues to be addressed by the new body, we have also taken into account concerns expressed by numerous delegations on the importance of an open agenda, not limited to issues already identified in the proposal by the United States of America, the quality of which is recognized by several of us. The text therefore emphasizes that the new body will be able to consider issues raised in any other submission.

“Item (iv) of the compromise proposal recognizes the role of the Assembly, which will approve the issues that the group of experts recommends, in particular in September 2001, for inclusion in the list of issues to be addressed in the first phase. In other words, the issues to be submitted by the new body to the Assembly will be, from the start, exclusively within the objective of the first stage.

“Item (v) emphasizes the urgency of starting the process—we will further comment on that point—and underlines the importance of the initiative. The wording of this item ensures that proposals for issues to be addressed in subsequent stages will be subject to the same procedures as those followed during the first stage. It will be up to the Assembly to decide which questions will be discussed in these subsequent stages.

“Finally, this project, while urgent, will require time—only one meeting is planned before September 2001, and the total program for the first phase is not expected to be completed before 2005. In addition, we believe that the timetable will have to be developed by the new body in time for its report next year. This initiative must be imbued with urgency, otherwise these important reforms will take many years. As Boileau said, one must hasten slowly.”

54. The Delegation of South Africa stated that it would be pleased for the establishment of the special body to be left to the Director General, and expressed its hope that South Africa would serve as a member of that body.

55. The Director General thanked the Delegation of South Africa for expressing its confidence in the International Bureau to establish the special body, and stated that the International Bureau would do so in consultation with the coordinators of the groups promptly after the Assemblies’ meetings.

56. The Delegation of Brazil supported the statement made by the Delegation of Canada.

57. The Delegation of Mexico welcomed the agreement reached and in particular the draft decision as contained in paragraph 51, above. It stressed that Mexico was very interested in being part of the special body and added that it was important for developing countries to be guaranteed financial assistance so that they could fully participate in the work of that body.

58. The Assembly of the PCT Union adopted the draft decision as contained in paragraph 51, above.

[Annex follows]

ANNEX

SCHEDULE OF FEES
(as in force from January 1, 2001)

Fees	Amounts
1. Basic Fee: (Rule 15.2(a))	
(a) if the international application contains not more than 30 sheets	650 Swiss francs
(b) if the international application contains more than 30 sheets	650 Swiss francs plus 15 Swiss francs for each sheet in excess of 30 sheets
2. Designation Fee: (Rule 15.2(a))	
(a) for designations made under Rule 4.9(a)	140 Swiss francs per designation, provided that any designation made under Rule 4.9(a) in excess of 6 shall not require the payment of a designation fee
(b) for designations made under Rule 4.9(b) and confirmed under Rule 4.9(c)	140 Swiss francs per designation
3. Handling Fee: (Rule 57.2(a))	233 Swiss francs

Reductions

4. The total amount of the fees payable under items 1 and 2(a) is reduced by 200 Swiss francs if the international application is, in accordance with and to the extent provided for in the Administrative Instructions, filed on paper together with a copy thereof in electronic form.
5. All fees payable (where applicable, as reduced under item 4) are reduced by 75% for international applications filed by any applicant who is a natural person and who is a national of and resides in a State whose per capita national income is below US\$3,000 (according to the average per capita national income figures used by the United Nations for determining its scale of assessments for the contributions payable for the years 1995, 1996 and 1997); if there are several applicants, each must satisfy those criteria.

[End of Annex and of document]