



PCT/A/50/2
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International Patent Cooperation Union (PCT Union)

Assembly

Fiftieth (29th Extraordinary) Session
Geneva, September 24 to October 2, 2018

PROPOSED AMENDMENTS TO THE PCT REGULATIONS

Document prepared by the International Bureau

SUMMARY

1. This document contains proposed amendments to the Regulations under the Patent Cooperation Treaty (PCT)¹ as agreed by the PCT Working Group (“the Working Group”) at its eleventh session, held in Geneva from June 18 to 22, 2018, with a view to their submission to the Assembly for consideration at its current session.

PROPOSED AMENDMENTS

2. Annex I sets out the proposed amendments, which aim at increasing the amount of time available for dialogue between the applicant and the examiner during international preliminary examination (PCT Chapter II). To that end, it is proposed to amend Rule 69.1(a) to allow the International Preliminary Examining Authority to start international preliminary examination when it is in possession of the demand, the relevant fees and either the international search report or the declaration by the International Searching Authority under Article 17(2)(a) and the written opinion established under Rule 43bis.1, unless the applicant expressly requests to postpone the

¹ References in this document to “Articles” and “Rules” are to those of the PCT and the Regulations under the PCT (“the Regulations”), or to such provisions as proposed to be amended or added, as the case may be. References to “national laws”, “national applications”, “the national phase”, etc., include references to regional laws, regional applications, the regional phase, etc.

start of the international preliminary examination until the expiration of the applicable time limit under Rule 54*bis*.1(a).

3. Annex II contains a “clean” text of Rule 69.1(a) as it would stand after amendment.

ENTRY INTO FORCE AND TRANSITIONAL ARRANGEMENTS

4. It is proposed that the proposed amendments should enter into force on July 1, 2019, and should apply to any international application in respect of which a demand for international preliminary examination is made on, or after, that date.

5. The Assembly of the PCT Union is invited to adopt the proposed amendments to the Regulations under the PCT set out in Annex I to document PCT/A/50/2, and the entry into force and transitional arrangements set out in paragraph 4 of the same document.

[Annexes follow]

PROPOSED AMENDMENTS TO THE PCT REGULATIONS²

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² Proposed additions and deletions are indicated, respectively, by underlining and striking through the text concerned.

Rule 69
Start of and Time Limit for
International Preliminary Examination

69.1 *Start of International Preliminary Examination*

(a) Subject to paragraphs (b) to (e), the International Preliminary Examining Authority shall start the international preliminary examination when it is in possession of all of the following:

- (i) the demand;
- (ii) the amount due (in full) for the handling fee and the preliminary examination fee, including, where applicable, the late payment fee under Rule 58bis.2; and
- (iii) either the international search report or the declaration by the International Searching Authority under Article 17(2)(a) that no international search report will be established, and the written opinion established under Rule 43bis.1;

~~provided that the International Preliminary Examining Authority shall not start the international preliminary examination before the expiration of the applicable time limit under Rule 54bis.1(a)~~ unless the applicant expressly requests [to postpone the start of the international preliminary examination until the expiration of the applicable time limit under Rule 54bis.1\(a\) an earlier start.](#)

(b) to (e) *[No change]*

69.2 *[No change]*

[Annex II follows]

PROPOSED AMENDMENTS TO THE PCT REGULATIONS
(CLEAN TEXT)

Proposed amendments of the PCT Regulations are set out in Annex I, in which additions and deletions are shown, respectively, by underlining and striking-through of the text concerned. This Annex contains, for convenient reference, a “clean” text of the relevant provisions as they would stand after amendment.

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Rule 69

Start of and Time Limit for International Preliminary Examination

69.1 *Start of International Preliminary Examination*

(a) Subject to paragraphs (b) to (e), the International Preliminary Examining Authority shall start the international preliminary examination when it is in possession of all of the following:

- (i) the demand;
- (ii) the amount due (in full) for the handling fee and the preliminary examination fee, including, where applicable, the late payment fee under Rule 58bis.2; and
- (iii) either the international search report or the declaration by the International Searching Authority under Article 17(2)(a) that no international search report will be established, and the written opinion established under Rule 43bis.1;

unless the applicant expressly requests to postpone the start of the international preliminary examination until the expiration of the applicable time limit under Rule 54bis.1(a).

(b) to (e) *[No change]*

69.2 *[No change]*

[End of Annex II and of document]