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WORLD INTELLECTUAL PROPERTY ORGANIZATION
GENEVA

INTERNATIONAL PATENT COOPERATION UNION
(PCT UNION)

ASSEMBLY

First Session (1st Extraordinary)*
Geneva, April 10 to 14, 1978

APPOINTMENT OF INTERNATIONAL SEARCHING AUTHORITIES
AND INTERNATIONAL PRELIMINARY EXAMINING AUTHORITIES
AND APPROVAL OF AGREEMENTS BETWEEN THOSE AUTHORITIES
AND THE INTERNATIONAL BUREAU

Addendum to document PCT/A/I/3, prepared by the International Bureau

1. The present document is an addendum to document PCT/A/I/3.
2. The Annex to this document contains the draft of the Agreement between the State Committee for Inventions and Discoveries of the USSR Council of Ministers and the International Bureau of the World Intellectual Property Organization in relation to the establishment and functioning of the State Committee for Inventions and Discoveries of the USSR Council of Ministers as an International Searching and International Preliminary Examining Authority under the Patent Cooperation Treaty. The said draft Agreement has been initialed by both parties on March 7, 1978, and March 14, 1978, respectively. The draft Agreement is submitted to the Assembly for approval.

* *Editor's Note:* This electronic document has been created from the paper original and may contain errors. Please bring any such errors to the attention of the PCT Legal Division by e-mail at pct.legal@wipo.int

3. The draft Agreement contained in the Annex reflects the consent of the State Committee for Inventions and Discoveries of the USSR Council of Ministers to be appointed as International Searching Authority and International Preliminary Examining Authority which is one of the conditions of appointment under Articles 16 (3) (b) and 32 (3) .

4. *The Assembly is invited*

(i) *to approve the draft Agreements contained in the Annex;*

(ii) *to appoint, after signature of the Agreement contained in the Annex, the State Committee for Inventions and Discoveries of the USSR Council of Ministers as an International Searching Authority and International Preliminary Examining Authority for a period of 10 years from the date of entry into force of the Agreement.*

[Annex follows]

Agreement between the
State Committee for Inventions and Discoveries of
the USSR Council of Ministers
and the International Bureau of the
World Intellectual Property Organization
in relation to the functioning of the
State Committee for Inventions and Discoveries of
the USSR Council of Ministers
as an International Searching and International
Preliminary Examining Authority under the
Patent Cooperation Treaty

Agreement between the State Committee for Inventions and Discoveries of the USSR Council of Ministers and the International Bureau of the World Intellectual Property Organization in relation to the functioning of the State Committee for Inventions and Discoveries of the USSR Council of Ministers as an International Searching and International Preliminary Examining Authority under the Patent Cooperation Treaty

Preamble

WHEREAS the States party to the Patent Cooperation Treaty, done at Washington on June 19, 1970, constitute a Union for cooperation in the filing, searching, and examination of applications for the protection of inventions, and for rendering special technical services, the said Union being known as the International Patent Cooperation Union;

AND WHEREAS Articles 16(3) (b) and 32 (3) of the Patent Cooperation Treaty provide, inter alia, that the appointment of a national Office as an International Searching and International Preliminary Examining Authority by the Assembly of the International Patent Cooperation Union shall be subject to the conclusion of an Agreement between the national Office and the International Bureau;

AND WHEREAS it is recognized that the participation of the State Committee for Inventions and Discoveries of the USSR Council of Ministers as an International Searching and International Preliminary Examining Authority in matters affecting international search and international preliminary examination will contribute to the successful implementation of the Patent Cooperation Treaty;

IT IS HEREBY AGREED between the State Committee for Inventions and Discoveries of the USSR Council of Ministers and the International Bureau of the World Intellectual Property Organization as follows:

Article 1

Terminology Used in the Agreement

(1) For the purpose of this Agreement, "Treaty" means the Patent Cooperation Treaty done at Washington on June 19, 1970; "Regulations" means the Regulations under the Treaty; "Administrative Instructions" means the Administrative Instructions under the Treaty; "Article II, except where otherwise specified, means an Article of the Treaty; "Rule" means a Rule of the Regulations; "Assembly" means the Assembly as defined in Article 2 (xvii) of the Treaty; "International Bureau" means the International Bureau as defined in Article 2 (xix) of the Treaty; "Contracting States" refers to a Contracting State to the Treaty; "Authority" means the State Committee for Inventions and Discoveries of the USSR Council of Ministers.

(2) All other terms and expressions used in this Agreement are to be understood in the same sense as that in which they are used in the Treaty.

Article 2

Basic obligation

(1) The Authority shall r except in respect of subject matter which r pursuant to Article 6 of this Agreement, the Authority is not required to search r or to examiner carry out international search and international preliminary examination in accordance with r and perform such other functions of an International Searching and International Preliminary Examining Authority as are provided under the Treaty, the Regulations, the Administrative Instructions and this Agreement. In carrying out international search and international preliminary examination, the Authority shall be guided by the Guidelines for International Search and for International Preliminary Examination to be carried out under the Patent Cooperation Treaty. The Authority undertakes to apply and observe all the common rules of international search and of international preliminary examination.

(2) The Authority and the International Bureau shall, having regard to their respective functions under the Treaty, the Regulations, the Administrative Instructions and this Agreement, each render, to the extent possible, assistance to the other in relation to the performance, by the other, of its functions thereunder.

Article 3

Competence of Authority

(1) Subject to Article 6 of this Agreement, the Authority undertakes to act as an International Searching Authority for all kinds or numbers of international applications indicated in Annex A of this Agreement and filed with the receiving Offices of, or acting for, the Contracting States indicated in Annex A of this Agreement provided that the receiving Office specifies the Authority for that purpose and that such applications are in one of the languages specified in Annex A of this Agreement.

(2) Subject to Article 6 of this Agreement, the Authority undertakes to act as an International Preliminary Examining Authority for all kinds or numbers of international applications indicated in Annex A of this Agreement and filed with the receiving Offices of, or acting for, the Contracting States indicated in Annex A of this Agreement provided that the receiving Office specifies the Authority for that purpose. The Authority shall carry out international preliminary examination on international applications filed in the languages specified in Annex A without requiring translations of such applications.

Article 4

Provision of Personnel

(1) The Authority shall make available for the purposes of carrying out international search and international preliminary examination, respectively, all members of its staff having duties within the Authority relevant to such search or such examination and having sufficient technical qualifications to carry out such search or such examination. The numbers of such staff shall always be maintained at levels meeting the minimum requirements as set out in Rules 36.1(i) and 63.1(i) of this Agreement

(2) Subject to Articles 3 and 6, the Authority shall maintain a staff which is capable of searching and examining in all technical fields and which has language facilities to understand at least those languages in which the minimum documentation referred to in Rule 34 is written or is translated.

Article 5

Documentation Facilities

The Authority shall maintain and use for search and for examination purposes all documentation facilities at its disposal and shall maintain and use for the said purposes at least the minimum documentation properly arranged for search or for examination purposes referred to in the Regulations Rules 36.1(ii) and 63.1(ii).

Article 6

Subject Matter Not Required to be Searched or Examined

The Authority will not search, by virtue of Article 17(2)(a)(i), or will not examine, by virtue of Article 34 (4) (a) (i), any international application if, and to the extent to which, it considers that the international application relates to subject matter set forth in Rule 39.1 or Rule 67.1, as the case may be and as specified in Annex B of this Agreement.

Article 7

Fees and Charges

(1) A schedule of all fees of the Authority, and all other charges which the Authority is entitled to make, in relation to its function as an International Searching and International Preliminary Examining Authority, is set out in Annex C of this Agreement.

(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 international or international-type search made by the Authority (Rules 16.3 and 41.1).

Article 8

Competence for Protests in Case of Additional Fees

The Authority shall provide that the Board of Appeal for the Scientific and Technical Examination of the State Committee for Inventions and Discoveries of the USSR Council of Ministers shall examine protests in respect of additional fees where such additional fees are paid under protest under Rule 40.2(c) or Rule 68.3(c).

Article 9

Time Limit for Preparation of International Search Reports or Declarations and International Preliminary Examination Reports

The Authority shall, within the time limits specified in the first two sentences of Rule 42.1, establish international search reports or declarations under Article 17(2) (a) and, within the maximum periods specified in Rule 69.1(a) (i) and (ii), establish international preliminary examination reports.

Article 10

Classification

For the purposes of Rules 43.3(a) and 70.5(b), the Authority will indicate solely the International Patent Classification.

Article 11*

Languages of Correspondence Used by the Authority

For the purposes of correspondence, including forms, other than with the International Bureau, the Authority shall use one of the languages specified in Annex D of this Agreement.

* The State Committee for Inventions and Discoveries of the USSR Council of Ministers has reserved its position on this Article.

Article 12

International-Type Search

(1) Subject to Article 6 of this Agreement, the Authority shall make an international-type search on all kinds or numbers of national applications indicated in Annex A of this Agreement and filed in any Contracting State indicated in Annex A of this Agreement, the receiving Office of, or acting for which, has specified the Authority as mentioned in Article 3 (1) of this Agreement:

- (i) as far as such is permitted by the law of, and is requested by, such State;
- (ii) where the national law of such State so permits and the applicant so requests.

(2) Where the national application is not in a language in which the Authority has undertaken to search international applications under Article 3 of this Agreement, the international-type search shall be carried out on a translation in a language which the Authority has undertaken to accept for international applications under Article 3 of this Agreement.

Article 13

Information Service and Technical Assistance

The Authority shall supply the International Bureau with such information services and such other contributions to the technical assistance program under Chapter IV of the Treaty as are practicable within the existing facilities of the Authority and as may be agreed. The provision of search or examination work for developing countries under preferential conditions shall be subject to special agreement.

Article 14

Entry into Force of the Agreement

This Agreement shall enter into force upon approval by the Assembly and subsequent signature. The agreement together with an indication of the date of its entry into force shall be published in the Gazette by the International Bureau.

Article 15

Duration and Renewability of the Agreement

This Agreement shall remain in force for a period of 10 years. It shall be renewable for a period of 10 years subject to the approval of, and the extension of the appointment of the Authority for that period by, the Assembly.

Article 16

Amendment

(1) Without prejudice to the provisions of paragraphs (2) and (3), amendments may be made to this Agreement by agreement between the Authority and the International Bureau and shall take effect upon approval of those amendments by the Assembly, or, if a later date is specified in the amendments, on that date.

(2) Without prejudice to the provisions of paragraph (3), amendments may be made to the Annexes of this Agreement by agreement between the Authority and the International Bureau and shall take effect upon notification in the Gazette or, if a later date is specified in the amendments, on that date.

(3) The Authority may, by notice in writing given to the Director General of the World Intellectual Property Organization:

(i) add, where Annex A of this Agreement contains limitations, to the Contracting States and/or the kind or number of applications, and add to the languages listed in Annex A of this Agreement;

(ii) make, subject to paragraph (4), amendments to Annex A of this Agreement if the volume of search and examination work of the Authority under the Treaty considerably exceeds the working capacity of the Authority under Rules 36 and 63;

(iii) add to the languages listed in Annex D of this Agreement;

(iv) add to the documentation facilities listed in Article 5 of this Agreement;

(v) specify in Annex B of this Agreement further subject matter referred to in Article 6 of this Agreement;

(vi) subject to paragraph (5), amend the schedule of fees and other charges contained in Annex C of this Agreement.

(4) Amendments to Annex A of this Agreement which may be made according to paragraph (3) (ii), shall take effect nine months after publication of the notification of the amendment in the Gazette pursuant to paragraph (6), or, if a later date has been specified by the Authority, on the date specified by the Authority.

(5) Normally the schedule of fees and other charges shall not be amended during the first year after the entry into force of this Agreement or thereafter at an interval of less than one year from a previous amendment of the schedule. Any amendment of the schedule shall take effect one month after publication of the notification of the amendment in the Gazette pursuant to paragraph (6), or, if a later date has been specified by the Authority, on the date specified by the Authority.

(6) The International Bureau shall publish promptly in the Gazette any amendment to this Agreement agreed between the Authority and the international Bureau and approved by the Assembly under paragraph (1), any amendment of this Agreement agreed between the Authority and the International Bureau under paragraph (2), and any notification received by it under paragraph (3).

Article 17

Termination of the Agreement

(1) This Agreement shall terminate:

(i) if the Authority gives the Director General of the World Intellectual Property Organization written notice to terminate this Agreement;

or

(ii) if the Director General of the World Intellectual Property/Organization/ with the approval of the Assembly, gives the Authority written notice to terminate this Agreement.

(2) The termination of this Agreement under paragraph (1) shall take effect one year after receipt of the notice referred to in that paragraph.

(3) Notwithstanding paragraph (2), if:

(i) notice to terminate this Agreement is given by the Authority under paragraph (1), and

(ii) at the same time all Contracting States, the receiving Offices off or acting for, which have specified the Authority under Articles 16 (2) and 32(2), and have not previously denounced the Treaty, denounce the Treaty under Article 66, the termination of this Agreement shall take effect at such time as the denunciation of the Treaty becomes effective for all such countries.

IN WITNESS WHEREOF the State Committee for Inventions and Discoveries of the USSR Council of Ministers and the International Bureau of the World Intellectual Property Organization have executed this Agreement.

DONE in duplicate at, this day of in two originals both in the English and Russian languages, both texts being equally authentic.

For the State Committee for
Inventions and Discoveries of the
USSR Council of Ministers by:

For the International Bureau
of the World Intellectual
Property Organization by:

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ANNEX A

to the Agreement between State Committee for Inventions and Discoveries of the USSR Council of Ministers and the International Bureau of the World Intellectual Property Organization in relation to the functioning of the State Committee for Inventions and Discoveries of the USSR Council of Ministers as an International Searching and International Preliminary Examining Authority under the Patent Cooperation Treaty,

LIST

of the Contracting States, Languages, Kinds and Number of Applications Specified by the Authority for the Purposes of Articles 3(1) and 3(2) of the Agreement.

Contracting States	Languages	Kinds of Applications	Number of Applications
All	Russian English French German	All	All

ANNEX B

to the Agreement between the State Committee for Inventions and Discoveries of the USSR Council of Ministers and the International Bureau of the World Intellectual Property Organization in relation to the functioning of the State Committee for Inventions and Discoveries of the USSR Council of Ministers as an International Searching and International Preliminary Examining Authority under the Patent Cooperation Treaty.

LIST

of Subject Matter Specified under Article 6 of this Agreement.

No exceptions for the time being, it being understood that there will be no search or examination of computer programs.

ANNEX C

to the Agreement between the State Committee for Inventions and Discoveries of the USSR Council of Ministers and the International Bureau of the World Intellectual Property Organization in relation to the functioning of the State Committee for Inventions and Discoveries of the USSR Council of Ministers as an International Searching and International Preliminary Examining Authority under the Patent Cooperation Treaty.

SCHEDULE

of Fees and Charges established by the Authority and Extent and Conditions of Refunds of the Search Fee for Purposes of Article 7 of the Agreement.

(a) Schedule of fees and charges

Fee	Amount
1. Carrying out international search on an international application meeting the PCT requirement of unity of invention or on the main invention ("Search fee", Rule 16.1(a)).	250 roubles
2. Carrying out of additional search on every invention, other than the main invention, contained in an international application ("Additional fee", Rule 40.2(a)).	170 roubles
3. Preparing copies of cited documents (Rule 44.3(b) and 71.2(b)).	0.2 roubles per 1 page
4. Carrying out of international-type search.	Paragraphs 1, 2, 3 are applied mutatis mutandis
5. Carrying out of international preliminary examination of an international application meeting the PCT requirement of unity of invention or of the main invention ("Preliminary Examination fee", Rule 58.1(b)).	300 roubles

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| 6. | Carrying out of additional international preliminary examination of every invention other than the main invention contained in an international application (“Additional fee”, Rule 68.3(a)). | 200 roubles |
| 7. | Furnishing of copies of the documents contained in the file of the international application. | 0.5 roubles per 1 page |

(b) Conditions and extent of refunds of the “Search fee” where the search report can be wholly or partially based on the results of an earlier international or international-type search (Rules 16.3 and 41.1)

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|----|---|------------------------|
| 1. | The prior search was so complete that only a minor updating search is required. | 90% of the amount paid |
| 2. | The prior search relates practically to the same invention but the claims in the international application under consideration differ so that it is necessary to search 1-3 additional symbols of classification. | 70% of the amount paid |
| 3. | The prior search saves one half of the efforts usually made to Carry out international search. | 40% of the amount paid |
| 4. | The prior search applies only to a few symbols. | 20% of the amount paid |
| 5. | The prior search can't be used at all. | no refund |

ANNEX D

to the Agreement between the State Committee for Inventions and Discoveries of the USSR Council of Ministers and the International Bureau of the World Intellectual Property Organization in relation to the functioning of the State Committee for Inventions and Discoveries of the USSR Council of Ministers as an International Searching and International Preliminary Examining Authority under the Patent Cooperation Treaty.

LIST

of the Languages of Correspondence Specified for the Purposes of Article 11 of this Agreement.

The languages of correspondence, other than with the International Bureau, used by the Authority are the Russian and English languages.

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