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PCT/A/III/7

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WORLD INTELLECTUAL PROPERTY ORGANIZATION
GENEVA

INTERNATIONAL PATENT COOPERATION UNION
(PCT UNION)

ASSEMBLY

Third Session (2nd Extraordinary)*
Geneva, April 25 to May 1, 1979

AMENDMENTS TO THE REGULATIONS UNDEER THE PATENT COOPERATION
TREATY (PCT) RELATING TO FEES

Comments of the Delegation of France

The International Bureau received, on April 18, 1979, a communication from the National Institute of Industrial Property of Paris containing comments on the draft amendments to the PCT Regulations contained in document PCT/A/III/2. The said communication is reproduced in the annex to this document.

[Annex follows]

* *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

PCT/A/III/7
ANNEX

(Translation by WIPO)

France
NATIONAL INSTITUTE OF INDUSTRIAL PROPERTY
26bis, rue de Léningrad, 75800 Paris Cedex 08

Paris, April 13, 1979

Subject: Assembly of the PCT Union; session from
April 25 to May 1, 1979

Reference: Document PCT/A/III/2

Enclosure: One

Dear Mr. Director General,

Enclosed please find the comments of the French Delegation on the proposed amendments to the PCT Regulations concerning fees, which are being submitted to the Assembly of the PCT Union in the document referred to above.

The French Delegation reserves the right to make further comments in the course of the session of the Assembly.

Sincerely yours,

(sgd.) G. Vianès
Director
National Institute
of Industrial Property

(Translation by WIPO)

COMMENTS OF THE FRENCH DELEGATION
ON THE ANNEX TO DOCUMENT PCT/A/III/2

RULE 2BIS

The numbering of the new Rule and its wording might lead one to believe that the provision applies to all the fees referred to in the Regulations, which it does not. It is therefore proposed that this Rule 2bis be replaced by a Rule 89bis, reading as follows:

“RULE 89BIS
“SCHEDULE OF FEES

“89bis.1 The amounts of the fees referred to in Rules 15 and 57 shall be expressed in Swiss francs. They shall be specified in a schedule annexed to these Regulations and forming an integral part thereof”.

Rule 15.2(b), 16.1(b) and 57.2(b)

Some of the new provisions proposed for these Rules do not seem to belong to the Regulations under the Treaty but rather to the Administrative Instructions established by the Director General under the control of the Assembly and subject to the conditions laid down in Rule 89.2; the provisions in question are, in fact, not of direct interest to applicants and, if they were to require amendment, they do not by their nature seem to call for the three-fourths majority necessary for amendments to the Regulations. It is therefore proposed that they be amended as follows:

RULE 15.2

(b) The amounts of the basic fee [.....] by that Office; the amounts so established shall be published in the Gazette, with an indication of the date on which they become applicable.

(c) The conditions under which these amounts are established and become applicable shall be specified in the Administrative Instructions.

RULE 16.1

(b) The search fee [.....] in consultation with that Office; the amounts so established shall be published in the Gazette, with an indication of the date on which they become applicable.

(c) The conditions under which these amounts are established, are collected and become applicable shall be specified in the Administrative Instructions.

RULE 57.2

(b) The amount of the handling fee [.....] prescribed by that Authority; the said amount shall be published in the Gazette, with an indication of the date on which it becomes applicable.

(c) The conditions under which this amount is established and becomes applicable shall be specified in the Administrative Instruction.

[End of Annex
and of document]