

WIPO



PCT/A/IX/3

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WORLD INTELLECTUAL PROPERTY ORGANIZATION
GENEVA

INTERNATIONAL PATENT COOPERATION UNION (PCT UNION)

ASSEMBLY

**Ninth Session (6th Extraordinary)
Geneva, September 10, 1982**

REPORT

Adopted by the Assembly

INTRODUCTION

1. The Assembly of the International Patent Cooperation Union (PCT Union) (hereinafter referred to as "the Assembly") held its ninth session (6th extraordinary) in Geneva on September 10, 1982.
2. The following 19 Contracting States were represented at the sessions Australia, Austria, Belgium, Brazil, Denmark, Finland, France, Germany (Federal Republic of), Japan, Liechtenstein, Luxembourg, Monaco, Netherlands, Norway, Soviet Union, Sweden, Switzerland, United Kingdom and United States of America.
3. The following four States, members of the International Union for the Protection of Industrial Property (Paris Union), participated in the session as observers: Ivory Coast, Mexico, Republic of Korea and Trinidad and Tobago.
4. One intergovernmental organization, the European Patent Organisation (EPO), and the following three international non-governmental organizations were represented by observers: Committee of National Institutes of Patent Agents (CNIPA), International Association for the Protection of Industrial Property (IAPIP) and International Federation of Industrial Property Attorneys (FICPI).

5. The list of participants is contained in Annex I to this report.

OPENING OF THE SESSION

6. The Chairman, Mr. G. Borggård (Sweden), opened the session of the Assembly.
7. Mr. F. Curchod (WIPO) acted as Secretary of the session.

ADOPTION OF THE AGENDA

8. The Assembly adopted the agenda of its session as contained in document PCT/A/IX/1.

AMENDMENT OF THE SCHEDULE OF FEES ANNEXED TO THE PCT REGULATIONS

9. Discussions were based on document PCT/A/IX/2, on the updated version of its Annex II which was distributed at the opening of the session and on a statement by the Director General.
10. In his statement, the Director General proposed that the fees be increased by 7.5% with effect as of January 1, 1983, and that the need for any deficit-covering contributions for 1984 and thereafter as well as the level of fees for 1984 and thereafter be considered at the next ordinary session of the Assembly to be held in September 1983.
11. In making that proposal, the Director General said that, on the basis of certain assumptions, including the assumption that the fees would be increased by 10% for 1984 and by another 10% for 1985, the accumulated deficit by the end of 1984 would be approximately 1,000,000 Swiss francs and that one should plan to absorb that deficit from the profits foreseen for 1985 and 1986 and that, if those assumptions were confirmed by facts, it would not be necessary to ask for deficit-covering contributions in addition to those already decided upon for 1983.
12. Although several delegations said that the new proposal of the Director General should have been made earlier to allow better preparation for the meeting. all delegations, with one exception. favored the proposal of the Director General to increase the fees by 7.5% with effect as of January 1, 1983. However, the Delegation of the United Kingdom, while agreeing that an increase lower than 22%, as originally proposed, was desirable, abstained from approving the newly proposed percentage. The Delegations of Belgium, France, Monaco and the Soviet Union approved the increase of 7.5% in the firm expectation that no further contributions would be required after 1983. It was generally agreed that everything should be done in order to avoid deficit-covering contributions after 1983.
13. Several delegations urged the International Bureau to make every effort in rationalizing its procedures under the PCT with a view to keeping expenditures to a minimum.
14. The Director General said that the International Bureau would continue to make every effort to keep the expenditures at a minimum but added that the actual costs were determined,

to the largest extent, by outside factors such as inflation, printing and mailing costs, and that a significant impact of computerization on savings could be expected only if the number of international applications filed each year increased substantially. As far as the income was concerned, both the amounts of the fees and the number of international applications had a decisive influence. As to the latter, the International Bureau would continue its propaganda for the use of the PCT, which, naturally, required some investment, and its efforts to make the PCT more attractive to applicants, which, to a large extent, depended on the improvements to the PCT Regulations under discussion.

15. The Delegations of Brazil, the Ivory Coast and Trinidad and Tobago, referring to a discussion concerning preferential conditions for developing countries with respect to PCT fees which took place at the seventh session of the Assembly in 1981 (see document PCT/A/VII/15, paragraphs 23 and 56), stressed the need for making the PCT more attractive for developing countries, in particular by allowing lower fees for the use of the PCT by nationals of such countries. They further referred to the usefulness of the technical services and technical assistance of the PCT to developing countries. They expressed the desirability of establishing preferential arrangements which would increase the attractiveness of the Treaty to developing countries. They saw the need to balance the value of the PCT to developed countries, which were producers and owners of technology, as well as to developing countries, which were consumers of patented technology.

16. The Director General said that the International Bureau was fully aware of the importance of lower fees for developing countries, particularly as far as the fees for international search and international preliminary examination were concerned since they constituted the major part of the fees to be paid by applicants. He expressed the hope that the International Searching and Preliminary Examining Authorities would find the necessary means, particularly with the help of a financing of their expenses connected with the establishment of reports for applications filed by nationals of developing countries through national or regional general development aid resources. In view of the number of international applications that would be involved, the needed amounts would, in absolute figures, be very modest.

17. The Assembly amended, with effect as of January 1, 1983, the Schedule of Fees annexed to the PCT Regulations. The amended Schedule of Fees is set out in Annex II to this report. The Assembly decided that the equivalent amounts in other currencies would, in respect of all currencies concerned, be established on the basis of the exchange rates applicable in Switzerland on October 1, 1982.

18. The Assembly unanimously adopted this report on September 10, 1982.

[Annexes follow]

ANNEX I/ANNEXE I

LIST OF PARTICIPANTS/
LISTE DES PARTICIPANTS/

I. MEMBER STATES/ETATS MEMBRES

AUSTRALIA/AUSTRALIE

Mr. K. WIDDOWS, First Secretary, Permanent Mission, Geneva

AUSTRIA/AUTRICHE

Mr. N. MARTERER, Vice-President, Austrian Patent Office, Vienna

BELGIUM/BELGIQUE

M. P. CEUNINCK, Secrétaire d'administration, Service de la propriété industrielle, Ministère des affaires économiques, Bruxelles

BRAZIL/BRESIL

Mr. E. CORDEIRO, Second Secretary, Permanent Mission, Geneva

DENMARK/DANEMARK

Mr. J. DAM, Head of Section, Patent and Trademark Office, Copenhagen

FINLAND/FINLANDE

Mrs. E. HÄKLI, Head of Section, National Board of Patents and Registration, Helsinki

FRANCE

Mlle G. RAJOT, Juriste, Institut national de la propriété industrielle, Paris

GERMANY (FEDERAL REPUBLIC OF)/ALLEMAGNE (REPUBLIQUE FEDERALE D')

Mr. U.C. HALLMANN, Leitender Regierungsdirektor, German Patent Office, Munich

JAPAN/JAPON

Mr. H. GOTO, Office Director, International Application Office, First Application Division, First Examination Department, Japanese Patent Office, Tokyo

Mr. S. ONO, First Secretary, Permanent Mission, Geneva

LIECHTENSTEIN

Comte A.F. de GERLICZY-BURIAN, Chef de l'Office pour les relations internationales, Vaduz

LUXEMBOURG

M. F. SCHLESSER, Inspecteur près du service de la propriété industrielle, Ministère de l'économie, Luxembourg

MONACO

M. E. FRANZI, Directeur du commerce, de l'industrie et de la propriété industrielle, Monaco

NETHERLANDS/PAYS-BAS

Mr. S. de VRIES, Deputy Member of the Patents Council, Netherlands Patent Office, Rijswijk

NORWAY/NORVEGE

Mr. P.T. LOSSIUS, Deputy Director General, Norwegian Patent Office, Oslo

Mr. I. LILLEVIK, Head of Section, Norwegian Patent Office, Oslo

SOVIET UNION/UNION SOVIETIQUE

Mr. S.N. AFANASSIEV, Acting Head of Department of the All Union Institute of State Patent Examination, USSR State Committee for Inventions and Discoveries, Moscow

SWEDEN/SUEDE

Mr. G. BORGGARD, Director General, Royal Patent and Registration Office, Stockholm

Mr. E. TERSMEDEN, Legal Adviser, Ministry of Justice, Stockholm

Ms. P. LIND, Legal Adviser, Ministry of Commerce, Stockholm

Ms. B. SANDBERG, Head of International Section, Royal Patent and Registration Office, Stockholm

SWITZERLAND/SUISSE

M. M. LEUTHOLD, Chef de la Division administrative, Office fédéral de la propriété intellectuelle, Berne

UNITED KINGDOM/ROYAUME-UNI

Mr. A. SUGDEN, Principal Examiner, Patent Office, London

Mr. J. SHARROCK, Principal Examiner, Patent Office, London

UNITED STATES OF AMERICA/ETATS-UNIS D'AMERIQUE

Mr. L.O. MAASSEL, Patent Practice Specialist, United States Patent and Trademark Office, Washington, D.C.

Mr. H.D. HOINKES, Legislative and International Patent Specialist, United States Patent and Trademark Office, Washington, D.C.

II. OBSERVER STATES/ETATS OBSERVATEURS

IVORY COAST/COTE D'IVOIRE

M. K. ZOBO, Chargé d'études juridiques, Abidjan

MEXICO/MEXIQUE

Sr. F.J. CRUZ GONZALEZ, Consejero, Mision Permanente, Ginebra

REPUBLIC OF KOREA/REPUBLIQUE DE COREE

Mr. S.H. KIM, Commercial Attaché, Permanent Mission, Geneva

TRINIDAD AND TOBAGO/TRINITE-ET-TOBAGO

Mr. M. LASHLEY, First Secretary, Permanent Mission, Geneva

III. INTERGOVERNMENTAL ORGANIZATION/DRGANISATION
INTERGOUVERNEMENTALE

EUROPEAN PATENT ORGANISATION (EPO)/ORGANISATION EUROPEENNE DES
BREVETS (OEB)

M. U. SCHATZ, Directeur principal, Affaires internationales, Office européen des brevets, Munich

IV. INTERNATIONAL NON-GOVERNMENTAL ORGANIZATIONS/
ORGANISATIONS INTERNATIONALES NON GOUVERNEMENTALES

COMMITTEE OF NATIONAL INSTITUTES OF PATENT AGENTS (CNIPA)/COMITE
DES INSTITUTS NATIONAUX D'AGENTS DE BREVETS

Mr. R.P. LLOYD, ICI PLC, Plastics Division, Patent Dept., Welwyn Garden City

INTERNATIONAL ASSOCIATION FOR THE PROTECTION OF INDUSTRIAL
PROPERTY (IAPIP)/ ASSOCIATION INTERNATIONALE POUR LA PROTECTION DE
LA PROPRIETE INDUSTRIELLE

M. G.R. CLARK, Membre d'honneur, Oak Brook

INTERNATIONAL FEDERATION OF INDUSTRIAL PROPERTY
ATTORNEYS/FEDERATION INTERNATIONALE DES CONSEILS EN PROPRIETE IN
INDUSTRIELLE (FICPI)

M. H. BARDEHLE, Président, Munich

V. OFFICERS/BUREAU

Chairman/Président : Mr. G. BORGGÅRD (Sweden/Suède)

Secretary/Secrétaire : M. F. CURCHOD (WIPO/OMPI)

VI. INTERNATIONAL BUREAU OF WIPO/BUREAU INTERNATIONAL DE L'OMPI

Dr. A. BOGSCH, Director General

Mr. K. PFANNER, Deputy Director General

M. F. CURCHOD, Directeur, Division du PCT

Mr. B. BARTELS, Head, PCT Legal Section

Mr. M. LAGESSE, Controller, Administrative Division

Mr. N. SCHERRER, Head, PCT Fees, Sales and Statistics Section

[Annex II follows/L'annexe II suit]

ANNEX II

SCHEDULE OF FEES

<u>Fees</u>	<u>Amounts</u>
1. Basic Fee: (Rule 15.2(a))	
if the international application contains not more than 30 sheets	566 Swiss francs
if the international application contains more than 30 sheets	566 Swiss francs plus 12 Swiss francs for each sheet in excess of 30 sheets
2. Designation Fees (Rule 15.2(a))	136 Swiss francs
3. Handling Fee: (Rule 57.2(a))	174 Swiss francs
4. Supplement to the Handling Fee: (Rule 57.2(b))	174 Swiss francs
<u>Surcharges</u>	
5. Surcharge for late payment: (Rule 16 <i>bis</i> .2(a))	Minimum: 215 Swiss francs Maximum: 540 Swiss francs

[End of Annex II and of document]