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WORLD INTELLECTUAL PROPERTY ORGANIZATION
GENEVA

INTERNATIONAL PATENT COOPERATION UNION
(PCT UNION)

ASSEMBLY

Seventh Session (5th Extraordinary)*
Geneva, June 29 to July 3, 1981

PROPOSALS CONCERNING AMENDMENTS TO THE PCT REGULATIONS

Submitted by the Delegation of Switzerland

1. The Delegation of Switzerland has submitted the proposals set out in the Annex to this document.
2. As far as the proposed amendment to Rules 3.3, 3.4 and 4.4 is concerned, reference is made to document PCT/A/VII/2, page 6, and to pages 2, 3, 6 and 7 of its Annex B, dealing with amendments to Rules 3 and 4. The amendments proposed by the Delegation of Switzerland could, if the Assembly agrees, be considered in the framework of the consideration of the said document.

* *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. With regard to the study of the proposed transfer from the Regulations to the Administrative Instructions of those provisions that are not directly intended for the PCT users and do not include any sanctions, the International Bureau is, of course, prepared to carry out the study necessary to give effect to the proposal made by the Delegation of Switzerland. However, since such a study would need to be exhaustive and would inevitably take some time, it could not, in any event, be carried out in time for the present session of the Assembly. The International Bureau will, therefore, await the Assembly's consideration of the proposal before taking any action.

[Annex follows]

Swiss Intellectual Property Office

June 5, 1981

World Intellectual Property
Organization
34 chemin des Colombettes
1211 Geneva 20

PCT Assembly – seventh session

Sir,

Under item 3 of the agenda for the seventh session, you submit to the Assembly a certain number of new proposals for amendments to the PCT Regulations. The purpose of your proposals is to improve the as yet very young PCT system. As far as the principle is concerned, we are altogether pleased. However, our authorities responsible for legislation and the publication of legislative texts have given us instructions to accept only those amendments that are necessary, to the exclusion of amendments that are simply desirable.

Wishing like yourself to improve the PCT system but also being required to conform to the instructions received, we would like to ask whether there is no possibility of achieving this improvement, in future at least, without necessarily being required to amend the Regulations. One possibility could be to transfer from the Regulations to the Administrative Instructions those provisions that are not properly speaking intended for the PCT users and do not, in particular, include any sanctions.

We therefore propose, for example,

to delete Rule 3.3 and to include its contents in the Administrative Instructions,

to delete in Rule 3.4 the words “subject to Rule 3.3.”

We further propose:

that the recommendation at the end of paragraph (c) of Rule 4.4 be deleted and should the layout of the form not be sufficient to transfer it to the Administrative Instructions.

Our proposal to deal with as many details as possible in the Administrative Instructions rather than in the Regulations is made with the intention of enabling you to take more easily into account the experience gained with a system that is only at its beginning, and thus to improve it.

To those delegations who hesitate to accept transferring to the Administrative Instructions certain of the provisions in the Regulations, it could be pointed out that the representatives of the receiving Offices also have the possibility of pronouncing on the amendments concerning the Administrative Instructions.

This is why we would ask you to submit to the forthcoming meeting of the Assembly in the context of your proposal further suggestions for transferring items to the Administrative Instructions rather than amending the existing Rules.

Accept, Sir, the assurance of my highest consideration.

On behalf of the Swiss Delegation
(signed) Kampf

[End of Annex and of document]