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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

REVIEW OF THE PCT

Memorandum of the Director General concerning proposal

submitted by the Government of Sweden

1. The Annex to this document reproduces a letter to the Director General from the Swedish Ministry of Justice and an accompanying memorandum entitled "Memorandum on the Need for a Simplification of the PCT System Submitted by the Swedish Government."
2. The memorandum envisages the carrying out of a study by the International Bureau, in cooperation with the interested Offices, directed to identifying the changes necessary to simplify and improve the PCT system. Since the study would consider any Articles of the Treaty which might need to be changed, it is possible that a diplomatic conference might ultimately have to be convened.

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3. The International Bureau is prepared to carry out the study proposed by the Swedish Government. In doing so, it would propose to consult not only the interested Offices but also the private circles which represent most of the users of the PCT system. If it seems to the International Bureau that a diplomatic conference to revise the Treaty may be desirable, the International Bureau will study all provisions in the Treaty which may be in need of change.

4. It may be desirable for the Director General to be authorized to convene at least the Committee for Administrative and Legal Matters in the event that the study by the International Bureau would indicate that further preparation at the governmental level is required prior to the results of the study being submitted to the Assembly. Since, subject to any later decision of the Assembly to the contrary, all three Committees established by the Assembly are composed of all the Contracting States it should be sufficient to convene only this Committee, the more so since the other two (the Committees for Technical Cooperation and Technical Assistance) meet in joint sessions with other bodies.

5. The Assembly is invited to make decisions on the questions referred to in the preceding paragraphs.

[Annex follows]

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ANNEX

MINISTRY OF JUSTICE
DIVISION FOR INTERNATIONAL AFFAIRS
S-103 33 STOCKHOLM, SWEDEN
ELEPHONE: 763 10 00

Stockholm, 6 May 1981.

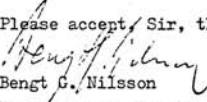
Sir,

The Swedish Government decided on May 7, 1981 to submit to the International Patent Cooperation Union the enclosed Memorandum.

I have been instructed to transmit the Memorandum to the International Bureau. The Swedish Government would appreciate if the Memorandum were distributed to the Member States of the Union before the session of the Assembly of the Union in June this year.

The Memorandum has been elaborated after consultations with Denmark, Finland and Norway.

Please accept, Sir, the assurances of my highest consideration.


Bengt G. Nilsson
Head of Division for
International Affairs

Dr Arpad Bogoch
Director General
World Intellectual Property
Organization
34, chemin des Colombettes
CH-1211 GENEVE

MEMORANDUM

ON THE NEED FOR A SIMPLIFICATION OF THE PCT SYSTEM
SUBMITTED BY THE SWEDISH GOVERNMENT

One of the objectives of the Patent Cooperation Treaty, as indicated in its preamble, is to simplify and render more economical the obtaining of protection for inventions where protection is sought in several countries. Another objective is to assist the developing countries. The Swedish Government has from the beginning recognized the merits of the Treaty and considers the objectives of the Treaty very important. In its view, the basic structure of the system established by the Treaty is sound. Therefore, Sweden has from the outset participated actively in the cooperation established under the Treaty and has made efforts to promote the use of the PCT system. It should be emphasized that this Treaty brings together in practical cooperation countries with different economic and social systems and in different stages of development. The Swedish Government hopes that the PCT-system will be increasingly used in the future by applicants from all over the world.

The users of the PCT system have argued, however, that the system is too complicated and that this complexity creates risks for applicants. In their view, these risks deter applicants from using the system. Experience indicates that this criticism is to some extent justified. Statistics show that, although the number of applications filed under the Treaty is slowly increasing, the system has not been used as much as expected.

In order to simplify the system, the Assembly of the PCT Union has adopted a large number of amendments to the Regulations under the Treaty, most of them by the Assembly in June 1980. According to interested circles, the system is, however, still far too complicated to be really attractive to applicants. It is to be expected, therefore, that proposals for further amendments will be made in the future.

The Swedish Government considers that further efforts should be made to simplify and improve the system. In order to get a firm basis for future work to this effect, the Swedish Government considers it necessary to make a general analysis of the way in which the system has worked so far in order to find out on which points amendments ought to be made. The objective of such a study should be to examine, in a systematical way and on the basis of the experiences that the application of the PCT has given, how the system could be improved and simplified. It is not unlikely that in order to arrive at a sufficient simplification of the system and to remove unnecessary obstacles for applicants, some of the Articles of the Treaty must be amended which would require a diplomatic conference. Such a study should also give a clear picture of in what way proposed amendments have impact on other provisions in the Treaty and the Regulations. On the basis of such a study, the Assembly will be in a much better position to decide which steps should be taken to improve the system. Pending the completion of such a study, further amendments to the Regulations should be made only if they are clearly necessary and do not anticipate a possible revision of a wider scope.

It appears to the Swedish Government that in order to have the study made rather quickly it should be carried out by the International Bureau. The Swedish Government is, for its part, fully prepared to assist the Bureau by placing at its disposal the experiences of the system gained by the Swedish Patent Office in its capacity of receiving office, international searching authority and international preliminary examining authority.

[End of Annex and
of document]