

WIPO



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WORLD INTELLECTUAL PROPERTY ORGANIZATION
GENEVA

**INTERNATIONAL PATENT COOPERATION UNION
(PCT UNION)**

ASSEMBLY

**Thirteenth Session (5th Ordinary)
Geneva, September 23 to October 1, 1985**

REPORT

Adopted by the Assembly

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1. The Assembly was concerned with the following items of the Consolidated Agenda (document AB/XVI/1.Rev.): 1, 2, 3, 5, 6, 14, 15, 16, 22, 24, 25, 28 and 29.
2. The report on the said items, with the exception of item 16, is contained in the General Report (document AB/XVI/23).
3. The report on item 15 is contained in this document.
4. Mr. Patrick A. Smith (Australia) was elected Chairman of the Assembly.

ITEM 16 OF THE CONSOLIDATED AGENDA:

CERTAIN MATTERS CONCERNING THE PCT UNION
(FEES; GAZETTE; PAMPHLETS; COMMITTEES)

5. Discussions were based on documents PCT/A/XIII/1 and 2.
6. A number of delegations stated that, although they reluctantly agreed that an increase of the fees specified in the Schedule of Fees was necessary, they were not in favor of the proposal of the International Bureau to increase the fees by 5% for 1986 and a further 5% for 1987. In their view, too frequent changes should be avoided since they were confusing for applicants and difficult to implement by the national offices, which were both already faced with changes due to fluctuations in exchange rates. A single increase for the biennium 1986-87, with effect from January 1, 1986, would be preferable and would also advance the time when the break-even point in the finances of the PCT Union would be reached. The level of that single increase of should be higher than 5%--for example 7% or 8%--and should be such that the overall revenue expected to be derived from the proposal of the International Bureau would not be affected.
7. The Delegation of Romania stated that it agreed with the proposal of the International Bureau and that the possibility for applicants from developing countries to pay lower fees should be further explored.
8. The Director General drew the Assembly's attention to the fact that an increase of 8% in the currency in which the fees are set--that is, in Swiss francs--would immediately cause a percentage increase of between 12% and 20% in important other currencies because of the present exchange rate between them and the Swiss franc and that it is in currencies other than Swiss francs that all applicants, except the Swiss, have to pay the fees. For this reason, he would have preferred an initial increase of 5% only. He added that even if the increase in Swiss francs was set for two years, rather than one year (as proposed by him), applicants and patent offices in several countries would have to get accustomed, during those two years, probably to several changes caused by the future fluctuation of the exchange rate between the Swiss franc and the other currencies. He also said that one additional change, namely the one that would be caused by introducing a change in Swiss francs in the middle of the two year period, would not appreciably aggravate the problem of variations in fees.
9. The Delegation of Japan stated that it was in principle in favor of a single increase of the fees for the biennium 1986-87 on the condition that such an increase should be low in view of the fact that Japanese applicants were sensitive to high increases of fees. Should the increase result in a level higher than 10% in Japanese yen, the delegation would prefer that the fees be increased twice during the biennium but by less than 10% in Japanese yen each time. In other words, the Delegation of Japan stated its preference for the original proposal of the International Bureau; however, in a spirit of cooperation, it also stated that it did not want to prevent a consensus.
10. It was understood that the question of the ceiling of the designation fee would be reviewed on the occasion of the next ordinary session of the Assembly, in September 1987.
11. The Assembly:

(i) amended, with effect from January 1, 1986, the Schedule of Fees by increasing the fees specified therein by 8% and agreed that no further increase in the fees in Swiss francs should be made for 1987 (the amended Schedule of Fees is set out in the Annex to this report):

(ii) decided that the PCT Gazette would continue to be published in an English-language edition and a French-language edition, the two editions being separate;

(iii) noted that the sales price of the PCT pamphlets would be 11 Swiss francs per copy for 1986 and 1987;

(iv) decided that the present format of the PCT pamphlets should not be changed, at least as regards the printing of drawings and the number of pages of the international application which should appear on each page of the pamphlet,

(v) agreed to postpone any decision concerning the establishment of the Executive Committee until any State member of the PCT Union or the Director General proposed that the matter be reconsidered;

(vi) decided that all PCT Contracting States--in addition, in the case of the Committee for Technical Cooperation, to the ex officio members according to Article 56(2)(b) of the PCT--would continue to be members of the Committee for Technical Cooperation and the Committee for Technical Assistance until any State member of the PCT Union or the Director General proposed that the matter be reconsidered.

[The Annex follows]

ANNEX

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	706 Swiss francs
if the international application contains more than 30 sheets	706 Swiss francs plus 14 Swiss francs for each sheet in excess of 30 sheets
2. Designation Fee: (Rule 15.2(a))	171 Swiss francs per designation for which the fee is due, with a maximum of 1,710 Swiss francs, any such designation in excess of 10 being free of charge
3. Handling Fee: (Rule 57.2(a))	216 Swiss francs
4. Supplement to the Handling Fee: (Rule 57.2(b))	216 Swiss francs
<u>Surcharges</u>	
5. Surcharge for late payment: (Rule 16bis.2(a))	Minimum: 268 Swiss francs Maximum: 674 Swiss francs

[End of Annex and of document]