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WORLD INTELLECTUAL PROPERTY ORGANIZATION
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INTERNATIONAL PATENT COOPERATION UNION
(PCT UNION)

ASSEMBLY

Fourteenth Session (9th Extraordinary)*
Geneva, September 8 to 12, 1986

ACCESSION OF GREECE AND SPAIN TO THE
PATENT COOPERATION TREATY (PCT)

Memorandum of the Director General

1. In a few weeks, Greece and Spain will become party to the European Patent Convention (EPC). Since neither of those two countries is, or is going to become at the same time, party to the PCT, the filing of European patent applications via the PCT (the so-called "Euro-PCT route") covering the entire territory of the EPC member States will no longer be possible. The lack of the possibility to file a single international application under the PCT with effect in all EPC member States makes the PCT system less attractive and may have an adverse effect on the number of international applications filed under the PCT and, consequently, on the financial situation of the PCT Union. It is therefore in the clear interest of the whole PCT Union and of the users of the system that Greece and Spain adhere to the PCT as soon as possible, in order to close the gap in the Euro-PCT route which will have been created by their accession to the EPC without simultaneous accession to the PCT. A declaration of the Assembly of the PCT Union urging those two States to join the PCT Union should be considered by the Assembly.

* *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

2. AS far as Spain is concerned, its accession to the PCT might be promoted also by another initiative of the Assembly of the PCT Union. Such initiative would relate to the possible future acquisition by the Spanish Patent Office of the status of an International Searching Authority under the PCT. In various contacts with the International Bureau as well as in a declaration made during the January 1986 session of the Administrative Council of the European Patent Organization (hereinafter referred to as "the EPO Administrative Council"), the Spanish Patent Office made it clear that it would be interested in becoming, in due time, an International Searching Authority under the PCT, particularly in view of its privileged relations with the countries of Latin America. During that session, the EPO Administrative Council adopted a declaration noting, on the one hand, that the Spanish Patent Office fulfilled the conditions of the "Protocol on the Centralization of the European Patent System and on its Introduction" ("Centralization Protocol") for acting as an International Searching and Preliminary Examining Authority in respect of international applications filed by nationals or residents of Spain and, on the other hand, that the EPO Administrative Council should in due course authorize, as provided under the Centralization Protocol, the Spanish Patent Office to act in the aforementioned capacity in respect of international applications filed by nationals or residents of non-EPC Contracting States having Spanish as their official language (see Official Journal EPO 2/1986, p. 49).

3. The competence to appoint an International Searching Authority belongs to the Assembly of the PCT Union. Such appointment can only take place if, together with other conditions, the minimum requirements prescribed by Rule 36 of the Regulations under the PCT, particularly as to manpower and documentation, are fulfilled (see Article 16(3)(c) of the PCT), which, in the case of the Spanish Patent Office, is expected to be the case only in a few years.

4. What would be useful at this stage, however, would be a declaration by the Assembly stating that, in principle, the Assembly was willing to appoint the Spanish Patent Office as an International Searching Authority once all the conditions under the PCT and the PCT Regulations are fulfilled, in particular, those which must be fulfilled by that Office. Such a declaration of principle would be important because, in view of the political significance of the matter for Spain, it could speed up the accession procedure in that country. It would also be important because it would show to the Spanish-speaking countries of Latin America that the PCT Union is interested in facilitating their accession to the PCT.

5. *The Assembly of the PCT Union is invited:*

(a) *to invite Greece and Spain to accede to the PCT as soon as possible;*

(b) *to declare its willingness to appoint the Patent Office of Spain as an International Searching Authority under the PCT once all the conditions prescribed by the PCT and the Regulations thereunder are fulfilled, in particular, those which must be fulfilled by that Office.*

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