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ASSEMBLY

Eighteenth Session (11th Extraordinary)*
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PROPOSED AMENDMENTS TO PCT RULE 36

Proposal by Sweden and the European Patent Organisation

This document contains a proposal received from the Delegation of Sweden and the Delegation of the European Patent Organisation.

* *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

Rule 36

Minimum requirements for
International Searching Authorities

1. At the 4th CAL meeting the EPO Delegation, supported by the Swedish Delegation, pointed out that the wording of the amendment of Rule 36.1(ii) as proposed by the International Bureau (see PCT/CAL/IV/2, page 85) contains the risk that access to on-line documentation for an Office to become an ISA would no longer require that this documentation be properly arranged for search purposes, i.e. systematically arranged or otherwise systematically accessible.
2. Consequently, they proposed to maintain the present provision since, in their view, the present provision requiring an International Searching Authority to have the minimum documentation “in its possession”, “properly arranged for search purposes”, already encompassed the holding of documents as a data bank as well as in hard copy form.
3. This proposal is presented again for consideration by the Assembly.
4. Should this proposal not find sufficient support, the Swedish Delegation, supported by the EPO, proposes to change the WIPO proposal concerning Rule 36.1(ii) as follows:
 - “(ii) that Office or organization must have in its possession, or have access to, at least the minimum documentation referred to in Rule 34 either in paper form or stored on an electronic carrier, both being properly arranged for search purposes”;

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