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**PATENT LAW TREATY
(PLT)**

ASSEMBLY

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MODEL INTERNATIONAL FORMS

Document prepared by the International Bureau

I. INTRODUCTION

1. Article 17(2)(ii) and (iv) of the Patent Law Treaty (PLT) provides that the PLT Assembly shall establish the Model International Forms, and the request Form, referred to in Article 14(1)(c), and determine the conditions for the date of application of such Forms. At its second session, the PLT Assembly adopted the Model International Request Form as well as certain Model International Forms, namely those relating to the power of attorney, the request for recordation of change in name or address and the request for correction of a mistake.

2. As regards the other Model International Forms, namely those relating to the request for recordation of change in applicant or owner, the certificate of transfer, the request for recordation, or cancellation of recordation, of a license and the request for recordation, or cancellation of recordation, of a security interest, further consultations have been conducted on the PLT Web Forum (<http://www.wipo.int/plt-forum/>). Following such consultations, the present document contains drafts of those Model International Forms for consideration and adoption by the Assembly.

II. PROPOSED MODEL INTERNATIONAL FORMS

(a) Background

3. PLT Article 8(3) provides that:

“(3) [*Model International Forms*] Notwithstanding paragraph (1)(a), and subject to paragraph (1)(b) and Article 6(2)(b), a Contracting Party shall accept the presentation of the contents of a communication on a Form which corresponds to a Model International Form in respect of such a communication provided for in the Regulations, if any.”

4. As explained in Note 8.07 of the Explanatory Notes on the Patent Law Treaty and the Regulations Under The Patent Law Treaty (“PLT Notes”):

“8.07 *Paragraph (3)*. This paragraph obliges a Contracting Party to accept communications filed on a Model International Form established under Article 14(1)(c) and Rule 20. The effect of the phrase “subject to paragraph (1)(b)” is that a Contracting Party that does not accept the filing of communications other than on paper is not obliged to accept the filing of a communication on a Model International Form that applies, for example, to communications filed in electronic form or by electronic means of transmittal. [...]”

5. PLT Rule 20(1) provides that:

“(1) [*Model International Forms*] The Assembly shall, under Article 14(1)(c), establish Model International Forms, in each of the languages referred to in Article 25(1), in respect of:

- (i) a power of attorney;
- (ii) a request for recordation of change in name or address;
- (iii) a request for recordation of change in applicant or owner;
- (iv) a certificate of transfer;
- (v) a request for recordation, or cancellation of recordation, of a license;
- (vi) a request for recordation, or cancellation of recordation, of a security interest;
- (vii) a request for correction of a mistake.”

6. Rules 15 to 18, in particular, provide requirements with respect to the above Model International Forms. Further, the Model International Forms should be in compliance with other requirements prescribed in Articles 7 and 8 and Rules 7, 8, 9, 10 and 19.

7. The Model International Forms concerning a power of attorney, a request for recordation of change in name or address and a request for correction of a mistake were adopted by the PLT Assembly at its second session in September-October 2006, and entered into force on April 1, 2007.

(b) Model International Forms

8. The draft Model International Forms concerning the request for recordation of change in applicant or owner, the certificate of transfer, the request for recordation, or cancellation of recordation, of a license and the request for recordation, or cancellation of recordation, of a security interest are contained in the Annex for consideration and adoption by the Assembly.

9. According to PLT Article 8(3), a Contracting Party shall accept the presentation of the contents of a communication utilizing a Model International Form, provided that the contents of the communication and the means of communication are in compliance with the requirements under the applicable law, which shall in turn be compliant with the provisions of the PLT.

(c) Notes to the Model International Forms

10. Each Model International Form contains Notes to the relevant Model International Form, established by the International Bureau for explanatory purposes only. The Notes to the Model International Forms are intended to facilitate the completion of those Forms.

(d) Individualized Model International Forms

11. The Model International Forms refer to, and leave space for filling in, all the elements (information) that Contracting Parties may require under the PLT and its Regulations. Some of those elements, however, will not always be required under the national (or regional) law applicable to the Office concerned, since the PLT provides, except for Article 5, maximum requirements a Contracting Party may impose. Therefore, any Contracting Party would be free to individualize the Model International Forms in order to adapt them to the applicable law, as long as they comply with the PLT.

12. In particular, individualized Model International Forms could provide the name of the Office pre-printed in the title, could be in the language(s) accepted by the Office and could omit any boxes not relevant to that Office. As prescribed in PLT Article 4, a Contracting Party is also free to take any action it deems necessary for the preservation of essential security interests. Consequently, the individualized Form may include specific requirements relating to national security.

13. Any Contracting Party which individualizes the Model International Forms could, of course, also individualize the Notes so that they relate expressly to the individualized Form.

III. ENTRY INTO FORCE

14. It is suggested that the Model International Forms referred to in paragraph 8 enter into force on April 1, 2008.

15. In accordance with PLT Rule 20(1), the Model International Forms shall be established in English, Arabic, Chinese, French, Russian and Spanish. As suggested in the Notes to each Form, once adopted by the PLT Assembly, the Forms as well as their Notes will be available on the WIPO web site.

16. *The PLT Assembly is invited:*

(i) *to establish the Model International Forms as set out in the Annex; and*

(ii) *to decide that those Forms will enter into force on April 1, 2008.*

[Annex follows]

ANNEX

Model International Forms

1. Request for Recordation of Change in Applicant or Owner
2. Certificate of Transfer
3. Request for Recordation/Cancellation of Recordation of a License
4. Request for Recordation/Cancellation of Recordation of a Security Interest