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INTERIM ADVISORY COMMITTEE FOR ADMINISTRATIVE QUESTIONS

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FURTHER PROGRESS REPORT ON NEGOTIATIONS WITH  
PROSPECTIVE INTERNATIONAL SEARCHING AND  
PRELIMINARY EXAMINING AUTHORITIES  
(ADDENDUM TO DOCUMENT PCT/AAQ/VIII/11)

prepared by the International Bureau

1. Since the writing of the progress report contained in document PCT/AAQ/VIII/11 of August 12, 1977, further action has been taken by the International Bureau with respect to the negotiation of individual agreements with prospective International Searching and Preliminary Examining Authorities. It is reported on in this document.

2. With respect to the future activities of the European Patent Office under the PCT, the Interim Committee of the European Patent Organisation (EPO), in its session from September 14 to 19, 1977, heard a report by Mr. Stähelin, Vice-president designate of the European Patent Office, on the first round of discussions in June 1977 between representatives of the EPO Interim Committee and of the International Bureau. Continuation of the discussions between representatives of the EPO and the International Bureau will have to await the results of the first session of the EPO Administrative Council from October 19 to 21, 1977, and the opening of the European Patent Office on November 1, 1977. It is envisaged at present to have a second round of discussions in November 1977.

3. Consultations between the Austrian Patent Office and the International Bureau concerning an agreement under Articles 16(3)(b) and 32(3) of the PCT took place in Vienna on September 8, 1977, on the basis of the proposal of the Austrian Patent Office referred to in document PCT/AAQ/VIII/11, paragraph 5. During the said consultations, the Austrian Patent Office declared its intention to seek appointment as an International Searching and Preliminary Examining Authority under the PCT. Such appointment would relate to activities as an International Searching and Preliminary Examining Authority for developing countries in conformity with the decision of the EPO Interim Committee referred to in paragraph 5 of the cited document. The appointment would also relate to activities as an International Preliminary Examining Authority under the conditions set forth in the Protocol on Centralization of the European Patent Convention. A general review was undertaken of the draft Model Agreements contained in documents PCT/AAQ/VII/5 and PCT/AAQ/VIII/11 as a basis for further negotiations for the conclusion of the agreement under Articles 16(3)(b) and 32(3) of the PCT which is a prerequisite of the appointment of the Austrian Patent Office as a PCT Authority. The said further negotiations will take place in due course and with a view to concluding the agreement as soon as possible.

4. Consultations between the Swedish Patent Office and the International Bureau concerning an agreement under Articles 16(3)(b) and 32(3) of the PCT took place in Luxembourg on September 15, 1977, on the occasion of the Luxembourg session of the EPO Interim Committee and on the basis of a proposal by the Swedish Patent Office, contained in a letter of August 8, 1977. During the said consultations, the Swedish Patent Office confirmed its intention to seek appointment as an International Searching and Preliminary Examining Authority for Nordic Countries (Denmark, Finland, Iceland, Norway and Sweden) and for developing countries under the conditions set forth in the EPO Protocol on Centralization and in conformity with the decision of the EPO Interim Committee referred to in document PCT/AAQ/VIII/11, paragraph 5. A general review was undertaken of the draft model agreements contained in documents PCT/AAQ/VII/5 and PCT/AAQ/VIII/11 as a basis for further negotiations for the conclusion of an agreement under Articles 16(3)(b) and 32(3) of the PCT. The said further negotiations are envisaged to take place in late 1977 or early 1978.

5. Concerning the offer of the United States Patent and Trademark Office (USPTO) to act as International Searching Authority for all nationals of countries of the Western hemisphere party to the PCT (see paragraph 4 of document PCT/AAQ/VIII/11), the Acting Commissioner of Patents and Trademarks, in a letter of September 12, 1977, expressed the desire that negotiations commence in the very near future which would lead to an agreement between the USPTO and the International Bureau concerning the said activity under the PCT. The Director General, in a letter of October 3, 1977, has responded favorably to this desire. It was agreed to have negotiations in Washington, at a mutually convenient time after a written interchange concerning the draft of the envisaged agreement, for the purpose of finalizing the agreement. Once a decision on lifting the reservation of the United States of America concerning Chapter II of the PCT was reached, negotiations on an activity of the USPTO as an International Preliminary Examining Authority could start as well (see paragraph 4 of document PCT/AAQ/VIII/11).

6. Consultations between the Japanese Patent Office and the International Bureau concerning an activity of that Office as International Searching Authority and possibly also as International Preliminary Examining Authority for nationals of Japan took place in Tokyo on September 19 to 21, 1977, on the basis of an invitation received from the Director General of the Japanese Patent Office. During the said consultations, the Japanese Patent Office confirmed its intention to seek appointment as an International Searching Authority under the PCT and to examine further the question of becoming also an International Preliminary Examining Authority. A detailed discussion took place on the basis of the draft model agreements contained in documents PCT/AAQ/VII/5 and PCT/AAQ/VIII/11. Further negotiations are envisaged to take place as soon as possible, probably in early 1978.

7. The Interim Committee is invited to note the contents of this document.

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