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WORLD INTELLECTUAL PROPERTY ORGANIZATION
GENEVA

PATENT COOPERATION TREATY

INTERIM ADVISORY COMMITTEE FOR ADMINISTRATIVE QUESTIONS

WORKING GROUP ON FORMS

First Session: Geneva, September 9 to 13, 1974

REPORT

prepared by the International Bureau

INTRODUCTION

1. At its fourth session, in October 1973, the PCT Interim Advisory Committee for Administrative Questions (hereinafter referred to as "the Interim Committee") decided to establish a Working Group on Forms (hereinafter referred to as "the Working Group") which would be composed of specialists in the field of standardization of Patent Office procedures. According to the decision of the Interim Committee, the task of the Working Group was to examine in detail revised drafts of the forms with respect to contents and layout before any further consideration of the forms by the Interim Committee itself. The Working Group was also asked to consider the question of the mandatory or the optional character of the forms.
2. The Working Group held its first session in Geneva from September 9 to 13, 1974.
3. All members of the Interim Committee, namely those States which had signed, or acceded to, the PCT, and, pursuant to a decision of the Executive Committee of the Paris Union, any other country which had pledged a special contribution to the PCT budget, were invited. The following members were represented: Cameroon, Canada, France, Germany (Federal Republic of), Iran, Japan, Norway, Philippines, Soviet Union, Sweden, Switzerland, United Kingdom, United States of America.
4. Two intergovernmental organizations were represented by observers, namely, the International Patent Institute (IIB) and the United Nations Conference on Trade and Development (UNCTAD).
5. The following two non-governmental organizations were represented by observers: the International Federation of Inventors Association (IFIA) and the Union of Industries of the European Community (UNICE).
6. The list of participants is annexed to this report (Annex I).

OPENING OF THE SESSION

7. The session was opened by Mr. K. Pfanner, Director, Industrial Property Division, WIPO, who welcomed the participants to Geneva in the name of the Director General of WIPO.

ELECTION OF OFFICERS

8. The Working Group unanimously elected Mr. W.A. Smith III (United States of America) as Chairman and Mr. Y. Buryak (Soviet Union) and Mr. Y. Hashimoto (Japan) as Vice-Chairmen.

9. Mr. P. Claus, Technical Counsellor, Acting Head, PCT Section, Industrial Property Division, WIPO, acted as Secretary of the Working Group.

ADOPTION OF THE AGENDA

10. The representative of the United States of America proposed to place on the agenda consideration of the question of the mandatory or optional character of the forms prior to discussing the contents and layout of the forms, as opposed to the procedure proposed by the International Bureau in paragraph 13 of document PCT/AAQ/WGF/I/2.

11. The Working Group, however, after a discussion of the merits of the proposal of the United States of America agreed to adopt the agenda as presented in document PCT/AAQ/WGF/I/1.rev. and to consider the question of mandatory or optional character of the forms after a discussion of their contents and layout.

12. It was understood that acceptance of the agenda and of the procedure proposed by the International Bureau should in no way be interpreted as a commitment to accept mandatory use of all forms.

CONTENTS AND LAYOUT OF THE DRAFT FORMS

13. The representative of the Soviet Union proposed and the Working Group agreed that, in order to facilitate its task, all the forms of the various International Authorities which were essentially identical should be considered together. Thus discussions were concurrently based on document PCT/AAQ/WGF/I/2 (containing the International Bureau and the International Preliminary Examining Authority forms), and document PCT/AAQ/WGF/I/4 (containing four particular forms: the request, the international search report, the demand and the international preliminary examination report).

14. In the course of the examination of the forms as to contents and layout, the participants made numerous proposals and comments. Some of these proposals were discussed extensively. This report attempts neither to record all proposals and suggestions nor to give a detailed account of the discussions thereon. It merely reflects all the proposals which were made with respect to the contents of the forms and the more important proposals concerning the layout of the forms without recording the discussion thereon. Proposals which, in view of lack of support or on the basis of the results of the discussions, were not maintained, are not included in the report. Proposals which are applicable to the forms in general or to a certain number of forms are reproduced only once. If retained for the revision of the forms to be undertaken by the International Bureau, they will of course be implemented for all forms concerned. All proposals not reproduced in this report have been recorded by the Secretariat. They will be duly considered when the forms are revised.

15. In order to facilitate the presentation of the report, the participants having presented or supported proposals are identified together with the relevant proposal by the two-letter code of their country or the abbreviation of their organization, as explained in Annex II to this report.

The Receiving Office Forms

16. Form PCT/RO/101

- (i) In boxes II to X, reference to footnote 22 should be replaced by similar wording as given in the headings of form PCT/IPEA/401. (JA, SU)
- (ii) The numbers indicated for "Designations of States" in box V should be reduced from 14 to 7 in order to provide sufficient space for each designation. (GB, US, DT, IFIA)
- (iii) The box in the upper right-hand corner of this form should be redesigned to provide more space for the additional stamping of the name of the receiving Office and "PCT International Application". Additionally, a longer space behind "International Application No." in that box would be desirable to permit the use of an application serial number stamp with fairly big size numerals. (US)
- (iv) The different portions of this form should be evenly spaced so that the form can be typed with one form of spacing. (US)
- (v) In boxes II and IV, the heading "Teletype (telex) number" should be replaced by "Teletype address" to bring the form in conformity with the wording used in PCT Rule 4.4(c). (US)
- (vi) A space should be provided for stamping the international application number on all sheets thereby helping to prevent the loss of pages from the files which may occur when copies are made. (US)
- (vii) In respect of the annex to this form, a listing of the individual designated States and their required fees should be included as an aid for the applicant, and an area, such as a column, should be provided for notations relating to corrections and checking of proper amounts of fees by the receiving Office. (US)
- (viii) The manner of indicating the name of the country as provided in the Administrative Instructions (Section 202) should also be used in box II, Nationality and Residence. (JA)
- (ix) Pagination of forms should be in accordance with Rule 11.7, i.e., at center on top of page. (US)
- (x) More space should be provided for the information contained in box VII. (US)

17. Form PCT/RO/102

- (i) The forms to be signed should provide for either the signature of the authorized officer of the Authority issuing the form or for the indication of his name, together with the stamp of that Authority. (DT)
- (ii) The title of the invention should be added as an element of the identification of the international application on the forms communicated in the early stages of the procedure before an international application number is indicated. (IFIA, US, CA, GB, SU)
- (iii) The order of setting forth the indications on this form relating to the international fee and the search fee should be reversed. (US)
- (iv) The question should be studied whether this form and all other forms, where the communication starts a time limit, should be entitled "Invitation", rather than "Notification" (to be reviewed on the basis of the terminology of the PCT). (NO, SU)
- (v) Forms referring to more than one time limit should indicate such time limits in a conspicuous place on the front page. (NO)

18. Form PCT/RO/103

- (i) In the first paragraph of this form after the reference to Article 11(1), insert the wording "for the granting of an international filing date". (US)
- (ii) In order to clarify the language and to provide vertically aligned boxes, the first part of the sentence under item one should be revised to read as follows:

"The applicant obviously lacks the right to file an international application with this receiving Office for reasons of
 - a. residence
 - b. nationality." (US)
- (iii) At the bottom of this form add a new sentence stating "The international filing date will be the date on which the corrections are timely received." (US)
- (iv) The statement on this form calling applicant's attention to the expiration of the priority year should indicate that corrections must be received before such expiration if the priority is to be retained. (GB)
- (v) The Notes to item 5 should make reference to Rule 20.4(b) setting forth the manner in which the name of the applicant is to be indicated for the purposes of Article 11(1)(iii)(c). (This remark also applies to forms PCT/RO/115, PCT/ISA/209, PCT/IB/321) (CH, US)

19. Form PCT/RO/104

- (i) The dotted lines on the forms on which dates are to be indicated should be placed on the left hand side of the forms in order to improve their visibility. (US)
- (ii) The statement at the bottom of this and other forms indicating that a copy of that form has been sent to any of the International Authorities should contain check boxes to facilitate clerical operations when sending the copies. (US)

20. Form PCT/RO/106

- (i) The procedure for correcting the defect of the lack of the prescribed signature (last paragraph) should be made more practical, such as permitting the signature to be submitted on a photocopy of the request. (DT, GB, SU, US)
- (ii) On page (b) after note (11), the following sentence should be inserted "Failure to do so will result in the application being considered withdrawn". (SW)
- (iii) The items listed in Annex A of this form which pertain to the "Request" should be reconsidered in the light of the fact that the request will be a printed form. (GB)
- (iv) In Annex A, roman numerals should be used to designate the different columns of check boxes, and in both Annexes A and B, all expressions "some/all" should be deleted. (US)
- (v) The defect that the element does not allow of direct reproduction should appear also in Annex A. (US, NO)
- (vi) At the top of Annexes A and B, the expression "suffer from the indicated defects" should be replaced by "do not comply with the requirements of Rule 11". (US)

- (vii) Annex A, item (p) and Annex B, item I(i) should be changed to read "sheets contain too many erasures" and new items (q) and I(j) reading "sheets contain alterations/overwritings/interlineations" should be added. (US)

21. Form PCT/RO/107

- (i) This form should contain an indication of any priority date claimed and should call to applicant's attention the situation where a corrected international filing date will fall outside the priority year. (SU)
- (ii) The second paragraph should be split up into several sentences, for the sake of clarity. (US)

22. Form PCT/RO/108

- (i) The expression "(specify)" in the first paragraph of this form should be changed to read "as specified hereafter". (US)
- (ii) As a matter of convenience for the applicant, the addresses of the International Searching Authority and of the International Bureau should be indicated on this form. (US)

23. Form PCT/RO/109

- (i) Replace title by "NOTIFICATION OF DECISION CONCERNING REQUEST FOR RECTIFICATION." (US)
- (ii) In order to inform the International Bureau as to the contents of the rectification, the sentence in item 1 should be changed to read "to authorize the rectification requested which is:

- set forth as follows
- attached on applicant's request." (US)

24. Form PCT/RO/111

The part in parentheses below item 3 relating to multiple priorities should be redrafted and provided with a box to allow checking where applicable. (US, SU)

25. Form PCT/RO/112

- (i) Under items 1 to 5 of this form the pages and lines of the international application where such expressions, etc., are contained should be indicated. (SU)
- (ii) Consideration should be given to moving items 1 to 5 further up (without spacing in between) in order to provide more space below for specifying information concerning the defects. (US)
- (iii) Replace in last paragraph "IT IS SUGGESTED THAT APPLICANT . . ." by "THE APPLICANT IS HEREBY INVITED TO . . .". (US, GB)

26. Form PCT/RO/113

The form should be redrafted in a way showing first the information as recorded before the change and thereafter the new information to be recorded. (US)

27. Form PCT/RO/114

- (i) An indication of the priority date should be included. (US)
- (ii) Consideration should be given to notifying the applicant of non-collection of the record copy. (US)

28. Form PCT/RO/116

The priority date should be indicated as the time limit for calculation of the payment of the designation fee is based on this date. (US)

29. Form PCT/RO/117

The citations under the title should refer broadly to Article 14 and Rule 29. (US)

30. Form PCT/RO/118

In respect of this form which contains a cover sheet (118a) and a second sheet (118b) for listing the documents transmitted in bulk, different views were expressed as to whether this form should be used for mailing one type of document only (e.g., record copies), or for mailing more than one type of document simultaneously (e.g., substitute record copies, later submitted drawings, etc.). The prevailing view appeared to be in favor of having this form redrafted as a single page listing capable of being used for the communication of more than one type of document, but no agreement was reached.

31. Form PCT/RO/121

See comments on form PCT/RO/111.

32. Form PCT/RO/124

The question should be considered, possibly in connection with the Administrative Instructions, of how withdrawal of the power of attorney by the attorney himself (instead of revocation of his power of attorney by the applicant) could be handled. (US, CA)

33. Form PCT/RO/125

The wording of the first paragraph should be expanded to request the applicant to use the provisional file number in all correspondence with the receiving Office until the date on which a definitive international application number is given to his international application. (US)

34. Form PCT/RO/126

The following new text was proposed in lieu of the first three paragraphs under the section entitled "Notification":

"The applicant is hereby notified that certain

- sheets⁽²⁾ _____
- drawings⁽³⁾ _____

pertaining to the above identified application were received in this Office on _____, that is, on a date later than the date of first receipt of papers, indicated above.

1. As the date of receipt of the later submission is within 30 days of the date of first receipt of papers, the later submission is included in the application for international processing.
 - a. The date of receipt of the later submission is considered to be the corrected date of receipt of the application
 - b. The date of receipt of the later submission is the corrected international filing date.
2. As the date of receipt of the later submission is later than 30 days from the date of first receipt of papers, the later submission will not be included in the application for international processing.
 - a. The date of receipt of the application remains as of record.
 - b. The international filing date remains as of record.

A copy of this notification has been sent to the

- International Searching Authority
- International Bureau." (US)

The International Searching Authority Forms

35. Form PCT/ISA/210

- (i) In box I, "Classification of Subject Matter", the vertical line should be eliminated and the single box resulting therefrom should include the following text matter or words to that effect: "According to International Patent Classification (IPC) or to both National Classification and IPC". (DT, GB, US, IIB) A note should say that in the latter case corresponding symbols of both classifications should be placed opposite each other. (DT, IIB)
- (ii) In box II, subdivision "Minimum Documentation Searched", the space for "Classification System" should be reduced to allow more space for "Classification Symbols". (DT, US)
- (iii) In box II, the lower part subtitle should read "Patent Documentation Searched other than Minimum Documentation". (US, DT, GB, SU, JA) Also, this lower part should have neither vertical lines nor the indications "Kinds of Documents," "States," "Periods," and "Languages," in order to have increased space for either pre-printing or typing in of relevant indications on such patent documentation searched. (DT, JA, SU, US, IIB)
- (iv) In box III, larger check boxes and more space should be provided for facilitating typing. (US)
- (v) A special sheet should be drawn up, as annex to the International Search Report form, to contain the title and/or abstract (see box III.2.). (IIB)
- (vi) If a second sheet is needed in case of a larger number of references cited, double certification should be avoided. (IIB)
- (vii) Explanatory Notes such as Note 19, essential for the understanding of the signs used in the text of the search report, should appear as footnotes on the relevant page of the search report in order to facilitate printing of the search report by direct reproduction methods. (US)
- (viii) In box IV.3. on the supplemental sheet, the word "timely" should be inserted between "were" and "paid". (US)

36. Form PCT/ISA/201

- (i) Since this form should be as closely as possible identical to form PCT/ISA/210, the Working Group retained for this form all proposals formulated in respect of form PCT/ISA/210.
- (ii) The International Bureau was invited to study whether "Unity of Invention" and "Unsearchable Claims" (boxes IV and V respectively on form PCT/ISA/210) were matters to be considered for inclusion in this form. (DT, US)

37. Form PCT/ISA/204

Two small boxes should be included after the second paragraph as follows:

- " attached
- as follows." (JA, IIB, SU)

38. Form PCT/ISA/205

- (i) In the first paragraph, line 4, the words "with the results that" should be deleted, and a stop inserted after the word "expired". (US)
- (ii) See comment on form PCT/ISA/204.

39. Form PCT/ISA/206

- (i) After the first paragraph, words should be added to the effect that the relevant claims should be indicated for each invention. (US, IIB)
- (ii) In the second paragraph, instead of "specify", make dots for easy indication of the claims concerned. (US, IIB)
- (iii) In the third paragraph, an additional sentence should be included before reference note (5): "The amount required for the search of each additional invention is _____". (US, IIB)
- (iv) In the last paragraph, reference should be made to Rule 40.2 drawing applicant's attention to his rights. (IIB, US)

40. Form PCT/ISA/207

The title should be amended as follows: "INVITATION TO COMMENT ON DRAFT TRANSLATION". (SU)

41. Form PCT/ISA/208

The second line of the present text of item 2 should be redrafted as follows: "the reasons expressed below⁽³⁾." Items 3 and 4 should be moved closer to 2 and the space at the bottom should be used for expressing reasons. (US)

42. Form PCT/ISA/209

For reasons of consistency, the full text of Article 11 should be reproduced in the "Notes". (CH)

43. Form PCT/ISA/211

The text should be amended to indicate the total number of documents transmitted. (SU)

44. Form PCT/ISA/212

- (i) In paragraphs 1.a and 1.b after "reimbursement" insert "of the additional fees". (US)
- (ii) In paragraph 1.b delete "the following reasons (specify)" and insert "the reasons expressed below". (US)
- (iii) Move paragraph 2 up, and replace by "The protest is found unjustified and the requirement of payment of additional fees is upheld for the following reasons:". (US)

45. Form PCT/ISA/214

- (i) The word "REQUEST" in the title should be replaced by appropriate wording in order to avoid any confusion with the "Request Form" (PCT/RO/101). The same applies to forms PCT/RO/115, PCT/IB/303, PCT/IB/311, PCT/IB/323 and PCT/IPEA/410. (NO, SW)
- (ii) Replace in second line of text "requests" by "invites". (NO)
- (iii) Delete the indication "Mr./Mrs/Miss" in line 4 of text. (US)

46. Form PCT/ISA/215

See comments (iii) to (vii) on form PCT/RO/106.

47. Form PCT/ISA/216

See comment (ii) on form PCT/RO/108.

48. Form PCT/ISA/217

- (i) See comments (i) and (ii) on form PCT/RO/109.
- (ii) Last paragraph to be replaced by "(A copy of this notification has been sent⁽⁴⁾ to the International Bureau in the case where rectification was authorized)". (GB, US)

49. Form PCT/ISA/218

- (i) Replace title by "NOTIFICATION CONCERNING EXPRESSIONS, ETC., NOT TO BE USED IN INTERNATIONAL APPLICATIONS". (US)
- (ii) See comments (i) and (ii) on form PCT/RO/112.

50. Form PCT/ISA/219

The form does not need to have an "IDENTIFICATION OF THE INTERNATIONAL APPLICATION" box. (GB)

51. Form PCT/ISA/220

- (i) In last paragraph after "TIME LIMIT" insert "FOR AMENDING BEFORE THE INTERNATIONAL BUREAU ACCORDING TO ARTICLE 19(1) AND RULE 46.1". This paragraph should be moved upwards and inserted directly below item 1 of the form. (US, GB)
- (ii) Insert after paragraph 2: "The attention of the applicant is drawn to the time limit for complying with the requirements of Article 22(2)". (US, GB)
- (iii) Delete or clarify paragraph 3. (US)

52. Form PCT/ISA/221

Redraft first paragraph to show number of requested copies. (SW)

The International Bureau Forms

53. Form PCT/IB/304

Consideration should be given to whether the applicant and the designated Offices should be notified by the International Bureau where the latter has not received a copy of the priority document within the prescribed 16 months period. (US)

54. Form PCT/IB/305

Consideration should be given to combining forms PCT/IB/304 and PCT/IB/305. (US)

55. Form PCT/IB/306

See comments on form PCT/RO/113.

56. Form PCT/IB/308

This form should contain check boxes and the listing of the States as in forms PCT/IB/301 and PCT/IB/332. (US)

57. Form PCT/IB/309

Consideration should be given to the possibility of combining forms PCT/IB/309, PCT/IB/340 and PCT/IB/341. (SU)

58. Form PCT/IB/310

See comments on form PCT/RO/118.

59. Form PCT/IB/311

This form should be redesigned to provide for the possibility of requesting copies of the translations of several international applications. (US)

60. Form PCT/IB/313

See comments (iii) to (vii) on form PCT/RO/106.

61. Form PCT/IB/314

See comment (ii) on form PCT/RO/108.

62. Form PCT/IB/315

See comments on form PCT/RO/109.

63. Form PCT/IB/316

First sentence of text to be replaced by: "The International Bureau has noted that the filing date of the earlier application, for which priority is claimed, has been indicated in the request of the above identified international application as (date)." (US)

64. Form PCT/IB/317

(i) See comment on form PCT/RO/111.

(ii) Amend item 1 to clarify that the recording of the filing date (and not the filing date itself) is the subject of the correction. (US)

65. Form PCT/IB/318

See comment on form PCT/RO/111.

66. Form PCT/IB/319

Replace title by: "NOTIFICATION OF POWER OF ATTORNEY OR REVOCATION OF POWER OF ATTORNEY". (GB)

67. Form PCT/IB/320

(i) Replace title by: "NOTIFICATION OF DEFECTIVE POWER OF ATTORNEY OR DEFECTIVE REVOCATION OF POWER OF ATTORNEY". (GB)

(ii) See comment on form PCT/RO/124.

68. Form PCT/IB/321

See comments (ii) to (v) on form PCT/RO/103.

69. Form PCT/IB/322

See comment on form PCT/ISA/211.

70. Form PCT/IB/323

See comments on form PCT/ISA/214.

71. Form PCT/IB/324

See comment on form PCT/RO/116.

72. Form PCT/IB/339

Replace title by "NOTIFICATION OF WITHDRAWAL BY APPLICANT UNDER CHAPTER II". (SU)

The International Preliminary Examining Authority Forms

73. Form PCT/IPEA/401

See comments (ii), (iv) to (vi), (viii) and (ix) on form PCT/RO/101.

74. Form PCT/IPEA/409

- (i) In "BASIS OF REPORT", item 1.a, the dates of the amendments which were made should be specified. (JA)
- (ii) In "BASIS OF REPORT", replace 2. by:

"2. PRIORITY

a. This report has been established as if no priority has been claimed due to the failure to furnish within the prescribed time limit the requested

(i) copy of the earlier application whose priority has been claimed

(ii) translation of the earlier application whose priority has been claimed.

b. This report has been established as if no priority has been claimed due to the fact that the priority claim has been found invalid.

Thus, for the purposes of this report, the international filing date indicated above is considered the relevant date." (JA, SU)

75. Form PCT/IPEA/410

See comments on form PCT/ISA/214.

76. Form PCT/IPEA/411

See comment (ii) on form PCT/RO/108.

77. Form PCT/IPEA/412

See comments on form PCT/RO/109.

78. Form PCT/IPEA/417

See comment on form PCT/ISA/211.

Applicant's Reply Letter

79. Discussions were based on document PCT/AAQ/WGF/I/5, which contained an example of a letter proposed to be sent to the applicant along with any communication inviting the applicant to reply thereto. This letter was to be used by the applicant for submitting the reply.

80. It was generally agreed by the Working Group that the use of an applicant's reply letter was not practical. For correspondence between the applicant and International Authorities other than the International Bureau, such correspondence could easily be carried out according to existing practices. Even for correspondence between the applicant and the International Bureau, such reply letters would normally not be used, since applicants and agents preferred to use their own letterhead paper.

81. The Working Group recommended therefore that the establishing of applicant's reply letters should not be pursued.

Notes on the Forms

82. The Working Group had a separate discussion on the question whether and to what extent there should be notes on the forms, as provided in the draft documents under consideration.

83. In this context, the Working Group noted the opinion expressed by the representative of the United States of America that the use of Arabic numerals referring to notes reproducing the text of the Treaty, the Regulations or the Administrative Instructions should be replaced by a reference to the relevant provision in the text of the form itself thereby enabling the user to refer to the Treaty directly.

84. The Working Group agreed that the notes on the forms did not constitute part of the contents of the forms themselves but were to be regarded as an annex attached for the convenience of the user, irrespective of whether they were reproduced on the back of the form sheets or as an appendix to the forms. Consequently, the notes could be disregarded in any discussion of the mandatory or optional character of the contents of the forms. In any event, it was the opinion of the Working Group that the notes, as mere explanatory material, would be optional, even if all or some of the forms were to be considered mandatory as to their contents.

85. Different views were expressed on the question whether the notes, where retained, should be printed on the back of the form sheets or on separate sheets annexed to the forms. No conclusion was reached on this point.

86. With respect to the question whether and to what extent notes, such as contained in the draft documents under consideration, should be presented together with the forms, a substantial majority of the participants, after considerable discussion, expressed the view that explanatory notes, such as those presently contained in the draft forms, were useful in connection with all forms dealing with communications to the applicant. For the said forms the notes should therefore be retained.

87. With respect to the forms relating to communications among the International Authorities, the majority of participants expressed the view that no notes were needed in these cases, since the staff of the International Authorities could be expected to be familiar with the relevant provisions of the PCT, at least after a short initial period of training. The representative of Switzerland pointed out, however, that even in those cases a reference to the relevant provision would be useful.

Mandatory or Optional Use of Forms

88. Thereafter the Working Group discussed the question whether the use of the forms should be mandatory or optional.

89. It was agreed that no discussion of this question was called for with respect to the Request Form (PCT/RO/101), the International Search Report form (PCT/ISA/210), the Demand Form (PCT/IPEA/401) and the International Preliminary Examination Report Form (PCT/IPEA/409), since the PCT prescribed in those cases the use of a printed form and the particulars of such form. It was therefore understood that the four forms mentioned, as eventually adopted, were mandatory as to both contents and layout.

90. With respect to all the other forms, no agreement could be reached at this time as to their mandatory or optional character.

91. The representative of Sweden, supported by the representative of Norway, stated that none of the other forms should be mandatory, since it was desirable to achieve the necessary freedom for adaptation to the systems and equipment used in Patent Offices. Even if the forms were optional, the Offices should try to use them with as little variation as possible from the contents and layout agreed internationally.

92. During a discussion of the question whether it was useful and possible at this time to try to reach a decision on mandatory or optional character on a form by form basis, the representatives of Norway and the United Kingdom stated that, in their view, a decision to accept any of the forms for mandatory use could not be taken at this time since much more time was needed for verification of the compatibility of the forms with national practices.

93. The representative of Switzerland stated that, apart from the four forms mentioned above, which were mandatory with respect to contents and layout, a certain number of forms should be mandatory at least with respect to contents. As far as the remainder of the forms were concerned, neither contents nor layout should be declared mandatory. The representative of Switzerland was not, however, in a position to make proposals as to the assignment of forms to these three categories in view of the fact that this called for more thorough study.

94. The representative of Canada expressed the view that all forms should be mandatory. After the necessary adaptations of the forms had been made and agreement on their contents and layout was obtained, there was no reason not to accept the forms as mandatory. Any possibility left open of changing the contents or the layout of the forms could lead to inconsistencies in the practices of the various International Authorities.

95. The representative of the United States of America stated that all forms to be sent to the International Bureau and also most of the forms exchanged between Authorities should be mandatory in order to achieve a maximum degree of harmonization. On the other hand, forms to be used in correspondence between the applicant and the receiving Office or certain other forms presenting special problems for internal processing in the Offices concerned (e.g., forms requiring fees) should be optional.

96. The representative of the Soviet Union stated that, except for form PCT/RO/105, he was at present not in a position to declare himself in favor of accepting the mandatory character of any of the forms not referred to in paragraph 89, since more time was needed to examine the implications of those forms in more detail.

97. The representative of the Federal Republic of Germany stated that forms used for communications between Authorities should be mandatory as to contents and layout. The other forms should be mandatory with the proviso that the Authorities retain the freedom to add information to them in order to adapt the forms, if necessary, to the requirements of their national legislation.

98. In conclusion, the Working Group agreed that no final conclusions as to the mandatory or optional character of the forms not referred to in paragraph 89 were possible at this stage of the discussions. In order to prepare a more detailed review of the problem in due course, the Working Group proposed that the Interim Committee should consider the possibility of requesting the International Bureau to conduct a survey among the member States of the Interim Committee and the IIB with respect to the question of the mandatory or optional use of the forms.

[Annexes I and II follow]

LIST OF PARTICIPANTS

I. STATES

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Code for Identifying States and Organizations

KA	Cameroon
CA	Canada
FR	France
DT	Germany (Federal Republic of)
IR	Iran
JA	Japan
NO	Norway
PH	Philippines
SU	Soviet Union
SW	Sweden
CH	Switzerland
GB	United Kingdom
US	United States of America
IIB	International Patent Institute
UNCTAD	United Nations Conference on Trade and Development
IFIA	International Federation of Inventors Associations
UNICE	Union of Industries of the European Communities

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