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PCT COMMITTEE FOR ADMINISTRATIVE AND LEGAL
MATTERS

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PROPOSED AMENDMENT TO RULE 91.1

Proposal by France

This document contains a proposal received from the National Institute of Industrial Property of France.

* *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

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Comment by the French Delegation on the proposal submitted by the Delegation of the United Kingdom for amendment of Rule 91 of the PCT Regulations.

The French Delegation shares the views put forward by the Delegation of the United Kingdom in document PCT/CAL/V/3, namely that it is acceptable for the document affording evidence in support of the rectification sought to be filed after the request or demand, provided that it existed at the time of the earlier filing.

As far as the wording of the proposed addition (b-bis) to Rule 91.1 is concerned, the French Delegation would however like to see greater emphasis placed on the fact that “what is offered as rectification” is acceptable only if, after the supporting evidence provided has been considered, it constitutes the only text possible at the time of the filing of the request or demand.

The following wording is therefore proposed:

“91.1(b-bis) In the case of a rectification of the request or the demand, the requirements of paragraph (b) shall be considered to be complied with if the authority competent under paragraph (e) is satisfied that only what is offered as rectification can have been intended at the time of the filing of the request or demand, and that the rectification is clearly apparent from comparison with a supporting document existing at the time of the said filing, even if the said document is filed subsequently in evidence in support of the rectification.”

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