

WIPO



PCT/CTC/XVI/3

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WORLD INTELLECTUAL PROPERTY ORGANIZATION
GENEVA

INTERNATIONAL PATENT COOPERATION UNION
(PCT UNION)

PCT COMMITTEE FOR TECHNICAL COOPERATION

Sixteenth Session
Geneva, September 21 and 22, 1993

REPORT

adopted by the Committee

INTRODUCTION

1. The PCT Committee for Technical Cooperation (hereinafter referred to as "the Committee") held its sixteenth session in Geneva on September 21 and 22, 1993.

2. The following members of the Committee were represented: Australia, Austria, Belgium, Brazil, Canada, China, Côte d'Ivoire, Czech Republic, Denmark, Finland, France, Germany, Hungary, Ireland, Italy, Japan, Madagascar, Malawi, Monaco, Mongolia, Netherlands, Norway, Portugal, Republic of Korea, Russian Federation, Slovakia, Spain, Sudan, Sweden, Switzerland, Ukraine, United Kingdom, United States of America, Viet Nam and the European Patent Office. The list of participants is contained in Annex I to this report.

3. Mr. François Curchod, Deputy Director General, WIPO, welcomed the participants and opened the session.

ELECTION OF A CHAIRMAN

4. The Committee unanimously elected Mr. Alec Sugden (United Kingdom) as Chairman of the session.

ADOPTION OF THE AGENDA

5. The Committee unanimously adopted the agenda which is contained in Annex II to this report.

APPOINTMENT OF THE SPANISH PATENT AND TRADEMARK OFFICE AS INTERNATIONAL SEARCHING AUTHORITY

6. The Chairman noted that discussion would be based on the proposals by the International Bureau contained in document PCT/CTC/XVI/2, which included document PCT/A/XXI/3 as an annex.

7. In response to an invitation by the Chairman, the Delegation of Spain made a statement to the Committee. It first expressed its gratitude for the interest, support and assistance it had received from other countries and organizations. It emphasized the importance of the appointment of the Spanish Patent and Trademark Office as International Searching Authority not only to Spanish applicants but potentially to all those countries which had Spanish as an official language. The Delegation observed that this appointment would be an important step towards greater acceptance of the PCT in Spanish speaking countries and towards the ultimate accomplishment of the PCT's stated goals.

8. The Delegation went on to explain the capability of the Spanish Patent and Trademark Office to undertake the work of an International Searching Authority. Since 1986, the Office had undertaken a great effort in acquiring necessary documentation and in recruiting and training technically qualified personnel for the search and examination of patent applications. As a result of this effort, the Office now possessed the minimum documentation referred to in PCT Rule 36.1(ii), and additionally an extensive collection of patent documents from countries of Latin America. The Office employed 80 technically and linguistically qualified full-time examiners, many of whom had received additional training at the European Patent Office and the Austrian Patent Office. The Delegation expected that between 1994 and 1995 the Spanish Patent and Trademark Office would reach the level of 100 examiners qualified to undertake international searches.

9. In response to questions raised by other delegations, the Delegation of Spain explained that the Spanish Patent and Trademark Office would rely on documents in paper form, in microform and in electronically stored form when undertaking searches, and that the number of searches to be undertaken annually was estimated at about 100.

10. The Chairman informed the Committee that the member States of the European Patent Convention had, in 1986, indicated a positive attitude to the appointment, in due course, of the Spanish Patent and Trademark Office as an International Searching Authority and that those States had recently confirmed that endorsement.

11. The Delegations of Portugal, Sweden, Denmark, the Czech Republic, the Netherlands, the Russian Federation, Norway, Austria, Belgium, Italy, the United States of America, Japan, Australia, Finland, Ireland, France, the European Patent Office, Germany, Canada and the United Kingdom expressed

support for the appointment of the Spanish Patent and Trademark Office as an International Searching Authority. Many delegations congratulated the Office on its achievements in developing its staff and documentation resources to the point where it could be appointed as an International Searching Authority. It was noted that availability of an International Searching Authority to search international applications filed in Spanish would be a great advantage for applicants from Spanish speaking countries and that more of such countries would therefore be likely to accede to the PCT. It was also noted that, since the Spanish Patent and Trademark Office currently had over 80 examiners, the quality of international searches to be undertaken by the Office was assured.

12. All delegations supported the proposed draft agreement between the Spanish Patent and Trademark Office and WIPO.

ADVICE TO THE ASSEMBLY OF THE PCT UNION

13. The Committee unanimously recommended to the Assembly of the PCT Union:

- (i) to approve the draft agreement between the Spanish Patent and Trademark Office and WIPO as set out in the Annex to document PCT/A/XXI/3;
- (ii) to appoint the Spanish Patent and Trademark Office as an International Searching Authority with effect from the entry into force of the said agreement.

14. The Committee unanimously adopted this report on September 22, 1993.

[Annexes follow]

LISTE DES PARTICIPANTS/LIST OF PARTICIPANTS

I. MEMBRES/MEMBERS

(dans l'ordre alphabétique des noms français des Etats)
(in the alphabetical order of the names in French of the States)

ALLEMAGNE/GERMANY

Alexander VON MÜHLENDahl, Head of Division, Ministry of Justice, Bonn

AUSTRALIE/AUSTRALIA

Andrew BAIN, Director General, Australian Industrial Property Organisation, Canberra

Bruce MURRAY, Deputy Commissioner of Patents, Australian Industrial Property Organisation, Canberra

AUTRICHE/AUSTRIA

Otmar RAFEINER, President, Austrian Patent Office, Vienna

Gudrun MAYER-DOLLINER (Mrs.), Chairwoman, Nullity Department and Board of Appeals, Austrian Patent Office, Vienna

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BRESIL/BRAZIL

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CANADA

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Peter DAVIES, Chairman, Patent Appeal Board, Canadian Intellectual Property Office, Ministry of Industry and Science, Hull

Christine BLAIN (Ms.), Director, Intellectual Property Review Branch, Canadian Intellectual Property Office, Ministry of Industry and Science, Hull

CHINE/CHINA

GAO Lulin, Director General, Chinese Patent Office, Beijing

WU Xiangwen, Director, International Cooperation Department, Chinese Patent Office, Beijing

QIAO Dexi, Director, Legal Department, Chinese Patent Office, Beijing

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Per Lund THOFT, Director General, Danish Patent Office, Taastrup

ESPAGNE/SPAIN

Julio DELICADO MONTERO-RÍOS, Director General, Oficina Española de Patentes y Marcas, Madrid

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Luis Fernando DE SEGOVIA, Representante permanente adjunto, Misión Permanente, Ginebra

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ETATS-UNIS D'AMERIQUE/UNITED STATES OF AMERICA

Michael KIRK, Assistant Commissioner for External Affairs, Patent and Trademark Office, Department of Commerce, Washington, D.C.

Lee SCHROEDER, Senior Counsellor, Patent and Trademark Office, Department of Commerce, Washington, D.C.

FEDERATION DE RUSSIE/RUSSIAN FEDERATION

Valentin OUSHAKOV, Director, International Relations Department, Committee of the Russian Federation for Patents and Trademarks (ROSPATENT), Moscow

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Juhani RAINESALO, Counsellor of Intellectual Property, National Board of Patents and Registration, Helsinki

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HONGRIE/HUNGARY

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IRLANDE/IRELAND

Sean FITZPATRICK, Controller, Patents Office, Dublin

ITALIE/ITALY

Maria Grazia DEL GALLO ROSSONI (Mme), directeur, Office italien des brevets et des marques, Ministère de l'industrie, du commerce et de l'artisanat, Rome

JAPON/JAPAN

Yoshihiro MASUDA, Director for International Cooperation, International Affairs Division, General Administration Department, Japanese Patent Office, Tokyo

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PAYS-BAS/NETHERLANDS

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Jan NICAISE, Director, Legal Affairs, Ministry of Economic Affairs, The Hague

PORTUGAL

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Ruy MORAIS SERRÃO, vice-président, Institut national de la propriété industrielle, Lisbonne

Adriano QUEIRÓS FERREIRA, conseiller juridique, Mission permanente, Genève

REPUBLIQUE DE COREE/REPUBLIC OF KOREA

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REPUBLIQUE TCHEQUE/CZECH REPUBLIC

Ladislav JAKL, President, Industrial Property Office, Prague

Marcela HÚJEROVÁ (Mrs.), Head, International Affairs Department, Industrial Property Office, Prague

ROYAUME-UNI/UNITED KINGDOM

Paul R.S. HARTNACK, Comptroller and Chief Executive, The Patent Office, London

Alec SUGDEN, Assistant Comptroller, The Patent Office, London

James Stuart BOOTH, Senior Patent Examiner, The Patent Office, London

Timothy M.J. SIMMONS, First Secretary, Permanent Mission, Geneva

Alice TAI (Ms.), Director, Trade Marks and Patent Office, Intellectual Property Department, Hong Kong

SLOVAQUIE/SLOVAKIA

Peter MURÍN, Department Director, Industrial Property Office, Bratislava

Emilián PAVLÍK, Deputy Director, Legislative Department, Ministry of Culture,
Bratislava

SOUDAN/SUDAN

Abd Elrahman Ahmed IBRAHIM, Commercial Registrar General, Attorney General's
Chambers, Khartoum

SUEDE/SWEDEN

Sten HECKSCHER, Director General, The Patent and Registration Office, Stockholm

Ulf JANSSON, Head of Division, The Patent and Registration Office, Stockholm

SUISSE/SWITZERLAND

Roland Jean TSCHUDIN, chef de la division de l'administration des brevets,
Division principale des brevets, Office fédéral de la propriété
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UKRAINE

Valery PETROV, Chairman, State Patent Office, Kiev

Valdimir ZHAROV, Deputy Chairman, State Patent Office, Kiev

VIET NAM

DOAN PHUONG, Director General, National Office of Industrial Property, Hanoi

OFFICE EUROPEEN DES BREVETS (OEB)/EUROPEAN PATENT OFFICE (EPO)

Larissa GRUSZOW (Mrs.), Principal Administrator, International Legal Affairs,
European Patent Office, Munich

II. BUREAU/OFFICERS

Président/Chairman: Alec SUGDEN (Royaume-Uni/United Kingdom)

Secrétaire/Secretary: Busso BARTELS (OMPI/WIPO)

III. BUREAU INTERNATIONAL DE L'ORGANISATION MONDIALE DE LA
PROPRIETE INTELLECTUELLE (OMPI)/INTERNATIONAL BUREAU
OF THE WORLD INTELLECTUAL PROPERTY ORGANIZATION (WIPO)

François CURCHOD, vice-directeur général/Deputy Director General

Division juridique du PCT (Traité de coopération en matière de brevets)/Patent
Cooperation Treaty (PCT) Legal Division: Busso BARTELS, directeur/Director;
Philip THOMAS (conseiller principal/Senior Counsellor);
Isabelle BOUTILLON (Mlle) (juriste principale/Senior Legal Officer);
Matthew R. BRYAN (juriste/Legal Officer)

Division de l'administration du PCT/PCT Administration Division:
Daniel BOUCHEZ, directeur/Director

[L'annexe II suit/Annex II follows]

ANNEX II

AGENDA

adopted by the Committee

1. Opening of the session
2. Election of a Chairman
3. Adoption of the agenda
4. Appointment of the Spanish Patent and Trademark Office as International Searching Authority (document PCT/CTC/XVI/2)
5. Adoption of the report of the session
6. Closing of the session

[End of Annex and of document]