

Meeting of International Authorities under the Patent Cooperation Treaty (PCT)

Twenty-Second Session
Tokyo, February 4 to 6, 2015

PCT INTERNATIONAL SEARCH AND PRELIMINARY EXAMINATION GUIDELINES

Document prepared by the International Bureau

BACKGROUND

1. The International Bureau consulted International Authorities through Circular C. PCT 1428, dated October 16, 2014, on a set of proposed modifications to the PCT International Search and Preliminary Examination Guidelines (“the Guidelines”) as set out in document PCT/GL/ISPE/4 Prov. This Circular and an electronic version of this document are available on the WIPO web site at <http://www.wipo.int/pct/en/circulars/index.html>.

2. The consultation through Circular C. PCT 1428 considered comments and further modifications proposed by International Authorities in response to a consultation through Circular C. PCT 1371, dated January 31, 2013. This earlier consultation proposed extensive changes to consolidate various proposed modifications to the Guidelines that had been discussed by the Meeting since 2004. The Meeting, at its twentieth session in February 2013, noted a document reporting on the steps to consolidate these modifications (see document PCT/MIA/20/7 and paragraphs 41 to 44 of document PCT/MIA/20/14).

RESPONSES TO CIRCULAR C. PCT 1428

3. The International Bureau has received nine responses to Circular C. PCT 1428. Many proposed modifications received clear support or no comments from Authorities. For some other proposed modifications, although not all International Authorities had the same opinion, there was a prevailing view on whether or not to include the change proposed in a new version of the Guidelines.

4. Nonetheless, there remain certain proposed modifications where opinions are clearly divided and require further discussions between Authorities. However, noting the desire to publish the long overdue consolidated version of the Guidelines as soon as possible, the International Bureau believes that there is limited value in conducting a further consultation round on the proposed modifications to the Guidelines to try and resolve these differences at this stage. Rather, it is proposed to promulgate the Guidelines now (see below) and to address the issues which require further discussions between Authorities at a later stage.

PROMULGATION OF THE GUIDELINES

5. Consequently, the International Bureau intends to promulgate the Guidelines in the coming months, taking into account the comments received in response to Circular C. PCT 1428. In areas where International Authorities follow different practices, the Guidelines in general will use wording that provides less restriction or puts fewer requirements on the examiner. In this way, the text should encompass alternative practices of International Authorities wherever possible. Any International Authority will be free to go beyond the minimum requirements stated in the Guidelines if this is not inconsistent with the text.

6. The proposed promulgation of the Guidelines will not include any new modifications that may be agreed at this Meeting. Nor will it include any new proposals from International Authorities in response to Circular C. PCT 1428 which have not been the subject of consultation between all International Authorities.

7. The International Bureau will make available on the PCT/MIA electronic forum the comments received in response to Circulars C. PCT 1371 and C PCT 1428. With regard to those proposed modifications where agreement has not been reached between International Authorities and thus have not been incorporated into the version of the Guidelines to be promulgated shortly (document PCT/GL/ISPE/4), any International Authority is welcome to study the responses of other International Authorities and bring any issue to a future session of the Meeting by proposing further modifications for inclusion in the Guidelines.

8. *The Meeting is invited to note the contents of the present document.*

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