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WORLD INTELLECTUAL PROPERTY ORGANIZATION
GENEVA

INTERNATIONAL PATENT COOPERATION UNION
(PCT UNION)

WORKING GROUP ON REF ORM OF THE PATENT
COOPERATION TREATY (PCT)

Fourth Session
Geneva, May 19 to 23, 2003

COMPUTATION OF TIME LIMITS:

Proposals submitted by Australia, Canada and the European Patent Office

BACKGROUND

1. As reported in paragraphs 65 and 66 of the Summary of the third session of the Working Group on Ref orm of the Patent Cooperation Treaty (see document PCT/R/WG/3/5), changes were proposed to be made, *inter alia*, to Rule 80.5 so as to take into account the fact that, in particular in geographically large countries, an Office may have different branch Offices in different parts of the country in different time zones and with different local holidays. It was agreed that the Representative of the EPO and the Delegations of Australia, Canada and the United Kingdom, which had proposed further Rule changes, should present written proposals for consideration by the Working Group.

2. Taking into account the above, Australia, Canada and the European Patent Office propose that PCT Rule 80.5 be amended to read as shown in the Annex.

3. *The Working Group is invited to consider the proposals contained in the Annex to this document.*

[Annex follows]

ANNEX

PROPOSED AMENDMENTS OF THE PCT REGULATIONS

COMPUTATION OF TIME LIMITS

Rule 80

Computation of Time Limits

80.1 to 80.4 [No change]

80.5 *Expiration on a Non-Working Day*

If the expiration of any period during which any document or fee must reach a national Office or intergovernmental organization falls on a day :

(i) on which such Office or organization is not open to the public for the purposes of the transaction of official business ;~~or~~

(ii) on which ordinary mail is not delivered in the locality in which such Office or organization is situated ;

(iii) which, where such Office or organization is situated in more than one locality, is an official holiday in at least one of the localities in which such Office or organization is situated, and in circumstances where the national law applicable by that Office or organization provides, in respect of national applications, that, in such a case, such period shall expire on a subsequent day; or

[Rule 80.5, continued]

(iv) which, where such Office is the government authority of a Contracting State
entrusted with the granting of patents, is an official holiday in part of that
Contracting State, and in circumstances where the national law applicable by
that Office provides, in respect of national applications, that, in such a case,
such period shall expire on a subsequent day;

the period shall expire on the next subsequent day on which neither of the said four ~~two~~
circumstances exists.

80.6 and 80.7 [No change]

[End of Annex and of document]