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INTERNATIONAL PATENT COOPERATION UNION
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WORKING GROUP ON REFORM OF THE PATENT
COOPERATION TREATY (PCT)

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CHANGES RELATED TO THE PATENT LAW TREATY (PLT):

“MISSING PART” REQUIREMENTS

Document prepared by the International Bureau

BACKGROUND

1. At its first session, the Working Group on Reform of the Patent Cooperation Treaty (PCT) discussed proposals designed to align the PCT with the requirements of the Patent Law Treaty (PLT), based on document PCT/R/WG/1/5.
2. Among the PLT-related proposals contained in document PCT/R/WG/1/5 were proposals to conform the PCT “missing part” requirements to those of the PLT (see document PCT/R/WG/1/5, Annex I). However, due to time constraints, a number of the proposals contained in document PCT/R/WG/1/5, including those related to “missing part” requirements, could not be discussed during the first session of the Working Group. Rather, the Working Group desired to give priority to those matters “which would result in the greatest and most immediate practical benefits for users, having regard also to the degree of complexity involved and to workload implications for Offices and Authorities,” in particular, proposals concerning restoration of the right of priority and relief when time limits were missed, especially the time limit for entering the national phase (see the first session summary by the Chair, document PCT/R/WG/1/9, paragraph 21(v)).

3. For these second session of the Working Group, the International Bureau prepared a document outlining possible further PLT -related changes to the PCT, suggesting, in general, that those PLT -related proposals contained in document PCT/R/WG/1/5 which had not been discussed during the first session of the Working Group would not need to be addressed as matters of high priority. With regard to the proposal to conform the PCT "missing part" requirements to those of the PLT, as contained in Annex I to document PCT/R/WG/1/5, it was suggested that "[i]n light of the discussions at the first session of the Working Group, this proposal is considered to have a relatively low priority and will not be resubmitted for consideration by the Working Group until a later date" (see document PCT/R/WG/2/6, paragraph 9; the Working Group at its second session was unable in the time available to consider document PCT/R/WG/2/6 – see document PCT/R/WG/2/12, paragraph 59).

4. At its third session, the Working Group reviewed proposals for reform which had already been submitted to the Committee on Reform of the PCT or the Working Group but not yet considered in detail and agreed on the priority of those proposals, with a view to their inclusion in the work program of the Working Group. Among the proposals reviewed by the Working Group was the proposal to conform the PCT "missing part" requirements to those of the PLT, as originally submitted to the Working Group in document PCT/R/WG/1/5. The Working Group agreed that the International Bureau should resubmit the proposals for further consideration by the Working Group (see the summary of the session by the Chair, document PCT/R/WG/3/5, paragraphs 35 to 40, in particular, paragraph 38).

CONFORM PCT "MISSING PART" REQUIREMENTS TO THOSE OF THE PLT

5. The present document contains further revised text of the proposals related to "missing part" requirements originally contained in Annex I to document PCT/R/WG/1/5. They have been further revised so as to take into account, as was suggested in document PCT/R/WG/2/6, that there is no intention to proceed, until a future session of the Working Group, with certain other PLT related proposals which were also contained in Annex I to document PCT/R/WG/1/5, such as proposal to align the PCT filing date requirements with regard to claims, "drawing as description," and replacement of description and drawing by reference to previously filed application to those of the PLT.

Structure of Rule 20

6. In the context of "missing part" requirements, it is proposed to revise Rule 20 so as to remove to the Administrative Instructions matters of detail related to the stamping of dates, etc., which are presently dealt with in Rules 20.1 to 20.3, and to leave the Rule to deal with the more significant question of the according of the international filing date. The existing provisions of the Rule would be renumbered accordingly. A new provision would be added as Rule 20.3(c) and (d) dealing with the question of subsequent compliance with Article 11(1). Rule 20.5 as amended would deal with missing parts, including the case where the missing part is completely contained in an earlier application the priority of which is claimed (see below). The proposed amendments would align the order of the provisions dealing with the according of the international filing date with the (logical) order in which a receiving Office determines whether and which date to accord as the international filing date.

International filing date where missing part is filed

7. Under PLT Article 5(6)(a), late submission (within certain time limits) of a missing part of the description or a missing drawing results in according as the filing date the date on

which the Office has received the missing part of the description or the missing drawing, or the date on which all the filing date requirements are complied with, whichever is later. The same principle is applied under the PCT where sheets (description, claims, drawings) pertaining to the same application are not received on the same day. However, while the Treaty (PCT Article 14(2)) expressly deals with the case of missing drawings, neither the Treaty nor the Regulations specifically deal with the according (or correction) of an international filing date where sheets other than missing drawings are received later than the date on which papers were first received. This matter is expressly dealt with only in the Administrative Instructions (see Section 309 of the Administrative Instructions) and in the Receiving Office Guidelines (see paragraphs 200 to 207 of the Receiving Office Guidelines). In order to clarify the procedure, it is proposed to deal with this important matter in the Regulations (rather than in the Administrative Instructions and the Receiving Office Guidelines) and to amend Rule 20 accordingly (see Rule 20.5 as proposed to be amended).

International filing date where missing part is completely contained in earlier application

8. The main difference between the “missing part” requirements of the PLT and those of the PCT is that, under the PLT, the applicant can rectify the omission, at the time of filing, of a part of the description or of a drawing without loss of the filing date if the application claims the priority of an earlier application and the missing part of the description or the missing drawing is completely contained in that earlier application (see PLT Article 5(6) and PLT Rule 2(3) and (4)). There is no equivalent provision in the PCT. It is proposed to amend the PCT Regulations by adding new Rule 20.5(e) so as to align PCT requirements to those of the PLT.

Alignment of certain related requirements under the PCT with those under the PLT

9. In the context of “missing part” type requirements, it is also proposed to align certain related requirements under the PCT with those under the PLT, in particular time limits for compliance with non-filing date related requirements (see Rule 26 as proposed to be amended).

10. *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:

“MISSING PART” REQUIREMENTS

TABLE OF CONTENTS

Rule 20	<u>International Filing Date</u>	Receipt of the International Application	2
	20.1 Date and Number		2
	20.2 Receipt on Different Days		3
	20.3 Corrected International Application		4
	<u>20.1</u>	20.4	Determination Under Article 11(1)	5
	<u>20.2</u>	20.5	Positive Determination Under Article 11(1)	6
	<u>20.3</u>	20.6	Correction Under Article 11(2) Invitation to Correct	7
	<u>20.4</u>	20.7	Negative Determination Under Article 11(1)	9
	<u>20.5</u>		Missing Part of Description, Claims or Drawings	10
Rule 26	Checking by, and Correcting Before, the Receiving Office of Certain			
	Elements of the International Application			14
	26.1	<u>Invitation Under Article 14(1)(b) to Correct</u>	Time limit for Check	14
	26.2	Time Limit for Correction		14
	26.3 to 26.4	[No change]		15
	26.5	Decision of the Receiving Office		15
	26.6	Missing Drawings		16

Rule20

International Filing Date

~~Receipt of the International Application~~

[COMMENT: It is proposed to revise Rule 20 so as to remove to the Administrative Instructions matters of detail related to the stamping of dates, etc., which are presently dealt with in Rules 20.1 to 20.3, and to leave the Rule to deal with the more significant question of the according of the international filing date. The existing provisions of the Rule would be renumbered accordingly. A new provision would be added as Rule 20.3(c) and (d) dealing with the question of subsequent compliance with Article 11(1), and new Rule 20.5 would deal with missing parts and missing drawings.]

~~20.1 Date and Number~~

~~(a) Upon receipt of papers purporting to be an international application, the receiving Office shall indelibly mark the date of actual receipt on the request of each copy received and the international application number on each sheet of each copy received.~~

~~(b) The place on each sheet where the date or numbers shall be marked, and other details, shall be specified in the Administrative Instructions.~~

[COMMENT: It is proposed to delete present Rule 20.1 and to move the content of that Rule to the Administrative Instructions. Present Rule 20.4 would be renumbered as Rule 20.1.]

~~20.2—Receipt on Different Days—~~

~~(a) In cases where all the sheets pertaining to the same purpo—rted international application are not received on the same day by the receiving Office, that Office shall correct the date marked on the request (still leaving legible, however, the earlier date or dates already marked) so that it indicates the day on whi—ch the papers completing the international application were received, provided—~~

~~(i) where no invitation under Article 11(2)(a) to correct was sent to the applicant, the said papers are received within 30 days from the date on which sheets were first receiv—ed;~~

~~(ii) where an invitation under Article 11(2)(a) to correct was sent to the applicant, the said papers are received within the applicable time limit under Rule 20.6;~~

~~(iii) in the case of Article 14(2), the missing drawings are received within 30 days from the date on which the incomplete papers were filed;~~

~~(iv) the absence or later receipt of any sheet containing the abstract or part thereof shall not, in itself, require any correction of the date marked on the request—.~~

~~(b) Any sheet received on a—date later than the date on which sheets were first received shall be marked by the receiving Office with the date on which it was received.—~~

[COMMENT: It is proposed to delete present Rule 20.2 and to move the content of the chapeau of present paragraph (a) (“that Office shall correct the date marked on the request (still leaving legible, however, the earlier date or dates already marked) so that it indicates the day on which the papers completing the international application were received”) and the content of present paragraph (b) to the Administrative Instructions. Present Rule 20.5 would be renumbered as Rule 20.2.]

~~20.3—Corrected International Application—~~

~~In the case referred to in Article 11(2)(b), the receiving Office shall correct the date
marked on the request (still leaving legible, however, the earlier date or dates already marked)
so that it indicates the day on which the last required correction was received.~~

[COMMENT: It is proposed to delete present Rule 20.3 and to move the content of that Rule to the Administrative Instructions. Present Rule 20.6 would be renumbered as Rule 20.3. The matter of subsequent compliance with Article 11(1) requirements (“the case referred to in Article 11(2)(b)”) would be dealt with in proposed new Rule 20.3(c) and (d) (see below).]

20.1 ~~20.4~~ *Determination Under Article 11(1)*

[COMMENT: Apart from the renumbering, no change is proposed to the present Rule, but the text is reproduced below for convenient reference. A decision by the Assembly may be necessary to ensure that transitional reservations that were made under existing Rule 20.4(d) continue to be effective under that provision as renumbered Rule 20.1(d).]

(a) [No change] Promptly after receipt of the papers purporting to be an international application, the receiving Office shall determine whether the papers comply with the requirements of Article 11(1).

(b) [No change] For the purposes of Article 11(1)(iii)(c), it shall be sufficient to indicate the name of the applicant in a way which allows his identity to be established even if the name is misspelled, the given names are not fully indicated, or, in the case of legal entities, the indication of the name is abbreviated or incomplete.

(c) [No change] For the purposes of Article 11(1)(ii), it shall be sufficient that the part which appears to be a description (other than any sequence listing part thereof) and the part which appears to be a claim or claims be in a language accepted by the receiving Office under Rule 12.1(a).

(d) [No change] If, on October 1, 1997, paragraph (c) is not compatible with the national law applied by the receiving Office, paragraph (c) shall not apply to that receiving Office for as long as it continues not to be compatible with that law, provided that the said Office informs the International Bureau accordingly by December 31, 1997. The information received shall be promptly published by the International Bureau in the Gazette.

20.2 ~~20.5~~ *Positive Determination* Under Article 11(1)

[COMMENT: Renumbering and clarification of the title only. No change is otherwise proposed to the present Rule but the text is reproduced below for convenient reference.]

(a) [No change] If the determination under Article 11(1) is positive, the receiving Office shall stamp on the request the name of the receiving Office and the words “PCT International Application,” or “Demande internationale PCT.” If the official language of the receiving Office is neither English nor French, the words “International Application” or “Demande internationale” may be accompanied by a translation of these words in the official language of the receiving Office.

(b) [No change] The copy whose request has been so stamped shall be the record copy of the international application.

(c) [No change] The receiving Office shall promptly notify the applicant of the international application number and the international filing date. At the same time, it shall send to the International Bureau a copy of the notification sent to the applicant, except where it has already sent, or is sending at the same time, the record copy to the International Bureau under Rule 22.1(a).

20.3 ~~20.6~~ Correction Under Article 11(2) ~~Invitation to Correct~~

(a) The invitation to correct under Article 11(2) ~~(a)~~ shall specify the requirement provided for under Article 11(1) which, in the opinion of the receiving Office, has not been fulfilled.

[COMMENT: Renumbering and clarification only.]

(b) The receiving Office shall send the invitation referred to in paragraph (a) promptly .
In the invitation, the receiving Office shall invite ~~shall mail the invitation to~~ the applicant to
furnish the required correction, and to make observations, within the time limit under
paragraph (d)(i) ~~and shall fix a time limit, reasonable under the circumstances of the case, for~~
~~filing the correction. The time limit shall not be less than 10 days, and shall not exceed one~~
~~month, from the date of the invitation~~ . If that such time limit expires after the expiration of
one year from the filing date of any application whose priority is claimed, the receiving Office
shall ~~may~~ call this circumstance to the attention of the applicant.

[COMMENT: With regard to the requirement to give the applicant the opportunity to make observations, see PLT Article 5(3). It is also proposed to make it mandatory for receiving Offices to draw the applicant's attention to the fact that the time limit for correction expires after the expiration of the priority period.]

(c) Where one or more of the requirements under Article 11(1) are not complied with at
the time of receipt of the purported international application but are complied with on a later
date falling within the applicable time limit under paragraph (d), the international filing date
shall, subject to Rule 20.5, be that later date and the receiving Office shall proceed as
provided in Rule 20.2.

[Rule 20.3(c), continued]

[COMMENT: See PLT Article 5(4). It is proposed to add new paragraphs (c) and (d) so as to clarify the procedure with regard to the according of the international filing date in case of subsequent compliance with Article 11(1) requirements, in particular in view of proposed new Rule 20.5 (according of the international filing date in case a missing part or missing drawing is filed, including the case that a missing part or missing drawing is completely contained in the earlier application the priority of which is claimed; see below).]

(d) The time limit referred to in paragraphs (b) and (c) shall be:

(i) where an invitation referred to in paragraph (a) was sent to the applicant, [one month] [two months] from the date of the invitation;

[COMMENT: See PLT Article 5(3) and PLT Rule 2(1). The time limit has been put in square brackets since it appears inherently problematic to include in the PCT Regulations more generous (“PLT -style”) time limits than is presently the case, noting that the proper functioning of the PCT system relies to a great extent on actions taking place in a very limited time and within strict deadlines.]

(ii) where no invitation referred to in paragraph (a) was sent to the applicant, [one month] [two months] from the date on which one or more elements referred to in Article 11(1)(iii) were first received by the receiving Office.

[COMMENT: See PLT Article 5(4) and PLT Rule 2(2). While the PLT provides for the time limit under item (ii) only in cases where no invitation was sent to the applicant “because indications allowing the applicant to be contacted by the Office have not been filed”, it is proposed to apply that time limit to *all* cases where no invitation has been sent to the applicant. The time limits have been put in square brackets since it appears inherently problematic to include in the PCT Regulations more generous (“PLT -style”) time limits than is presently the case, noting that the proper functioning of the PCT system relies to a great extent on actions taking place in a very limited time and within strict deadlines.]

20.4 ~~20.7~~ *Negative Determination* Under Article 11(1)

If the receiving Office does not ~~;~~ receive a correction under Article 11(2) within the applicable ~~prescribed~~ time limit under Rule 20.3(d), ~~receive a reply to its invitation to correct,~~ or if ~~a~~ the correction is ~~offered~~ furnished by the applicant but the application still does not fulfill the requirements ~~sp~~ ~~rovided~~ for under Article 11(1), it shall:

[COMMENT: Consequential on the proposed amendment of present Rule 20.6 (renumbered Rule 20.3) and the proposed addition of new Rule 20.3(c) and (d).]

(i) promptly notify the applicant that the ~~his~~ application is considered not to have been filed ~~is not and will not be treated as an international application~~ and shall indicate the reasons therefor,

[COMMENT: Item (i) is proposed to be amended so as to align the terminology with that used in PLT Article 5(4)(b). Items (ii) to (iv) are not proposed to be amended but are reproduced below for convenient reference.]

(ii) [No change] notify the International Bureau that the number it has marked on the papers will not be used as an international application number,

(iii) [No change] keep the papers constituting the purported international application and any correspondence relating thereto as provided in Rule 93.1, and

(iv) [No change] send a copy of the said paper to the International Bureau where, pursuant to a request by the applicant under Article 25(1), the International Bureau needs such a copy and specially asks for it.

20.5 Missing Part of Description, Claims or Drawings

(a) Where the receiving Office notices that a part of the description, the claim or claims or the drawings (if any) appear to be missing from the application (“missing part”), including the case where the application refers to drawings which in fact are not included in the application, that Offices shall promptly invite the applicant to furnish the missing part (if any) and to make observations within the time limit under paragraph (c)(i). If that time limit expires after the expiration of one year from the filing date of any application whose priority is claimed, the receiving Office shall call this circumstance to the attention of the applicant.

[COMMENT: Under the present PCT “missing part” requirements, the receiving Office is required to notify the applicant only in case of a missing drawing (see PCT Article 14(2)) but not in case of a missing part of the description or of a missing part of a claim or claims. In accordance with PLT Article 5(5), it is proposed to extend the (applicant friendly) concept of a “missing part” notification also to a missing part of the description and, notwithstanding that the presence of claims is a filing date requirement under the PCT, to a missing part of a claim or claims. Where the receiving Office sends to the applicant an invitation to correct under Article 11(2)(a) or Article 14(1)(b), the “missing part” notifications should be included in that invitation; the Administrative Instructions would have to be modified accordingly. In line with the Notes on the PLT, it is further proposed to modify the Administrative Instructions and the Receiving Office Guidelines so as to make it clear that there is no obligation on the receiving Office to carry out a check for a missing part (of the description or of a claim or claims) or a missing drawing beyond the existing obligation to check that the number of the sheets of description actually filed corresponds to the number indicated in Box VIII of the request (see paragraph 149 of the Receiving Office Guidelines) and the obligation to examine the checklist in the request and the text of the international application for reference to drawings and to check whether drawings are included in the international application (see paragraph 193 and 194 of the Receiving Office Guidelines). Note that the last sentence of proposed new paragraph (a) would need to be further amended should a provision concerning the restoration of the right of priority be added to the PCT Regulations (see document PCT/R/WG/4/1), since the international filing date could then be later than 14 months from the filing date of the earlier application whose priority is claimed.]

[Rule 20.5, continued]

(b) Where the applicant furnishes a missing part to the receiving Office within the applicable time limit under paragraph (c), that part shall be included in the international application and, subject to paragraphs (e) and (f), the international filing date shall be the date on which the receiving Office received that part or the date on which all of the requirements of Article 11(1) are complied with, whichever is later.

[COMMENT: See PLT Article 5(6). It is proposed to add new paragraph (b) so as to clarify, in the Regulations, the procedure with regard to the according (or correction) of an international filing date where sheets completing the international application are submitted on a date later than the date on which papers were first received. At present, while Article 14(2) deals with the procedure in case of missing drawings, neither the Treaty nor the Regulations clearly spell out the procedure with regard to the according (or correction) of an international filing date where sheets other than missing drawings are received later than the date on which papers were first received; at present, this issue is expressly dealt with only in the Administrative Instructions (see Section 309) and in the Receiving Office Guidelines (see paragraphs 200 to 207).]

(c) The time limit referred to in paragraphs (a) and (b) shall be:

(i) where an invitation referred to in paragraph (a) was sent to the applicant, [one month] [two months] from the date of the invitation;

(ii) where no invitation referred to in paragraph (a) was sent to the applicant, [one month] [two months] from the date on which one or more elements referred to in Article 11(1) were first received by the receiving Office.

[COMMENT: With regard to the applicable time limit, see PLT Article 5(6) and PLT Rule 2(3)(i) and (ii). The time limits have been put in square brackets since it appears inherently problematic to include in the PCT Regulations more generous (“PLT -style”) time limits than is presently the case, noting that the proper functioning of the PCT system relies to a great extent on action taking place in a very limited time and within strict deadlines.]

[Rule 20.5, continued]

(d) The applicant may, in a notice submitted to the receiving Office within the applicable time limit under paragraph (c), request that a missing part furnished under paragraph (b) be disregarded, in which case the international filing dates shall be the date on which all of the requirements of Article 11(1) are complied with.

[COMMENT: See PLT Article 5(6)(c). The proposed wording (“request to disregard”) differs from that used in the PLT (“withdraw”) so as to avoid confusion with withdrawals under Rule 90 *bis*.]

(e) Where the international application claims the priority of an earlier application [and, on the date on which one or more elements referred to in Article 11(1)(iii) were first received by the receiving Office, contained an indication that the contents of the earlier application were incorporated by reference in the international application,] and the applicant furnishes a missing part under paragraph (b) whose content is completely contained in that earlier application, the international filing dates shall be the date on which all the requirements of Article 11(1) are complied with, provided that, within the applicable time limit under paragraph (b):

[COMMENT: The main difference between the “missing part” requirements of the PLT and those of the PCT is that, under the PLT, the applicant can rectify the omission, at the time of filing, of a part of the description or of a drawing without loss of the filing date if the application claims the priority of an earlier application and the missing part of the description or the missing drawing is completely contained in that earlier application (see PLT Article 5(6) and PLT Rule 2(3) and (4)). There is no equivalent provision in the PCT. In order to align PCT requirements to those of the PLT, it is proposed to add such provision to the PCT Regulations. PLT Rule 2(4) leaves it at the option of any PLT Contracting Party whether it wishes to require that the application, at the date on which papers were first received, contained an indication that the contents of the earlier application were incorporated by reference in the application (see PLT Rule 2(4)(v)). Delegations may wish to consider whether or not to include such requirement in the PCT Regulations; the text corresponding to that requirement has thus been put in square brackets. Furthermore, it is proposed *notto* include in paragraph (b) a requirement, as permitted under PLT Rule 2(4)(ii), that the

[Rule 20.5(e), continued]

applicant, upon invitation by the Office, must file a certified copy of the earlier application (the “priority document”), in addition to the “simple” copy of the earlier application required to be furnished under item (ii) of paragraph (b) (see below). The furnishing of a “simple” copy of the earlier application would appear sufficient for the purposes of the international phase; the consequences in case of any discrepancies between the “simple” copy and the certified copy of the earlier application would have to be dealt with in the national phase.]

(i) the applicant submits a request according to the receiving Office;

(ii) a copy of the earlier application is furnished to the receiving Office;

[COMMENT: See PLTR Rule 2(4)(i).]

(iii) where the earlier application is not the same language accepted by the receiving Office under Rule 12.1(a) as the international application, a translation of the earlier application into that language is furnished to the receiving Office; and

[COMMENT: See PLTR Rule 2(4)(iii).]

(iv) the applicant furnishes to the receiving Office an indication as to where, in the earlier application or in the translation referred to in item (iv), the missing part is contained.

[COMMENT: See PLTR Rule 2(4)(vi). Under the PLT, there is no provision which would require the applicant to furnish a statement to the effect that the missing part (or missing drawing) furnished later is identical to the “missing part” as contained in the earlier application; it would thus appear that the receiving Office would be required to compare the missing part furnished later with the “missing part” as contained in the earlier application.]

Rule 26

Checking by, and Correcting Before, the Receiving Office of Certain Elements of the International Application

26.1 Invitation Under Article 14(1)(b) to Correct ~~Time limit for Check~~

(a) The receiving Office shall ~~issue the invitation to correct provided for in~~
~~Article 14(1)(b)~~ as soon as possible, preferably within one month from the receipt of the
international application , invite the applicant, under Article 14(1)(b), to furnish the required
correction, and to make observations, within the time limit under Rule 26.2.

[COMMENT: The title is proposed to be amended so as to correctly cover the subject matter
of paragraph (a). With regard to the requirement to give the applicant the opportunity to make
observations, see PLT Article 6(7).]

(b) ~~[Deleted] If the receiving Office issues an invitation to correct the defect referred to~~
~~in Article 14(1)(a)(iii) or (iv) (missing title or missing abstract), it shall notify the~~
~~International Searching Authority accordingly.~~

[COMMENT: It is proposed to move the content of present paragraph (b) to the
Administrative Instructions.]

26.2 *Time Limit for Correction*

The time limit referred to in Rule 26.1 Article 14(1)(b) ~~shall be reasonable under the~~
~~circumstances and shall be~~ [one month][two months] ~~fixed in each case by the receiving~~
~~Office. It shall not be less than one month~~ from the date of the invitation to correct. It may be
extended by the receiving Office at any time before a decision is taken.

[Rule 26.2, continued]

[COMMENT: See PLT Article 6(7) and PLTR Rule 6(1). The time limits have been put in square brackets since it appears inherently problematic to include in the PCT Regulations more generous (“PLT -style”) time limits than is presently the case, noting that the proper functioning of the PCT system relies to a great extent on action taking place in a very limited time and within strict deadlines.]

26.3 to 26.4 [No change]

26.5 *Decision of the Receiving Office*

(a) The receiving Office shall decide whether the applicant has submitted the correction within the time limit under paragraph (b) ~~Rule 26.2~~, and, if the correction has been submitted within the applicable ~~that~~ time limit, whether the international application so corrected is or is not to be considered withdrawn, provided that no international application shall be considered withdrawn for lack of compliance with the physical requirements referred to in Rule 11 if it complies with those requirements to the extent necessary for the purpose of reasonably uniform international publication.

(b) The time limit referred to in paragraph (a) shall be:

(i) where an invitation under Rule 26.2 was sent to the applicant, [one month]
[two months] from the date of the invitation;

(ii) where no invitation under Rule 26.2 was sent to the applicant, [one month]
[two months] [three months] from the date on which one or more of the elements referred to in Article 11(1)(iii) were first received by the receiving Office.

[Rule 26.5(b), continued]

[COMMENT: See PLT Article 6(7) and PLTRule 6(1) and (2). The time limits have been put in square brackets since it appears inherently problematic to include in the PCT Regulations more generous (“PLT -style”) time limits as is presently the case, noting that the proper functioning of the PCT system relies to a great extent on action taking place in a very limited time and within strict deadlines. While the PLT provides for the time limit under item (ii) only in cases where no invitation was sent to the applicant “because indications allowing the applicant to be contacted by the Office have not been filed”, it is proposed to apply that time limit to *all* cases where no invitation has been sent to the applicant.]

~~26.6 Missing Drawings~~

~~(a) If, as provided in Article 14(2), the international application refers to drawings which in fact are not included in that application, the receiving Office shall so indicate in the said application.~~

[COMMENT: It is proposed to move the content of paragraph (a) to the Administrative Instructions.]

~~(b) The date on which the applicant receives the notification provided for in Article 14(2) shall have no effect on the time limit fixed under Rule 20.2(a)(iii).~~

[COMMENT: The proposed deletion of present paragraph (b) is consequential on the proposed amendment of Rule 20 (see above).]

[End of Annex and of document]