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INTERNATIONAL PATENT COOPERATION UNION
(PCT UNION)

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

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FURTHER STREAMLINING AND SIMPLIFICATION OF PCT PROCEDURES:

FORM OF AMENDMENTS

Proposals submitted by the European Patent Office

1. It is proposed to change Rule 66.8 to make it mandatory for the applicants to indicate for each amendment made where there is a basis for the amendment in the originally filed documents. At the moment, this Rule only demands an indication of what has been changed (i.e., the difference between the old and new sheet) but not where the basis can be found. Considering that "added matter" is regarded as a very serious objection by the International Preliminary Examining Authorities (and then the national Offices), and that further the burden on the examiner to sort out all the amendments made and find the corresponding basis in the originally filed documents is both unfair and extremely time-consuming (it is much more difficult to check the amendments afterwards without having any idea of what has been amended, why and where a basis is, than for the applicant to write down a list while he is anyway preparing the amendments), we are of the opinion that such a Rule change is well founded and would provide for both a more efficient examination as well as increased legal security for third parties and the applicant.

2. *The Working Group is invited to consider the proposal contained in the Annex to this document.*

[Annex follows]

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ANNEX

PROPOSED AMENDMENTS OF THE PCT REGULATIONS:

FORM OF AMENDMENTS

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Rule66

ProcedureBeforetheInternationalPreliminaryExaminingAuthority

66.1 to66.7 [Nochange]

66.8 *FormofAmendments*

(a) Subjecttoparagraph(b),theapplicantshallberequiredtosubmitareplacement sheetforeverysheetoftheinternationalapplicationwhich,onaccountofanamendment, differsfromthesheetpreviouslyfiled.Theletteraccompanyingthereplacement sheetsshall drawattentiontothedifferencesbetweenthereplacedsheetsandthereplacementsheets ,shall indicatewhereintheoriginallyfiledapplicationdocumentsabasisforeachamendmentcan befound, andshallpreferablyalsoexplainthereason sfortheamendment. Incaseof non-compliancewiththisRule,theamendmentsconcernedneednotbetakenintoaccountfor furtherexamination.

(b) [Nochange]

66.9 [Nochange]

[EndofAnnexandofdocument]