

# WIPO



PCT/R/WG/5/10

ORIGINAL: English

DATE: October 17, 2003

WORLD INTELLECTUAL PROPERTY ORGANIZATION

GENEVA

INTERNATIONAL PATENT COOPERATION UNION  
(PCT UNION)

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

**Fifth Session**

**Geneva, November 17 to 21, 2003**

FURTHER STREAMLINING AND SIMPLIFICATION OF PCT PROCEDURES:

FURTHER CONSEQUENTIAL AMENDMENTS

*Document prepared by the International Bureau*

1. The Annex to this document contains proposals to delete Rules 53.9(b) and 69.1(d), consequential on the amendments adopted by the PCT Assembly on October 1, 2002 (see document PCT/A/31/10, Annex V).
2. The proposed deletion of Rule 53.9(b) is consequential on the addition of new Rule 54bis.1(a) and the amendment of Rule 69.1(d) as adopted by the PCT Assembly on October 1, 2002, and due to enter into force on January 1, 2004 (see document PCT/A/31/10, Annex V).
3. Under present Rule 53.9(b) and Rules 54bis.1(a) and 69.1(d) as adopted by the PCT Assembly on October 1, 2002, and due to enter into force on January 1, 2004, the time limit for making amendments under Article 19 (*two* months from the date of transmittal of the international search report or 16 months from the priority date, whichever time limit expires later) expires, in any case, before the expiration of the time limit under Rule 69.1(a) for the start of the international preliminary examination (*three* months from the date of transmittal to the applicant of the international search report and the written opinion by the International

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Searching Authority or of the declaration referred to in Article 17(2)(a), or 22 months from the priority date, whichever time limit expires later), so that there is no need (and no room) for the applicant to request the postponement of the start of the international preliminary examination under Rule 53.9(b).

4. The proposed deletion of Rule 69.1(d) is consequential on the proposed deletion of Rule 53.9(b) (see above).

*5. 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:

FURTHER CONSEQUENTIAL AMENDMENTS

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**Rule 53**

**The Demand**

53.1 to 53.8 [No change]

53.9 *Statement Concerning Amendments*

(a) [No change]

(b) ~~[Deleted] If no amendments under Article 19 have been made and the time limit for filing such amendments has not expired, the statement may indicate that the applicant wishes the start of the international preliminary examination to be postponed in accordance with Rule 69.1(d).~~

(c) [No change]

**Rule 69**

**Start of and Time Limit for International Preliminary Examination**

69.1 *Start of International Preliminary Examination*

(a) to (c) [No change]

(d) ~~[Deleted] Where the statement concerning amendments contains an indication that the start of the international preliminary examination is to be postponed (Rule 53.9(b)), the International Preliminary Examining Authority shall not start the international preliminary examination before whichever of the following occurs first:~~

~~(i) it has received a copy of any amendments made under Article 19;~~

~~(ii) it has received a notice from the applicant that he does not wish to make amendments under Article 19; or~~

~~(iii) the expiration of the applicable time limit under Rule 54bis.1(a).~~

(e) [No change]

69.2 [No change]

[End of Annex and of document]