

WIPO



PCT/R/WG/6/8

ORIGINAL: English

DATE: April 2, 2004

WORLD INTELLECTUAL PROPERTY ORGANIZATION
GENEVA

INTERNATIONAL PATENT COOPERATION UNION
(PCT UNION)

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

Sixth Session
Geneva, May 3 to 7, 2004

INTERNATIONAL PUBLICATION IN MULTIPLE LANGUAGES

Document prepared by the International Bureau

BACKGROUND

1. During its third session, the Working Group discussed proposals for a possible deletion of Article 64(4), based on document PCT/R/WG/3/1, Annex II, item 28. The Working Group agreed that further consideration of this matter, while it would be within the competence of the Working Group, should be deferred until progress had been made in discussions of prior art issues by the Standing Committee for the Law of Patents (SCP). As a related matter, the Working Group agreed, however, that the International Bureau should look into the possibility of amending Rule 48 so as to provide for the electronic publication by the International Bureau of translations, furnished by the applicant, of the international application (see the summary of the Chair of the third session of the Working Group, document PCT/R/WG/3/5, paragraphs 78 to 82).¹

¹ References in this document to “Articles” and “Rules” are to those of the Patent Cooperation Treaty (PCT) and the Regulations under the PCT (“the Regulations”), or to such provisions as proposed to be amended or added, as the case may be. References to “national laws,” “national applications,” “the national phase,” etc., include reference to regional laws, regional applications, the regional phase, etc.

2. For the fourth session of the Working Group, the International Bureau had prepared a proposal to amend Rule 48 so as to require the International Bureau, on request of the applicant, to publish, together with the international application, any translation of the international application furnished by the applicant or, where the international application was filed in a language which is not a language of publication, the international application in the language in which it was filed (see Annex III of document PCT/R/WG/4/4). However, having regard to the time available for discussion during the fourth session, discussions on this proposal were deferred until the fifth session of the Working Group.

3. At the fifth session of the Working Group, discussions on the proposals to amend Rule 48 were again deferred, following an explanation by the International Bureau that further study and consultation was needed. The Working Group's discussions at its fifth session are outlined in document PCT/R/WG/5/13, paragraphs 15 to 17, reproduced in the following paragraphs:

“PUBLICATION OF TRANSLATION FURNISHED BY THE APPLICANT

“15. Discussions were based on document PCT/R/WG/5/1, Annex III.

“16. The Secretariat explained that further study and consultation was needed before a revised proposal providing for publication of translations of an international application furnished by the applicant could be prepared. The revised proposal should take into account, in particular, the implications of provisions in national laws relating to prior art effect of international applications.

“17. The Working Group agreed to revert to the matter at its next session.”

4. The Annex to this document contains revised proposals, taking into account the comments received on previous draft proposals. The main features of the revised proposals are outlined in the following paragraphs.

INTERNATIONAL PUBLICATION IN MULTIPLE LANGUAGES

5. International publication and communication to designated Offices of the international application in more than one language would be beneficial for the protection of rights of the applicant under the national law of certain designated States, for example, designated States where the prior art effect of an international application is, in accordance with Article 64(4), dependent on the international publication of the international application in a language accepted by the Office of the designated State concerned.

6. It is thus proposed to amend the PCT Regulations so as to allow for the international publication of the international application in more than one language. Under the Regulations as proposed to be amended, the applicant would be permitted to furnish, for the purposes of international publication, one or more translations of the international application (other than the request and any sequence listing part) into one or more additional languages of publication, different from the “usual” language of publication of the international application. Where the applicant furnishes such a translation, with a time limit of 17 months from the priority date, the international application would be published in both the “usual” language of publication and the additional language of publication, that is, the language of the translation furnished by the applicant.

7. In order to achieve the intended prior art effect, any translation into an additional language of publication furnished by the applicant for the purposes of international publication would have to comply with the physical requirements referred to in Rule 11 to the extent necessary for the purpose of reasonably uniform publication, and would have to be accompanied by a translation into the same language of the following elements:

(i) any amendment under Article 19 and any statement filed under Article 19(1) filed prior to the furnishing of the translation into the additional language of publication;

(ii) any rectification of an obvious error referred to in Rule 91.1(e)(ii) (that is, any rectification of an error in any part of the international application, other than the request) requested prior to the furnishing of the translation into the additional language of publication;

(iii) any indications in relation to deposited biological material referred to in Rule 13*bis*.4 furnished, separately from the description, prior to the furnishing of the translation into the additional language of publication.

8. As regards the permitted languages into which the international application is to be translated, it is proposed to limit those languages to the “languages of publication” as referred to in present Rule 48.2(a), so as to enable the International Bureau to establish, for the purposes of international publication, a standardized front page in the language of the translation.

9. As regards the inclusion in the translation of certain rectifications of “obvious errors” in the international application, note that the present draft is based on present Rule 91. Rules 12 and 48 as proposed to be amended would have to be further amended should the Working Group agree to amend the provisions of the PCT Regulations dealing with the rectification of obvious errors, as proposed in document PCT/R/WG/6/3.

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

[Annex follows]

ANNEX I

PROPOSED AMENDMENTS OF THE PCT REGULATIONS:²

INTERNATIONAL PUBLICATION IN MULTIPLE LANGUAGES

TABLE OF CONTENTS

Rule 12	Language of the International Application and <u>Translations</u> Translation for the Purposes of International Search and International Publication.....	3
12.1	<i>Languages Accepted for the Filing of International Applications</i>	3
<u>12.1bis</u>	<u><i>Language of Indications Furnished under Rule 13bis.4</i></u>	3
12.2	<i>Language of Changes in the International Application</i>	4
12.3	<i>Translation for the Purposes of International Search</i>	5
12.4	<i>Translation for the Purposes of International Publication</i>	5
<u>12.5</u>	<u><i>Additional Translations for the Purposes of International Publication</i></u>	6
Rule 26	Checking by, and Correcting Before, the Receiving Office of Certain Elements of the International Application.....	9
26.1 to 26.3bis	[No change].....	9
26.3ter	<i>Invitation to Correct Defects Under Article 3(4)(i)</i>	9
Rule 37	Missing or Defective Title	10
37.1	[No change]	10
37.2	<i>Establishment of Title</i>	10
Rule 38	Missing or Defective Abstract.....	11
38.1	[No change]	11
38.2	<i>Establishment of Abstract</i>	11
Rule 43	The International Search Report.....	12
43.1 to 43.3	[No change]	12
43.4	<i>Language</i>	12
43.5 to 43.10	[No change]	12
Rule 46	Amendment of Claims Before the International Bureau	13
46.1 and 46.2	[No change].....	13
46.3	<i>Language of Amendments</i>	13
46.4	<i>Statement</i>	13
46.5	[No change]	14
Rule 47	Communication to Designated Offices.....	15
47.1 and 47.2	[No change].....	15
47.3	<i>Languages</i>	15
47.4	[No change]	15
Rule 48	International Publication.....	16
48.1	<i>Form</i>	16
48.2	<i>Contents</i>	16

² Proposed additions and deletions are indicated, respectively, by underlining and striking through the text concerned. Certain provisions that are not proposed to be amended may be included for ease of reference.

48.3	<i>Languages of Publication</i>	18
48.4 to 48.6	[No change]	19
Rule 55	Languages (International Preliminary Examination).....	20
55.1	<i>Language of Demand</i>	20
55.2	<i>Translation of International Application</i>	20
55.3	[No change]	21
Rule 66	Procedure Before the International Preliminary Examining Authority.....	22
66.1 to 66.8	[No change]	22
66.9	<i>Language of Amendments</i>	22
Rule 70	International Preliminary Report on Patentability by the International Preliminary Examining Authority (International Preliminary Examination Report)	23
70.1 to 70.16	[No change]	23
70.17	<i>Languages of the Report and the Annexes</i>	23
Rule 74	Translations of Annexes of the International Preliminary Examination Report and Transmittal Thereof	24
74.1	<i>Contents of Translation and Time Limit for Transmittal Thereof</i>	24

Rule 12

Language of the International Application and Translations ~~Translation~~ for the Purposes of International Search and International Publication

12.1 *Languages Accepted for the Filing of International Applications*

(a) to (d) [No change]

12.1bis *Language of Indications Furnished under Rule 13bis.4*

Any indication in relation to deposited biological material furnished under Rule 13bis.4 shall be in the language in which the international application is filed, provided that, where a translation of the international application is required under Rule 12.3(a), 12.4(a) or 55.2(a), or where a translation of the international application has been furnished under Rule 12.5(b), any such indication shall be filed in both the language of the application and the language of that translation.

[COMMENT: It is proposed to add new Rule 12.1(*bis*) so as to fill an apparent gap in the present Regulations which do not provide for the language in which indications related to deposited biological material furnished under Rule 13bis.4 separately from the description are to be filed. Furthermore, it is proposed to provide that those indications are also to be furnished in the additional language of publication where the applicant has furnished a translation of the international application under Rule 12.5(b).]

12.2 *Language of Changes in the International Application*

(a) [No change] Any amendment of the international application shall, subject to Rules 46.3, 55.3 and 66.9, be in the language in which the application is filed.

(b) Any rectification under Rule 91.1 of an obvious error in the international application shall be in the language in which the application is filed, provided that:

(i) [No change] where a translation of the international application is required under Rule 12.3(a), 12.4(a) or 55.2(a), rectifications referred to in Rule 91.1(e)(ii) and (iii) shall be filed in the language of the application and the language of translation;

(ii) where a translation of the international application has been furnished under Rule 12.5, rectifications referred to in Rule 91.1(e)(ii) shall be filed in the language of the application and the language of that translation;

(iii) ~~(ii)~~ where a translation of the request is required under Rule 26.3ter(c), rectifications referred to in Rule 91.1(e)(i) need only be filed in the language of that translation.

[COMMENT: It is proposed to amend paragraph (b) so to ensure that any rectification of an obvious error in the international application (other than the request) requested by the applicant after the furnishing of a translation of the international application under proposed new Rule 12.5(b) is furnished in the language of that translation (any rectification of an obvious error requested by the applicant prior to the furnishing of a translation under Rule 12.5 would have to be translated into the language of that translation and furnished together with that translation under proposed new Rule 12.5(e) (see below)).]

[Rule 12.2, continued]

(c) Any correction under Rule 26 of a defect in the international application shall be in the language in which the international application is filed. Any correction under Rule 26 of a defect in a translation of the international application furnished under Rule 12.3, [12.4](#), [12.5](#) or 55.2(a), or in a translation of the request furnished under Rule 26.3~~ter~~(c), shall be in the language of the translation.

[COMMENT: It is proposed to amend Rule 12.2(c) by adding a reference to a translation furnished under Rule 12.4, noting that it would appear that the addition of such reference was overlooked when Rule 12.4 was added to the Regulations. Note that this proposed amendment is not related to the proposed amendments concerning international publication in multiple languages and should be presented to the Assembly for adoption even if the proposed amendments concerning international publication in multiple languages are not agreed upon. It is further proposed to also add a reference to a translation furnished under proposed new Rule 12.5, consequential on the proposed addition of that new Rule.]

12.3 Translation for the Purposes of International Search

(a) to (e) [No change]

12.4 Translation for the Purposes of International Publication

(a) to (e) [No change]

12.5 Additional Translations for the Purposes of International Publication

(a) The applicant may, within the time limit under paragraph (f), request that the international application be published in one or more languages of publication, in addition to that in which it is to be published under Rule 48.3(a) or (b).

(b) A request under paragraph (a) shall be sent to the International Bureau and shall be accompanied by:

(i) a translation of the international application into each additional language concerned, except for a language into which a translation has already been furnished under Rule 12.3;

(ii) a special publication fee whose amount shall be fixed in the Administrative Instructions.

(c) Paragraph (b) shall not apply to the request nor to any sequence listing part of the description.

(d) The International Bureau shall check any translation furnished under paragraph (b) for compliance with the physical requirements referred to in Rule 11 to the extent that compliance therewith is necessary for the purpose of reasonably uniform publication, and shall invite the applicant to correct any defect within the time limit under paragraph (f). If the necessary correction is not submitted within that time limit, the request under paragraph (a) shall be considered not to have been made.

[Rule 12.5, continued]

(e) A translation furnished under paragraph (b) shall be accompanied by a translation into the same language of:

(i) any amendment under Article 19 and any statement under Article 19(1) filed prior to the furnishing of any translation under paragraph (b);

(ii) any rectification of an obvious error referred to in Rule 91.1(e)(ii) requested prior to the furnishing of any translation under paragraph (b);

(iii) any indication in relation to deposited biological material referred to in Rule 13bis.4 furnished prior to the furnishing of any translation under paragraph (b).

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

(i) where the applicant does not make a request for early publication under Article 21(2)(b), subject to paragraph (g), 17 months from the priority date;

(ii) where the applicant does make such a request, the time when the technical preparations for international publication have been completed.

[COMMENT: See paragraphs 5 to 8 in the Introduction to this document.]

[Rule 12.5, continued]

(g) Any translation of a rectification of an obvious error referred to in paragraph (e)(ii) furnished after the expiration of the time limit referred to in paragraph (f)(i) shall be considered to have been received on the last day of that time limit if it reaches the International Bureau before the technical preparations for international publication have been completed.

[COMMENT: In general, it is proposed that any request for the publication of the international application in an additional language of publication (see proposed new Rule 12.5, above) and any translation into such a language would have to be furnished within 17 months from the priority date. However, as regards the translation of any rectification of an obvious error, it is proposed to, in effect, extend that 17-month period up to the point of completion of technical preparations for international publication, noting that, under present Rule 91, the applicant may request rectification of an obvious error in the international application (other than the request) up to that point in time (note further that, in order to be effective, the authorization for rectification given by the International Searching Authority must also reach the International Bureau before the completion of technical preparation for international publication (see present Rule 91.1(g)(i) and (g-bis)). Paragraphs (f) and (g) would have to be further amended should the Working Group agree to amend the provisions of the PCT Regulations dealing with the rectification of obvious errors, as proposed in document PCT/R/WG/6/3.]

Rule 26

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

26.1 to 26.3*bis* [No change]

26.3*ter* *Invitation to Correct Defects Under Article 3(4)(i)*

(a) Where the abstract or any text matter of the drawings is filed in a language which is different from the language of the description and the claims, the receiving Office shall, unless

(i) [No change]

(ii) the abstract or the text matter of the drawings is in the language in which the international application is to be published [under Rule 48.3\(a\) or \(b\)](#),

invite the applicant to furnish a translation of the abstract or the text matter of the drawings into the language in which the international application is to be published [under Rule 48.3\(a\) or \(b\)](#). Rules 26.1(a), 26.2, 26.3, 26.3*bis*, 26.5 and 29.1 shall apply *mutatis mutandis*.

[COMMENT: The proposed amendments are consequential on the proposed addition of new Rule 48.3(b-*bis*) (see below).]

(b) and (c) [No change]

26.4 to 26.6 [No change]

Rule 37

Missing or Defective Title

37.1 [No change]

37.2 Establishment of Title

If the international application does not contain a title and the International Searching Authority has not received a notification from the receiving Office to the effect that the applicant has been invited to furnish a title, or if the said Authority finds that the title does not comply with Rule 4.3, it shall itself establish a title. Such title shall be established in the language in which the international application is to be published [under Rule 48.3\(a\) or \(b\)](#), or, if a translation into another language was transmitted under Rule 23.1(b) and the International Searching Authority so wishes, in the language of that translation.

[COMMENT: The proposed amendments are consequential on the proposed addition of new Rule 48.3(b-*bis*) (see below). Note that, where the applicant requests publication of the international application in an additional language of publication under Rule 12.5, the applicant would not be required to furnish a translation of the title as established by the International Searching Authority under Rule 37, noting that a title not established by the applicant but by the International Searching Authority would usually not have any prior art effect.]

Rule 38

Missing or Defective Abstract

38.1 [No change]

38.2 *Establishment of Abstract*

(a) If the international application does not contain an abstract and the International Searching Authority has not received a notification from the receiving Office to the effect that the applicant has been invited to furnish an abstract, or if the said Authority finds that the abstract does not comply with Rule 8, it shall itself establish an abstract. Such abstract shall be established in the language in which the international application is to be published [under Rule 48.3\(a\) or \(b\)](#), or, if a translation into another language was transmitted under Rule 23.1(b) and the International Searching Authority so wishes, in the language of that translation.

[COMMENT: The proposed amendments are consequential on the proposed addition of new Rule 48.3(b-*bis*) (see below). Note that, where the applicant requests publication of the international application in an additional language of publication under Rule 48.3(b-*bis*), the applicant would not be required to furnish a translation of the abstract as corrected or established by the International Searching Authority under Rule 38, noting that an abstract not established by the applicant but by the International Searching Authority would usually not have any prior art effect.]

(b) [No change]

Rule 43

The International Search Report

43.1 to 43.3 [No change]

43.4 *Language*

Every international search report and any declaration made under Article 17(2)(a) shall be in the language in which the international application to which it relates is to be published [under Rule 48.3\(a\) or \(b\)](#), or, if a translation into another language was transmitted under Rule 23.1(b) and the International Searching Authority so wishes, in the language of that translation.

[COMMENT: The proposed amendments are consequential on the proposed addition of new Rule 48.3(b-*bis*) (see below).]

43.5 to 43.10 [No change]

Rule 46

Amendment of Claims Before the International Bureau

46.1 and 46.2 [No change]

46.3 *Language of Amendments*

~~Any~~ ~~If the international application has been filed in a language other than the language in which it is published, any~~ amendment made under Article 19 shall be in the language in which the international application is published under Rule 48.3(a) or (b) and, where a translation of the international application has been furnished under Rule 12.5, in the language of that translation ~~of publication~~.

[COMMENT: It is proposed to amend Rule 46.3 so to ensure that any amendment under Article 19 furnished by the applicant after the furnishing of a translation of the international application under proposed new Rule 12.5(b) is furnished in the language of that translation (any amendment under Article 19 furnished by the applicant prior to the furnishing of a translation under Rule 12.5 would have to be translated into the language of that translation and furnished together with that translation under proposed new Rule 12.5(e) (see above)).]

46.4 *Statement*

(a) The statement referred to in Article 19(1) shall be in the language in which the international application is published under Rule 48.3(a) or (b) and, where a translation of the international application has been furnished under Rule 12.5, in the language of that translation. The statement shall not exceed 500 words if in the English language or if translated into that language ~~and~~. ~~The statement~~ shall be identified as such by a heading, preferably by using the words “Statement under Article 19(1)” or their equivalent in the language of the statement.

[Rule 46.4, continued]

[COMMENT: It is proposed to amend Rule 46.4 so to ensure that any statement under Article 19(1) furnished by the applicant after the furnishing of a translation of the international application under proposed new Rule 12.5(b) is furnished in the language of that translation (any statement under Article 19(1) furnished by the applicant prior to the furnishing of a translation under Rule 12.5 would have to be translated into the language of that translation and furnished together with that translation under proposed new Rule 12.5(e) (see above)).]

(b) [No change]

46.5 [No change]

Rule 47

Communication to Designated Offices

47.1 and 47.2 [No change]

47.3 *Languages*

(a) The international application communicated under Article 20 shall be in the language in which it is published under Rule 48.3(a) or (b) and, where applicable, in the language in which it is published under Rule 48.3(b-bis).

[COMMENT: The proposed amendments are consequential on the proposed addition of new Rule 48.3(b-bis) (see below). Note that, in accordance with Rule 93bis (“communication on request”), any designated Office would be free to waive the receipt of the published international application under Article 20 altogether, or to request to receive the published international application in all publication languages, or to specify the publication languages in which it wishes to receive the published international application.]

(b) [No change]

47.4 [No change]

Rule 48

International Publication

48.1 *Form*

- (a) The international application shall be published as part ~~in the form~~ of a pamphlet.

[COMMENT: It is proposed to amend paragraph (a) so as to clarify that the pamphlet is not identical to, but only contains, among other elements, the published international application. Without such an amendment, it would appear that the translation under proposed new Rule 12.5 would have to contain all elements contained in the pamphlet as listed in Rule 48.2.]

- (b) [No change]

48.2 *Contents*

- (a) to (e) [No change]

(f) If the claims have been amended under Article 19, the pamphlet ~~publication~~ shall contain either the full text of the claims both as filed and as amended or the full text of the claims as filed and specify the amendments. Any statement referred to in Article 19(1) shall be included as well, unless the International Bureau finds that the statement does not comply with the provisions of Rule 46.4. The date of receipt of the amended claims by the International Bureau shall be indicated.

[COMMENT: Clarification only.]

[Rule 48.2, continued]

(g) [No change]

(h) If, at the time of the completion of the technical preparations for international publication, the time limit for amending the claims under Article 19 has not expired, the pamphlet shall refer to that fact and indicate that, should the claims be amended under Article 19, then, promptly after such amendments, either the pamphlet (containing the claims as amended) will be republished or a statement reflecting all the amendments will be published in the language in which the international application is published under Rule 48.3(a) or (b) and, where applicable, in the language in which it is published under Rule 48.3(b-bis). In the latter case, at least the front page and the claims shall be republished and, if a statement under Article 19(1) has been filed, that statement shall be published as well, unless the International Bureau finds that the statement does not comply with the provisions of Rule 46.4.

(i) [No change]

(j) Where the international application is published in an additional language under Rule 48.3(b-bis), the pamphlet shall include, in that additional language, the elements referred to in paragraphs (a)(i) to (iv), (vi) and (viii), and, subject to Rule 48.3(b-ter), paragraph (f), of this Rule.

48.3 *Languages of Publication*

(a) [No change] If the international application is filed in Chinese, English, French, German, Japanese, Russian or Spanish (“languages of publication”), that application shall be published in the language in which it was filed.

(b) [No change] If the international application is not filed in a language of publication and a translation into a language of publication has been furnished under Rule 12.3 or 12.4, that application shall be published in the language of that translation.

(b-bis) Where the applicant requests, under Rule 12.5, publication of the international application in one or more additional languages and the requirements of that Rule are, subject to paragraph (b-ter), complied with, the international application shall be published in that language or those languages in addition to the language provided for under paragraph (a) or (b) of this Rule.

(b-ter) Where the requirements of Rule 12.5 are not complied with because the applicant did not furnish a translation of any amendment under Article 19 or any statement under Article 19(1) as required under Rule 12.5(e)(i), the international application shall nevertheless be published in accordance with paragraph (b-bis). In such a case, any consequences of non-compliance with the requirement under Rule 12.5(e)(i) shall be as provided by the national law applicable by the designated Office.

[COMMENT: Paragraph (b-ter) is designed to recognize that Article 19 amendments may not be proceeded with for the purposes of the national phase, either in connection with the affording of provisional protection (cf. Article 29) or in connection with the prior art effect of international applications (cf. Article 64(4)).]

[Rule 48.3, continued]

(c) If the international application is published [under paragraph \(a\) or \(b\)](#) in a language other than English, the international search report to the extent that it is published under Rule 48.2(a)(v), or the declaration referred to in Article 17(2)(a), the title of the invention, the abstract and any text matter pertaining to the figure or figures accompanying the abstract shall be published both in that language and in English. The translations, [if not furnished by the applicant under Rule 12.3 or 12.5](#), shall be prepared under the responsibility of the International Bureau.

[COMMENT: The proposed amendments of paragraph (c) are consequential on the proposed addition of new Rule 48.3(b-*bis*) (see below).]

48.4 to 48.6 [No change]

Rule 55

Languages (International Preliminary Examination)

55.1 *Language of Demand*

The demand shall be in the language in which the international application is published under Rule 48.3(a) or (b) ~~of the international application or, if the international application has been filed in a language other than the language in which it is published, in the language of publication~~. However, if a translation of the international application is required under Rule 55.2, the demand shall be in the language of that translation.

[COMMENT: The proposed amendments are consequential on the proposed addition of new Rule 48.3(b-*bis*) (see below).]

55.2 *Translation of International Application*

(a) Where neither the language in which the international application is filed nor the language in which the international application is published under Rule 48.3(a) or (b) is accepted by the International Preliminary Examining Authority that is to carry out the international preliminary examination, the applicant shall, subject to paragraph (b), furnish with the demand a translation of the international application into a language which is both:

[COMMENT: The proposed amendments are consequential on the proposed addition of new Rule 48.3(b-*bis*) (see below).]

[Rule 55.2, continued]

(i) [No change] a language accepted by that Authority, and

(ii) [No change] a language of publication.

(b) to (d) [No change]

55.3 [No change]

Rule 66

**Procedure Before the
International Preliminary Examining Authority**

66.1 to 66.8 [No change]

66.9 *Language of Amendments*

(a) Subject to paragraphs (b) and (c), ~~if the international application has been filed in a language other than the language in which it is published,~~ any amendment, as well as any letter referred to in Rule 66.8, shall be submitted in the language in which the international application is published under Rule 48.3(a) or (b) of publication.

[COMMENT: The proposed amendments are consequential on the proposed addition of new Rule 48.3(b-*bis*) (see below).]

(b) to (d) [No change]

Rule 70

**International Preliminary Report on Patentability by
the International Preliminary Examining Authority
(International Preliminary Examination Report)**

70.1 to 70.16 [No change]

70.17 *Languages of the Report and the Annexes*

The report and any annex shall be in the language in which the international application to which they relate is published [under Rule 48.3\(a\) or \(b\)](#), or, if the international preliminary examination is carried out, pursuant to Rule 55.2, on the basis of a translation of the international application, in the language of that translation.

[COMMENT: The proposed amendments are consequential on the proposed addition of new Rule 48.3(b-*bis*) (see below).]

Rule 74

**Translations of Annexes of the International
Preliminary Examination Report and Transmittal Thereof**

74.1 *Contents of Translation and Time Limit for Transmittal Thereof*

(a) [No change]

(b) Where the furnishing under Article 39(1) of a translation of the international application is not required by the elected Office, that Office may require the applicant to furnish, within the time limit applicable under that Article, a translation into the language in which the international application was published [under Rule 48.3\(a\) or \(b\)](#) of any replacement sheet referred to in Rule 70.16 which is annexed to the international preliminary examination report and is not in that language.

[COMMENT: The proposed amendments are consequential on the proposed addition of new Rule 48.3(b-*bis*) (see below).]

[End of Annex and of document]