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ADDITION OF ARABIC AS A LANGUAGE OF PUBLICATION

Document prepared by the International Bureau

SUMMARY

1. This document contains proposals for amendment of the Regulations¹ so as to add Arabic to the list of languages referred to in Rule 48.3(a) in which international applications may be published.

ADDITION OF ARABIC AS A LANGUAGE OF PUBLICATION

Proposed Amendment of Rule 48.3

2. Present Rule 48.3(a) lists the languages in which international applications may be published (“languages of publication”): Chinese, English, French, German, Japanese, Russian and Spanish.

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.

3. Under Rule 48, an international application filed in one of those languages is published in the language in which it was filed. An international application which is not filed in a language of publication is published as a translation of the international application furnished by the applicant into a language of publication (that translation may also be used for the purposes of the international search).

4. At the request of the Government of Egypt, it is proposed to add Arabic to the list of languages of publication referred to in Rule 48.3(a), which would mean that an international application filed in Arabic would be published in that language. It is recalled that Arabic is one of the six official languages of the United Nations.

5. The addition of Arabic as a language of publication would also have a bearing on several other language related questions, as outlined in the following paragraphs. However, no change would be needed to the Rules concerned.

Filing of International Applications (Rule 12.1(a) and (b))

6. Receiving Offices may at present accept any language, including Arabic, for the filing of international applications. If Arabic is added as a language of publication, as at present and for as long as no International Searching Authority accepts Arabic for the purposes of the international search, each receiving Office which accepts the filing of international applications in Arabic would continue to be required also to accept the filing of international applications in at least one language which is both a language of publication and a language accepted by the International Searching Authority, or, if applicable, by at least one of the International Searching Authorities, competent for the international searching of international applications filed with that receiving Office.

Filing of the Request (Rule 12.1(c))

7. If Arabic is added as a language of publication, any receiving Office would be free to decide to accept Arabic for the filing of the request, in which case the request form would be made available in that language and applicants could file the request in Arabic with such a receiving Office.

Translation for the Purposes of International Search (Rule 12.3)

8. If Arabic is added as a language of publication, as at present and for as long as no International Searching Authority accepts Arabic for the purposes of the international search, an applicant who files an international application in Arabic would continue to be required to furnish to the receiving Office a translation of the international application into a language which is both a language accepted by the competent International Searching Authority that is to carry out the international search and a language of publication. Notwithstanding the fact that such a translation would be required, the international application filed in Arabic would be published in Arabic.

International Search Report and Written Opinion of the International Searching Authority; International Preliminary Report on Patentability (Chapter I) (Rules 43.4, 43bis.1(b) and 44bis.1)

9. If Arabic is added as a language of publication, for as long as no International Searching Authority accepts Arabic for the purposes of the international search and thus a translation of an international application filed in Arabic is required under Rule 12.3(a) for the purposes of the international search, the international search report and the written opinion of the International Searching Authority would be either in Arabic or, if the International Searching Authority so wishes, in the language of the translation furnished by the applicant under Rule 12.3(a), and the international preliminary report on patentability (Chapter I) would be in the language of the written opinion.

Filing of the Demand (Rule 55.1)

10. If Arabic is added as a language of publication, for as long as no International Preliminary Examination Authority accepts Arabic for the purposes of the international preliminary examination and thus a translation of an international application filed in Arabic is required under Rule 55.2 for the purposes of the international preliminary examination (see below), the demand would have to be in the language of the translation furnished under that Rule.

Translation for the Purposes of International Preliminary Examination (Rule 55.2)

11. If Arabic is added as a language of publication, for as long as no International Preliminary Examination Authority accepts Arabic for the purposes of the international preliminary examination, a translation of an international application filed in Arabic would be required under Rule 55.2 into a language which is both accepted by the International Preliminary Examining Authority that is to carry out the international preliminary examination and a language of publication, unless such a translation has already been furnished to that Authority in its capacity as an International Searching Authority (see paragraph 6, above).

International Preliminary Report on Patentability (Chapter II) (Rule 70.17)

12. If Arabic is added as a language of publication, for as long as no International Preliminary Examination Authority accepts Arabic for the purposes of the international preliminary examination and thus a translation of an international application filed in Arabic is required under Rule 55.2 for the purposes of the international preliminary examination into a language which is both accepted by the International Preliminary Examining Authority that is to carry out the international preliminary examination and a language of publication (see above), the international preliminary report on patentability (Chapter II) would be in the language of that translation.

Changes in the International Application

13. *Amendments under Article 19.* If Arabic is added as a language of publication, where an international application is filed in Arabic, amendments under Article 19 would have to be filed in that language (see Rule 12.2(a)).

14. *Amendments under Article 34.* If Arabic is added as a language of publication, for as long as no International Preliminary Examination Authority accepts Arabic for the purposes of the international preliminary examination and thus a translation of an international application filed in Arabic is required under Rule 55.2 for the purposes of the international preliminary examination (see above), a translation of any amendments under Article 34 would have to be furnished into the language of that translation (that is, into a language which is both accepted by the International Preliminary Examining Authority that is to carry out the international preliminary examination and a language of publication).

15. *Rectification of obvious errors.* If Arabic is added as a language of publication, for as long as no International Searching Authority accepts Arabic for the purposes of the international search and no International Preliminary Examination Authority accepts Arabic for the purposes of the international preliminary examination, any rectification of an obvious error referred to in Rule 91.1(e)(ii) and (iii) would have to be filed in both Arabic (the language of filing of the international application) and, depending on the authority competent to authorize the rectification of the obvious error, in the language of the translation furnished under Rule 12.3(a) or 55.2(a).

Impact on Publication Process at the International Bureau

16. It is expected that the International Bureau could absorb the additional work related to the publication of international applications in Arabic without undue difficulty.

17. 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:²

ADDITION OF ARABIC AS A LANGUAGE OF PUBLICATION

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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.

Rule 48

International Publication

48.1 and 48.2 [No change]

48.3 *Languages of Publication*

(a) If the international application is filed in [Arabic](#), 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.

(c) [No change] If the international application is published 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 shall be prepared under the responsibility of the International Bureau.

48.4 to 48.6 [No change]

[COMMENT: Note that Rule 48 is proposed to be further amended in the context of proposed amendments of the Regulations relating to missing elements and parts of the international application (see document PCT/R/WG/7/2), the restoration of the right of priority (see document PCT/R/WG/7/3), the rectification of obvious mistakes (see document PCT/R/WG/7/6) and relating to international publication and the PCT Gazette in electronic form (see document PCT/R/WG/7/8).]

[End of Annex and of document]