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WORLD INTELLECTUAL PROPERTY ORGANIZATION  
GENEVA

## INTERNATIONAL PATENT COOPERATION UNION (PCT UNION)

### TOKYO INTERNATIONAL MEETING Tokyo, May 25 to 29, 1981

#### EXTENSION OF TIME LIMIT FOR ESTABLISHMENT OF INTERNATIONAL PRELIMINARY EXAMINATION REPORT AND CHANGE TO THE PROVISION OF RULE 70.6 OF THE REGULATIONS UNDER THE PATENT COOPERATION TREATY (PCT) (ADDENDUM)

*Memorandum prepared by the International Bureau*

1 The Annex to this document reproduces the observations received from the Japanese Patent Office in response to the Circular C. 142/PCT 211 (reproduced in Annex A of document PCT/TIM/I/7).

2. The observations received from the USSR State Committee for Inventions and Discoveries in response to the Circular referred to above are contained in document PCT/TIM/I/9, on page 6.

[Annex follows]

may 9, 1981

japanese patent office

mr. klaus pfanner  
deputy director general  
world intellectual property organization

dear mr. klaus pfanner,

in reference to your circular c.142/pct211, i would like to send the following memorandum,

i. re: extension of time limit for establishment of the iper.

conclusion:

we can not agree with the suggestion to extend the r.69.1 time limit for the establishment of an international preliminary examination report (iper).

reasons:

a) as the r.69.1 time limit for preliminary examination (ipe) is connectedly provided with the starting date of the examination in an elected office (eo) prescribed in art.40(1), the ipea should complete the ipe within the time limit to ensure the situation where the iper can be sufficiently utilized by the applicant and the eo.

b) establishing the iper within the r.69.1 time limit would contribute to the prompt protection of the invention and would increase the merits obtained from the pct system.

c) we do not find the necessity of the extension of the r.69.1 time limit, as jpo could have completed all of the iper's within the said period.

in addition to this, we also can not agree with the suggestion to extend the r.66.2(d) time limit for submission of reply, as we find no necessity for extending the said period.

ii. re: modification of iper form, especially concerning the statements required in r.70.6.

conclusion

we can not understand the aim of the said suggestion. if such suggestion intends to make the ipea recommend an amendment plan of claims for the purpose of making the application patentable by restricting the claims or covering the defects in them, we would not agree to it for the following reasons.

reasons:

a) in light of art.35(2), the iper shall state in relation to each claim, whether the claim appears to satisfy the criteria of novelty, inventive step, and industrial applicability, as defined for the purpose of the ipe in art.33(1) to (4), and it shall also state the opinion and the reasons if any. it would go beyond the scope of "the opinion and the reasons" mentioned above, if the ipea intends to recommend its amendment to the claims.

b) as the patentability of invention is originally determined by each eo, it would confuse the applicant unnecessarily if the recommended amendment by the ipea is considered inadequate by the eo.

[End of document]