

WIPO



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WORLD INTELLECTUAL PROPERTY ORGANIZATION
GENEVA

STANDING COMMITTEE ON THE LAW OF PATENTS

First Session, Second Part
Geneva, November 16 to 20, 1998

SUMMARY BY THE CHAIR

Agenda Item 1: Opening of the session

1. The session was opened by Mr. Alan Troicuk, the Chair of the first session.
2. Mr. Shozo Uemura, Deputy Director General of WIPO, welcomed the participants and reported recent developments concerning the Standing Committee since the last meeting.

Agenda Item 2: Adoption of the Draft Agenda

3. The Draft Agenda (document SCP/1/9) was adopted without modification.

Agenda Item 3: Adoption of the Draft Report of the first session, first part

4. The draft Report (document SCP/1/7 Prov. 2) was adopted by the Standing Committee with a modification proposed by the Delegation of Belgium.
5. A procedure for circulating the draft Report utilizing the SCP Electronic Forum was adopted, under which the draft Report would be circulated on the Wednesday following the meeting, and there would be a two-week period for comment.

Agenda Item 4: Draft Patent Law Treaty

6. The Chair reiterated the contents of document SCP/1/6, paragraph 20, with respect to the decisions taken by the Standing Committee.

7. Concerning the specific provisions of the draft PLT and Regulations in document SCP/1/3 as revised by document SCP/1/8, the Standing Committee agreed as follows:

Draft Article 1

New item on a definition of signature. Adopted.

Draft Article 1bis

Paragraph (1). Adopted.

Paragraph (2). Referred to the International Bureau for further study.

Paragraph (3). Referred to the International Bureau for further study.

Draft Article 4

Paragraph (1)(a). Reopened and adopted with modification.

Draft Article 5

Paragraph (2)(b). Adopted with modification.

Paragraph (3). Adopted with modification.

Paragraph (4). Adopted with modification.

Paragraph (5). Adopted.

Paragraph (6). Adopted.

Paragraph (7)(a). Adopted with modification.

Paragraph (7)(b). Adopted.

Paragraph (7)(c). Adopted with modification.

Paragraph (7)(d). Adopted.

Paragraph (8). Adopted with modification.

Paragraph (9). Adopted.

Paragraph (10)(a). Adopted with modification.

Paragraph (10)(b). Adopted with modification.

Paragraph (10)(c). Deleted.

Paragraph (10)(d). Adopted with modification.

Draft Rule 3

Paragraph (1). Adopted in square brackets.

Paragraph (2)(a). Adopted with modification.

Paragraph (2)(b). Adopted with modification.

Paragraph (3)(a). Adopted with modification.

New Paragraph (3)(b). Adopted.

Paragraph (4)(a). Referred to the International Bureau for further study.

Paragraph (4)(b). Referred to the International Bureau for further study.

Paragraph (5). Adopted with modification.

Draft Rule 4. Adopted with modification.

New Draft Rule 4*bis*. Adopted.

Draft Rule 5

Paragraph (1)(a). Adopted.

Paragraph (1)(b). Adopted.

Paragraph (2)(a). Adopted with modification.

Paragraph (2)(b). Adopted.

Paragraph (2)(c). Deleted.

Paragraph (2)(d). Adopted with modification.

Paragraph (3)(a). Adopted with modification.

Paragraph (3)(b). Adopted with modification.

Draft Rule 6

Paragraph (1). Referred to the International Bureau for further study.

Paragraph (2). Referred to the International Bureau for further study.

Draft Article 6

Paragraph (1). Adopted.

Paragraph (2). Adopted with modification.

Draft Article 7

Paragraph (1)(a). Adopted with modifications in the French and Spanish texts.

Paragraph (1)(b). Referred to the International Bureau for further study.

Paragraph (2). Referred to the International Bureau for further study.

Paragraph (3). Referred to the International Bureau for further study.

Paragraph (4)(a). Adopted with modification.

Paragraph (4)(b). Adopted.

Paragraph (5)(a). Adopted with modification.

Paragraph (5)(b). Adopted with modification.

Paragraph (6). Adopted with modification.

Paragraph (7). Adopted with modification.

Paragraph (8). Adopted with modification.

Paragraph (9). Adopted.

Paragraph (10). Adopted.

Paragraph (11). Adopted with modification.

Draft Rule 7

Paragraph (1). Adopted with modification.

Paragraph (2). Adopted with modification.

Draft Article 8

Paragraph (1). Adopted with modification.

Paragraph (2). Adopted with modification.

Paragraph (3)(a). Adopted with modification.

Paragraph (3)(b). Deleted.

Paragraph (4). Adopted with modification.

Draft Rule 8

Paragraph (1)(a). Adopted with modification.

Paragraph (1)(b). Deleted.

Paragraph (2). Adopted with modification.

Paragraph (3). Adopted.

Paragraph (4)(a). Referred to the International Bureau for further study.

Paragraph (4)(b). Deleted.

Paragraph (5)(a). Referred to the International Bureau for further study.

Paragraph (5)(b). Adopted.

Paragraph (6)(a). Adopted.

Paragraph (6)(b). Adopted with modification.

Draft Article 9

Paragraph (1). Adopted.*

Paragraph (2)(a). Adopted with modification.*

Paragraph (2)(b). Adopted with modification.*

Paragraph (3). Adopted with modification.*

Paragraph (4). Adopted.*

Paragraph (5). Adopted.*

Paragraph (6)(a). Adopted.*

Paragraph (6)(b). Adopted.*

Paragraph (7). Adopted.*

Paragraph (8). Adopted.*

Paragraph (9). Adopted with modification.*

Paragraph (10). Adopted with modification.*

New Paragraph (10bis). Adopted.*

Paragraph (11). Adopted with modification.*

Draft Rule 9

Paragraph (1). Adopted.*

Paragraph (2). Adopted with modification.*

Paragraph (3)(a). Adopted with modification.*

Paragraph (3)(b). Deleted.

New paragraph (4). Adopted.*

Draft Article 10

Paragraph (1). Adopted with modification.*

Paragraph (2). Adopted with modification.*

Paragraph (3). Adopted with modification.*

Paragraph (4)(a). Adopted with modification.*

Paragraph (4)(b). Adopted.*

Paragraph (4)(c). Adopted.*

Paragraph (4)(d). Adopted with modification.*

Paragraph (5). Adopted with modification.*

Paragraph (6). Adopted.*

Paragraph (7). Adopted.*

Paragraph (8). Adopted with modification.*

Paragraph (9). Adopted.*

Paragraph (10). Adopted with modification.*

Paragraph (11). Adopted with modification.*

Paragraph (12). Adopted.*

Draft Rule 10

Discussion deferred.

Draft Rule 17

Paragraph (1). Adopted with modification.

Paragraph (2). Adopted.

8. The Standing Committee supported the initiative of the International Bureau to study the interface between the PCT and the draft PLT.

9. The Standing Committee also proposed, and the International Bureau agreed, that this opportunity be taken to consider, in the light of the PCT experience, what matters would be better dealt with in the Regulations.

Agenda Item 5: Future work

10. The Standing Committee decided that the second session of the Standing Committee would tentatively be scheduled for April 12 to 23, 1999, and the International Bureau agreed that documents would be ready by January 1999, including the final administrative provisions. The agenda for that meeting would be limited to the draft PLT and the issue of fee reductions for applicants from developing countries. Dates for a Diplomatic Conference to adopt the PLT were tentatively decided as May 15 to June 2, 2000, and would be finalized at the second session.

11. The International Bureau was asked to schedule a Preparatory Meeting in conjunction with the second or third session of the Standing Committee, and was authorized to conduct informal consultations with Member States in preparation for the Diplomatic Conference, and to keep the Standing Committee informed of all such consultations.

[End of document]

* It was agreed that Draft Articles 9 to 11 would be moved to the Regulations, and that the International Bureau would propose a chapeau Article and consequential changes to the adopted text of those articles and draft Rules 9 to 11.