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المنظمة العالمية للملكية الفكرية

ВСЕМИРНАЯ ОРГАНИЗАЦИЯ
ИНТЕЛЛЕКТУАЛЬНОЙ СОБСТВЕННОСТИ

C.PCT 1081
-21.1

June 19, 2006

Madam,
Sir,

This Circular is addressed to your Office in its capacity as a national or regional Office of or acting for a State party to the Patent Cooperation Treaty (PCT) in order to provide information to the International Bureau concerning emergency preparedness plans.

At the eighth session of the Working Group on Reform of the Patent Cooperation Treaty (from May 8 to 12, 2006), the International Bureau presented an outline of an emergency preparedness plan for the Office of the PCT (see document PCT/R/WG/8/8) that is being developed to address a potential avian flu pandemic. The emergency preparedness plan would contain various actions and measures that the International Bureau could take in order to ensure the continuity of essential PCT services and to safeguard the rights of PCT applicants.

After discussion of this issue, the Working Group welcomed the offer of the Secretariat to collect, to the extent available, relevant legal provisions and emergency preparedness plans from Offices of PCT Contracting States and to make such information available centrally via the PatentScope website (see PCT/R/WG/8/9, page 17, paragraph 86). In the view of the International Bureau, such a collection would be useful in indicating individual Offices needs and strategies for approaching this issue.

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The report of the Working Group also notes (in paragraph 85 and footnote 2) that certain Offices have previously provided information on existing and planned relief mechanisms for patent applicants and owners affected by *force majeure* circumstances, following a discussion on this matter during the sixth session of the Standing Committee on the Law of Patents (SCP), held in Geneva from November 5 to 9, 2001. The information provided by members and observers of the SCP is available at www.wipo.int/scp/en/force_majeure/.

Thus, in accordance with the decision of the Working Group, your Office is invited to provide the International Bureau with any relevant legal provisions and emergency preparedness plans, to the extent that they are available. If your Office is one of the 21 Offices and organizations which previously furnished information on *force majeure* practices and provisions, please indicate to the International Bureau the extent to which the information already made available continues to be applicable.

Please provide any information on legal provisions and emergency preparedness plans to the International Bureau by August 31, 2006, preferably by email to pct.legal@wipo.int or by fax to (+41-22) 910 00 30.

Yours sincerely,



Francis Gurry
Deputy Director General