

C. PCT 1428

October 16, 2014

Madam,
Sir,

Proposed modifications of the PCT International Search and Preliminary Examination Guidelines

1. This Circular is addressed to your Office in its capacity as an International Searching and Preliminary Examining Authority under the Patent Cooperation Treaty (PCT) for the purposes of consultation on proposed modifications of the PCT International Search and Preliminary Examination Guidelines (“the Guidelines”) as set out in document PCT/GL/ISPE/4 Prov. An electronic version of document PCT/GL/ISPE/4 Prov. is available on the WIPO web site at <http://www.wipo.int/pct/en/circulars/> as an Annex to the electronic version of this Circular.
2. The International Bureau consulted your Office, by way of Circular C. PCT 1371, dated January 31, 2014 on a set of proposed modifications of the Guidelines, as outlined in document PCT/GL/ISPE/3 Prov. Eight responses were received from this consultation. As some of the responses received to Circular C. PCT 1371 proposed extensive further modifications to the Guidelines, the International Bureau proposes a further consultation on the modifications by way of this Circular.
3. The current version of the Guidelines, document PCT/GL/ISPE/3, in force from July 1, 2014, is available on the WIPO web site at <http://www.wipo.int/pct/en/texts/gdlines.html>. This was promulgated as document PCT/GL/ISPE/3 by way of Circular C. PCT 1422 dated July 11, 2014. Proposed changes compared to document PCT/GL/ISPE/3 are indicated in PCT/GL/ISPE/4 Prov. using underline and strikethrough. Any modifications that have been made following the previous consultation are highlighted.

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4. Explanatory notes have been included as new footnotes to explain these modifications where the reason for the modification is not self-evident. Most of the footnotes in document PCT/GL/ISPE/3 Prov. that were included as explanatory notes to indicate the nature and source of the proposals for the purposes of the consultation by way of Circular C. PCT 1371 have been removed.

5. All of the footnotes are intended to facilitate consultation rather than contribute to the substance of the Guidelines themselves, and will be removed in the course of the presentation of the final version of the modifications to be promulgated as document PCT/GL/ISPE/4.

6. In cases where the International Bureau considers that a modification proposed by an Authority should not be incorporated into the Guidelines at this stage, an explanation is provided in a footnote to this effect. This applies to suggestions relating to matters where there are differences in practices and opinions between International Authorities and it would appear that further consideration, for example, through discussions at the Meeting of International Authorities, would be needed before incorporation into the Guidelines.

7. A continuous numbering system for paragraphs in the document is used, in instances where new paragraphs are proposed to be inserted, rather than adding suffixes to existing paragraph numbers. It would be desirable to use a more consistent and workable system for the numbering of paragraphs in the appendixes that are included in certain chapters. Such a system may be implemented when document PCT/GL/ISPE/4 is being finalized.

8. Your Office is invited to provide comments on the proposed modifications of the Guidelines as set out in document PCT/GL/ISPE/4 Prov. to the International Bureau, by December 31, 2014, preferably by completing the template in the Annex to this Circular and sending this by e-mail to my colleague Mr. Claus Matthes, Director, PCT Business Development Division (claus.matthes@wipo.int; fax: (+41-22) 338 7150; tel: (+41-22) 338 9809).

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Yours sincerely,



James Pooley
Deputy Director General

Enclosure: Annex Template for comments on document PCT/GL/ ISPE/4 Prov.

