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REPORT ON THE OUTCOME OF THE DIPLOMATIC CONFERENCE ON THE ADOPTION OF THE PATENT LAW TREATY

Memorandum prepared by the International Bureau

1. The Program and Budget for the 2000-2001 biennium, approved by the General Assembly of WIPO at its meeting from September 20 to 29, 1999, provides under Sub-program 09.1 for convening a Diplomatic Conference for the conclusion of the Patent Law Treaty, as follows (see document A/34/2, WO/PBC/1/2, page 80):

“Convening of four meetings of the SCP (and any Working Group set up by this Committee), to consider current issues relating to the law of patents, including:

- the finalization of the draft Patent Law Treaty and draft Regulations, using wherever possible solutions adopted for PCT procedures; convening of a Diplomatic Conference for the conclusion of the Patent Law Treaty, and consideration of the desirability and feasibility of further harmonizing patent law;”

2. The General Assembly of WIPO and the Assembly of the Paris Union, at their meeting of September 20 to 29, 1999, took note of the information contained in document A/34/14, as follows (see paragraph 4 of document A/34/14):

“4. A Preparatory Meeting for the Diplomatic Conference for the Adoption of the Patent Law Treaty was held on April 15 and 16, 1999, in Geneva. The meeting adopted the draft Agenda of the Diplomatic Conference for the Adoption of the Patent Law Treaty as well as the draft Rules of Procedure for the Diplomatic Conference. The Preparatory Meeting also approved the proposal that the Conference take place in Geneva, from Thursday, May 11 to Friday, June 2, 2000. In the event that a Member State proposes to host the Diplomatic Conference, the Preparatory Meeting could be reconvened in conjunction with the third session of the Standing Committee from September 6 to 17, 1999, to recommend a different venue for the Diplomatic Conference. As of the date of the present document, no such proposal has been received by the International Bureau.”

3. The General Assembly of WIPO and the Assembly of the Paris Union, at that same session, approved the holding of a Diplomatic Conference for the Adoption of the Patent Law Treaty, as follows (see paragraph 169 of the General Report of the thirty-fourth series of meetings of the Assemblies of the Member States of WIPO, document A/34/16):

“169. The Assembly took note of the information contained in document A/34/14, and approved the holding of a Diplomatic Conference for the Adoption of the PLT, to be held in Geneva from May 11 to June 2, 2000.”

4. In accordance with this mandate, the Diplomatic Conference on the Adoption of the Patent Law Treaty was held from May 11 to June 2, 2000. Some 140 States, 8 intergovernmental organizations and 26 non-governmental organizations attended the Conference, which was chaired by Ambassador Benjelloun from Morocco. On June 1, 2000, the Patent Law Treaty was unanimously adopted¹. On June 2, 2000, the following 43 States signed the Treaty at WIPO headquarters in Geneva: Algeria, Austria, Belgium, Brazil, Burundi, Croatia, Cuba, Czech Republic, Democratic People's Republic of Korea, Denmark, Estonia, Gambia, Ghana, Greece, Haiti, Hungary, Israel, Italy, Kenya, Kyrgyzstan, Latvia, Lebanon, Liberia, Luxembourg, Madagascar, Malawi, Nigeria, Poland, Portugal, Republic of Moldova, Romania, Sao Tome and Principe, Slovenia, Spain, Sudan, Swaziland, Switzerland, Togo, Turkey, Uganda, United Kingdom, United States of America and Zambia. A total of 104 States and three intergovernmental organizations (the Eurasian Patent Organization, the European Patent Organisation and the African Regional Industrial Property Organization) signed the Final Act of the Treaty. The Patent Law Treaty will enter into force after 10 States have deposited their instruments of ratification or accession.

5. The Patent Law Treaty streamlines formalities and procedures for national and regional patent applications and patents. It provides, in particular, for simple filing date requirements, a standardized set of formal requirements in line with PCT requirements, standardized Forms, simplified procedures before the Offices, means for avoiding unintentional loss of rights and basic principles for electronic filing. Among the advantages the Treaty will provide, the following may be mentioned: the users of the patent system will be able to rely upon predictable, uniform and simple procedures for filing national and regional patent applications and for the maintaining of patents in all Contracting Parties, based to a large extent on the procedures of the Patent Cooperation Treaty. The Patent Law Treaty will further result in a reduced risk of error, and provide for the opportunity to correct errors without a loss of rights, and to require relief in the form of extensions of time limits, continued processing and

¹ See document PT/DC/47, available on request.

reinstatement of rights. For patent Offices, the Treaty will allow a more efficient way of operation. These advantages are expected to lead to cost reductions for the users of the patent system as well as for patent Offices.

6. The Diplomatic Conference further adopted an Agreed Statement in respect of the option for Contracting Parties to exclude communications on paper after June 2, 2005 (Rule 8(1)(a)). In that Agreed Statement, the Diplomatic Conference requests the WIPO General Assembly and the Contracting Parties to provide the developing and least developed countries, as well as the countries in transition, with further assistance in relation to Rule 8(1)(a), as follows (see document PT/DC/47, page 56):

“4. With a view to facilitating the implementation of Rule 8(1)(a) of this Treaty, the Diplomatic Conference requests the General Assembly of the World Intellectual Property Organization (WIPO) and the Contracting Parties to provide the developing and least developed countries and countries in transition with additional technical assistance to meet their obligations under this Treaty, even before the entry into force of the Treaty.

“The Diplomatic Conference further urges industrialized market economy countries to provide, on request and on mutually agreed terms and conditions, technical and financial cooperation in favour of developing and least developed countries and countries in transition.

“The Diplomatic Conference requests the WIPO General Assembly, once the Treaty has entered into force, to monitor and evaluate the progress of that cooperation every ordinary session.”

7. The General Assembly of WIPO and the Assembly of the Paris Union are invited to note the information presented in the present document.

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